



## The Methodology of Najmuddin Sulaiman ath-Thufi: Its Application, and Implications in the Commentary on the Hadith of the Establishment of Maslahah from the Book *At-Ta'yin Syarh Al-Arba'in An-Nawawiyah*

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**Abstract:** *This study examines the hadith commentary methodology of Sheikh Najmuddin Sulaiman ath-Thufi in the book at-Ta'yin Syarh al-Arba'in an-Nawawiyah, focusing on hadith number 6 (on dubious matters) and number 32 (on la dharara wa la dhirara). The objectives of this research are to analyze ath-Thufi's methodology, its application in hadith commentary, and the implications of his thought. This research employs a library research method with a qualitative approach. The primary data source is ath-Thufi's at-Ta'yin, while secondary sources include books on hadith commentary, ushul fiqh, biographical dictionaries (tarajim), and relevant academic journals. The findings indicate that ath-Thufi's methodology tends toward al-Manhaj al-Ijmali al-Ushuli, a global method that is concise in linguistic and chain of transmission aspects but profoundly detailed in ushul fiqh discourse, although its application is inconsistent. The core theory constructed by ath-Thufi is that ri'ayah al-mashlahah (the preservation of public interest) is stronger than nash (sacred text) and ijma' (consensus), thus it must take precedence in matters of muamalah and customs, while the domain of worship remains under the authority of nash and ijma'. The implications of this theory include the emergence of legal dualism and social criticism of sectarian fanaticism. This study concludes that ath-Thufi's thought makes a significant contribution to the development of maqashid asy-syari'ah theory, despite sparking controversy among ushul fiqh scholars.*

## INTRODUCTION

Islam is a perfect and comprehensive religion that commands its followers to seek knowledge. The science of Hadith is one of the fundamental pillars in Islamic heritage, as it represents the second source after the Holy Qur'an for understanding religious teachings (Tarida et al., 2025). As Allah Almighty states in His Noble Book: "And when you divorce women and they have [nearly] fulfilled their term, either retain them according to acceptable terms or release them according to acceptable terms, and do not keep them, intending harm, to transgress [their limits]. Whoever does that has wronged himself. And do not take the verses of Allah in jest. Remember the favor of Allah upon you and what has been revealed to you of the Book and wisdom, instructing you thereby. And fear Allah and know that Allah is Knowing of all things" (QS. Al-Baqarah: 231). What

is meant by *al-Hikmah* is the Sunnah, as explained by the scholars. The Messenger of Allah (peace be upon him) said: "*Indeed, I have been given the Book (the Qur'an) and something similar to it along with it*" – and that similar thing is the Sunnah. It has been proven that the Messenger of Allah (peace be upon him) was often asked about many things, and he would sometimes wait until revelation came down to him. That revelation sometimes came in words and meaning (that is the Qur'an), and sometimes only its meaning came, and the Messenger of Allah would express it in his own wording, as in the cases of *zihar*, *li'an*, the attributes of Allah Almighty, permission to emigrate and fight, and the Treaty of Hudaibiyyah (Azhary, Mashur, et al., 2025).

From the above explanation, it becomes clear that the Sunnah is a perfect proof (*hujjah*) in establishing religious rulings, that it is an independent legislative source, and that the rulings established by the Sunnah are not lower in status than those in the Holy Qur'an. Both (the Qur'an and the Sunnah) originate from Allah Almighty. Every ruling in the Sunnah is considered a ruling from Allah Almighty, and the rulings of Allah Almighty are equal; there is no disparity between them, and no preference of one over another. A Muslim is obligated to follow every ruling proven in the Sunnah with the same strength of obligation as the rulings contained in the Holy Qur'an; he is rewarded for doing it and punished for abandoning it. The Sunnah is also a practical guide for a Muslim's life (Az-Zuhaili, n.d.: 1/218; 1/217).

Among the scholars who have exerted tremendous efforts in collecting and commenting on the hadiths of the Prophet (peace be upon him), Imam an-Nawawi (may Allah have mercy on him) holds a distinguished position. He compiled his book *Al-Arba'un An-Nawawiyah*, which contains forty-two selected hadiths on the fundamentals of religion (*ushuluddin*), ethics, and rulings (*ahkam*). This book has become a primary reference for Muslims around the world (Salim, n.d.: 1/3). Regarding the origin of this book *Al-Arba'in An-Nawawiyah*, some scholars say that many scholars have compiled books of *arba'in* (collections of forty hadiths). Among them are those who collected forty hadiths on a single theme, such as the virtues of knowledge, and others who collected on the virtues of lands, on *musalsal* hadiths, or otherwise. As for the reason for specifying this number, there is a hadith that was deemed weak by some scholars, but they still acted upon it in the realm of *fadhail al-a'mal* (virtues of deeds): "*Whoever memorizes for my nation forty hadiths concerning matters of his religion, Allah will admit him to Paradise or make him among the pious.*" The Messenger of Allah (peace be upon him) promised a reward for anyone who collects forty hadiths on religious matters. The scholars said: although this hadith is weak, many scholars have compiled *arba'in* books on various themes (Shodiq et al., 2025).

As for the origin of an-Nawawi's *Arba'in*, as mentioned by Ibn Rajab in the introduction to his commentary: Ibn as-Salah, a prominent hadith scholar in Syria, held a gathering one day to

dictate hadiths from the *jawami' al-kalim* (concise yet comprehensive sayings) of the Prophet (peace be upon him). He dictated twenty-six hadiths in that gathering. Then Imam an-Nawawi (may Allah have mercy on him) took these twenty-six hadiths and added others until he completed forty hadiths, precisely forty-two hadiths, which contain comprehensive hadiths considered a fundamental principle in Islam ('Utsman, n.d.: 1/1). This book is distinguished by its conciseness yet comprehensiveness of meanings, and its continued relevance to the realities of individuals and societies across ages. Therefore, it is not surprising that many scholars have paid attention to commenting on this book, to clarify its meanings and derive its rulings and wisdoms ('Utsman, n.d.: 1/1).

Among the commentaries that deserve attention and in-depth study is the commentary by Imam Najmuddin Sulaiman bin Abdul Qawi ath-Thufi al-Hanbali (d. 716 H), known as ath-Thufi. His full name is Sulaiman bin Abdul Qawi bin Karim ath-Thufi ash-Shararshari, with the epithets *ar-Rabi'* and *Najmuddin*. He was a Hanbali jurist (*faqih*) and a scholar. He was born in the village of Thuf or Thufa (in the region of SharShar in Iraq), entered Baghdad in 691 H, traveled to Damascus in 704 H, visited Egypt, resided in the two holy cities (Mecca and Medina), and died in the city of al-Khalil (Palestine) (Ar-Razi, 1999: 320; Al-'Ulwan, n.d.: 5). Ath-Thufi is described as one of the early commentators. He is praised for his mastery of hadiths, both in wording and meaning, his ability to extract fundamental and jurisprudential benefits, and his skillful application of *ushul fiqh* principles, such as specifying the general, generalizing the specific, and reconciling texts that appear contradictory. Among the most prominent features of this commentary is that at the end of each hadith, he mentions other verses and hadiths that correspond in meaning, providing the reader with a collection of texts on one meaning. The commentary also pays attention to explaining the comprehensiveness of these hadiths and that they are part of the *jawami' al-kalim* of the Prophet (peace be upon him) ('Utsman, n.d.: 1/1).

The text also indicates that the author relied on his own thinking and effort, and revealed a notable writing ability and speed. He completed this commentary, which runs to hundreds of pages, in just sixteen days (from 13 to 28 Rabi' al-Thani 713 H), despite containing complex discussions such as the debate on *maslahah* in the hadith "*La dharara wa la dhirara*". The text concludes by indicating that the commentary is generally good, even if it contains some minor errors that do not diminish its value. It also mentions that subsequent sections will cover the author's biography, his attribution to Shi'ism, the concept of *maslahah* according to the majority and according to him, the name of the commentary, and a description of its manuscript copies. It is well known that Shaykh Najmuddin Sulaiman ath-Thufi is one of the great scholars of *ushul fiqh* in the Hanbali school, but he also has a book of hadith commentary. It is certain that his

interpretation of hadith sometimes differs from hadith scholars in general, and he is also a controversial figure due to accusations of Shi'ism directed at him. This is an interesting topic for discussion. Based on several background matters mentioned earlier, the author is interested in preparing a research article for a university study entitled "The Methodology of Shaykh Najmuddin Sulaiman ath-Thufi, Its Application and Results in the Commentary on the Hadith of the Establishment of Maslahah from the Book *At-Ta'yin Syarh Al-Arba'in An-Nawawiyah*".

The book *Al-Arba'in an-Nawawiyah* is among the books that have received the most commentaries. At least five books have commented on *Al-Arba'in an-Nawawiyah*, namely: *At-Tuhfah ar-Rabbaniyyah fi Syarh al-Arba'in Haditsan an-Nawawiyah* by Shaykh Ismail bin Muhammad al-Anshari (d. 1417 H); *Syarh al-Arba'in an-Nawawiyah* (hadiths 29-35) by Shaykh Muhammad Abdur Ra'uf bin Taj al-'Arifin al-Manawi al-Qahiri (d. 1031 H); *Syarh al-Arba'in an-Nawawiyah fi al-Ahadits ash-Shahihah an-Nabawiyah* by Taqiyuddin Abul Fath Muhammad bin Wahb bin Muthi' al-Qusyairi, known as Ibn Daqiq al-'Id (d. 702 H); *Syarh al-Arba'in an-Nawawiyah* by Shaykh Muhammad bin Salih al-'Utsaimin (d. 1421 H); and *Syarh al-Arba'in an-Nawawiyah* by Shaykh Abdul Karim al-Khudhair.

Based on the background presented, where the book *Al-Arba'in an-Nawawiyah* contains 42 hadiths in one volume, to ensure a more focused, in-depth, and non-expansive discussion, the researcher deems it necessary to limit the scope of the study. This limitation is very important so that the reader can easily find the core of the intended research. The researcher limits the study of commentary methodology to one book, namely *at-Ta'yin fi Syarh al-Arba'in an-Nawawiyah*, and focuses only on two specific hadiths: hadith number 6 and number 32. These two hadiths were chosen because they share one main focal point: the issue of establishing maslahah (*tsubut al-mashlahah*) in Islamic law. From this limitation, and based on the issues previously studied, several research questions are formulated as the main foundation of this study. First, what is the methodology (*manhaj*) of Shaykh Najmuddin Sulaiman ath-Thufi in commenting on the hadiths concerning the establishment of maslahah in the book *at-Ta'yin Syarh al-Arba'in an-Nawawiyah*? Second, how is the application (*tathbiq*) of this methodology practically in his commentary? Third, what are the implications or results (*nata'ij*) of the methodology used by ath-Thufi in explaining hadiths containing maslahah?

In line with these problem formulations, this research has three main objectives. First, to identify and systematically describe the methodology used by ath-Thufi. Second, to analyze how this methodology is applied in explaining the hadiths. Third, to reveal the intellectual implications resulting from the application of this methodology in the context of hadith commentary. The researcher hopes that this research can provide significant benefits. Academically, this research

is expected to serve as a reference for thinkers and other researchers interested in the study of hadith commentary methodology, particularly those related to ath-Thufi's thought. Furthermore, this research can spark readers' interest in conducting deeper studies in hadith commentary, especially on the commentaries of the book *Al-Arba'in an-Nawawiyah*. More broadly, this research is expected to enrich the treasury of knowledge and insight, both for the researcher and for other interested parties. From a practical perspective, the results of this research can facilitate teachers in transferring knowledge when teaching the book *Al-Arba'in an-Nawawiyah*, as they will have understood the characteristics of ath-Thufi's methodology in the book *at-Ta'yin*. Finally, this research also aims to make it easier for both lay and educated readers to recognize and understand the distinctive style of hadith commentary according to Shaykh Najmuddin Sulaiman ath-Thufi.

To avoid misunderstanding and erroneous interpretation, the researcher needs to briefly explain several key terms used in the title of this research. *Manhaj* (methodology) linguistically means a straight and clear path (Ibnu Mandzur, 1414 H: 2/483), while terminologically it is the path leading to the recognition of truth through a set of general rules that guide the mind (Az-Zabidi, n.d.: 6/503). *Syarh* linguistically means unveiling and explanation (Ibnu Mandzur, 1414 H: 3/31), and terminologically it means explanation, understanding, and opening of meaning (Umar, n.d.: 2/1254). *Asy-Syaikh* is a title for an elderly person or one who has authority in knowledge (Umar, n.d.: 2/1254). *Al-Hadith* linguistically means something new (Ath-Thahhan, 2004: 17), but terminologically it is everything attributed to the Prophet Muhammad (peace be upon him) in terms of words, actions, approvals, or characteristics (Ath-Thahhan, 2004: 17). Meanwhile, *an-Nawawi* is a nisbah to Imam Yahya bin Syaraf an-Nawawi, a great scholar attributed to Nawa, a region in the Golan Heights (Al-Sakhawi, n.d.: 3).

This research does not emerge in a vacuum; it has continuity with several previous studies while also having a distinct position. Several relevant studies that have preceded this include: first, a journal article by Abu Abdillah bin 'Athiyyah (2016) entitled "Manhaj al-Bahts al-Ushuli lad al-Imam ath-Thufi", which focuses on ath-Thufi's general ushul fiqh methodology. Second, research by Risdaiya Bashri (n.d.) comparing the thoughts of ath-Thufi and ash-Syatibi on the concept of *maslahah*. Third, a study by Muhammad Zakaria (n.d.) comparing ath-Thufi's concept of *maslahah* with the progressive legal theory of Professor Satjipto Rahardjo. Fourth, research by Alif Lutfi Akbar (n.d.) examining Ibn Daqiq al-'Id's commentary on *Al-Arba'in an-Nawawiyah* from the perspective of the sociology of knowledge. Fifth, a journal article by Rabi' Aliyani Shalihin (n.d.) exploring the commentary method of Imam Ibn Hajar al-Haitami in the book *al-Fath al-Mubin*. The fundamental difference between this research and previous studies

lies in its focus and material object. This research specifically conducts a methodological study (*dirasah manhajiyah*) from the perspective of hadith science to thoroughly examine the methodology used by Najmuddin Sulaiman ath-Thufi. Its formal object is the method of interpreting hadith based on the principle of *maslahah*, specifically applied to hadiths number (6) and (32) in the book "*at-Ta'yin Syarh al-Arba'in an-Nawawiyah*". In other words, this study is not merely discussing the theory of *maslahah*, but rather highlighting *how* ath-Thufi built his theory through the approach of hadith commentary.

## RESEARCH METHODOLOGY

This research employs a library research method with a qualitative approach. Library research is defined as a study that collects data from various materials available in libraries, such as documents, books, journals, and relevant previous research findings to obtain a theoretical foundation (Milyasari, 2020: 1). In other words, this method is conducted through in-depth examination of literature and scientific reports related to the problem under study (Zaid, 2008: 1).

The data sources in this research are qualitative data in the form of texts and words from scientific works, classical books (*turath*), and relevant literature (Fitri & Hayati, 2020: 25). The researcher uses two types of data sources. First, primary data sources, namely the book *at-Ta'yin Syarh al-Arba'in an-Nawawiyah lith-Thufi* by Shaykh Najmuddin ath-Thufi as the main object of analysis. Second, secondary data sources which include other hadith commentary books, hadith science books (such as *Taysir Mushthalah al-Hadits*), *tarajim* and *thabaqat* books (such as *Dzail al-Thabaqat al-Hanabilah*), *ushul fiqh* books (such as *al-Mustashfa*, *al-Ihkam*, *al-Muwafaqat*), as well as various journals, articles, and scientific studies on the biography and thought of ath-Thufi.

The data collection technique uses documentary study, which is examining written documents without direct interaction with the research object (Siyouto & Shodiq, 2015: 30). The steps include: (1) searching and collecting data (*heuristic*) by examining primary and secondary sources; (2) critical reading and noting important points; (3) classifying data based on themes such as commentary methodology, *ushul fiqh* approach, and the basic concepts of ath-Thufi's thought (Mahbubi, 2025).

Data analysis was conducted descriptively-analytically. Data were obtained through searches in libraries, *maktabah syamilah* (comprehensive digital library), research centers, and the internet to understand the methodology of hadith commentary on *tsubut al-mashlahah* according to ath-Thufi. The classified data were then systematically described and the

relationships between the data analyzed to find patterns of methodology and the implications of ath-Thufi's thought.

The research procedure follows the steps of personal study in examining the thought of a figure (Mushthafaqim, 2014: 263). These steps include: identification of the figure (ath-Thufi), formulation of the topic (methodology of hadith commentary in the book *at-Ta'yin*), collection of primary and secondary data, analysis of thought (background, basic concepts, methodology, contributions, as well as objective critique), and drawing conclusions as answers to the research problems (Azhary, Hakim, et al., 2025).

## HASIL DAN PEMBAHASAN

### Definition and Historical Development of Hadith Commentary

Before specifically analyzing ath-Thufi's thought, it is important to understand the theoretical foundation of the discipline of hadith commentary itself. Etymologically, the word *syarh* in Arabic means *al-kasyf* (unveiling), *al-idhah* (explanation), and *al-bayan* (clarification). Ibn Mandzur (1414 H: 2/497) defines it as opening, explaining, and revealing something difficult. Meanwhile, al-Munawi (n.d.: 1/842) adds that *syarh* essentially means spreading out flesh, and from this meaning emerges the term *syarh ash-shadr* (expanding the chest), i.e., expanding it with divine light. Terminologically, *syarh al-hadith* is defined as the science that examines the intent of the Messenger of Allah (peace be upon him) from his noble sayings based on linguistic rules and sharia principles, according to human capability (Umar, n.d.: 2/1182). As for *hadith*, linguistically it means something new (Ath-Thahhan, 2004: 17), while terminologically it is everything attributed to the Prophet (peace be upon him) in the form of words, actions, approvals, or characteristics (Ath-Thahhan, 2004: 17).

The history of the development of hadith commentary began during the time of the Prophet himself, where he was the first commentator of his own sayings (Al-Asy'ari, 2008: 342). When the Companions found difficulty in understanding a particular wording, the Prophet would immediately explain it, such as when he explained the meaning of *al-fa'l* (optimism) in the context of the prohibition of *ath-thiyarah* (pessimism due to bad omens). Similarly, when a Companion thought that arrogance was related to appearance, the Prophet corrected him by explaining that arrogance is rejecting the truth and looking down on people (Azhary, Ligi, et al., 2025). After the Prophet's death, the Companions and the *Tabi'in* continued this tradition, although not yet in the form of official codification. They referred to great figures such as Abu Bakr, Umar, Uthman, Ali, and Ibn Abbas to solve religious problems (Ibn as-Salah, 1406 H: 23-25).

Entering the 2nd century AH, the activity of writing and explaining hadith began to be organized, and in the 3rd century AH, more systematic commentary works emerged, such as *I'lam as-Sunan* by al-Khatthabi. The peak came in the 7th century AH, which is known as the "Era of Commentaries" (*'Ashr asy-Syuruh*), where scholars concentrated more on explaining existing hadith books rather than making new codifications (Muhtadir, 2016: 50-70). Two main factors underlie this phenomenon: first, scholars were no longer busy with writing hadith because they relied on the research of their predecessors; second, the emergence of new commentaries as a response to the decline of Muslims in various branches of religious sciences, so they only focused on explaining previous works without significant new additions (Muhtadir, 2016: 50-70). Two monumental books from this period are *Kasyf al-Ghitha'* and *al-Minhaj Syarh Shahih Muslim* by Imam an-Nawawi himself.

### **Typology of Hadith Commentary Methodology According to Muhaddithun**

Scholars classify hadith commentary methodologies into several approaches. *First*, al-Manhaj al-Ijmali (global method), which is a method that explains hadiths concisely according to the order in the book, using easy-to-understand language without touching aspects outside the text, such as the *asbab al-wurud*. The advantage of this method is its ease of understanding and conciseness, but its disadvantage is that its language is often not much different from the hadith's own wording, making its guidance partial and less analytical (Suridilaja, 2012: 12). An example is *Syarh as-Suyuthi 'ala Sunan an-Nasa'i*.

*Second*, al-Manhaj at-Tahlili (analytical method). This method is a comprehensive study that includes *takhrij* of hadiths from their original sources, tracing various chains of transmission (*sanad*), studying the wording of *al-tahammul wa al-ada'* (methods of receiving and transmitting hadith), studying the condition of narrators (*jarh wa ta'dil*), explaining *asbab al-wurud*, extracting fiqh and creed rulings, and tracing the educational (*tarbawi*) dimensions (Az-Za'iri, n.d.: 45). This analytical method is the one that has received the most attention from scholars, both classical and contemporary, as seen in *Fath al-Bari*, *Syarh an-Nawawi 'ala Muslim*, and *'Awn al-Ma'bud* (Az-Za'iri, n.d.: 45).

*Third*, al-Manhaj al-Maudhu'i (thematic method), which is collecting hadiths related to a specific topic, then arranging and explaining them in an integrated manner so that the absolute (*muthlaq*) can be qualified (*muqayyad*) and the general (*'am*) can be specified (*mukhassas*) (Banga & Abdullah, 2012: 109). *Fourth*, al-Manhaj al-Muqaran (comparative method), which is comparing the opinions of hadith commentators from various cultural, scientific, and doctrinal backgrounds, then performing *tarjih* (selecting the stronger opinion). This method is divided into analytical comparison and comparison between methodologies (Al-Islami, n.d.: 315).

### Brief Biography of Najmuddin al-Thufi

Shaykh Najmuddin Sulaiman bin Abdul Qawi bin Abdul Karim ath-Thufi ash-Shararshari al-Baghdadi, known by the title Abu ar-Rabi', was born around 675 AH in the village of Thufa, a region of SharShar in Iraq (Al-Adnawi, n.d.: 264). He was a jurist (*faqih*) specializing in *ushul fiqh* and was among the prominent figures of the Hanbali school, but he was known to have a major doctrinal deviation in the form of Shi'i tendencies and *rafadh* (exaggeration towards Ahlul Bait and cursing the Companions) (Ibn Rajab, 1953: 4/414). His scholarly journey was very extensive: he studied in Baghdad (691 AH), Damascus (704 AH), Egypt (705 AH), and also resided in the two holy cities. Among his teachers were Shaykh Zainuddin ash-Shararshari, Taqiyuddin az-Zirrati, Ibn Taimiyah, al-Mizzi, and Abu Hayyan an-Nahwi (Ibn Rajab, 1953: 4/414). Ath-Thufi died in the city of al-Khalil, Palestine, in the month of Rajab 716 AH, after being punished and exiled for his controversial thoughts (Ibn Rajab, 1953: 4/414).

Ath-Thufi's writings were very productive, covering the fields of creed (*Bughyat as-Sa'il*), *ushul fiqh* (*Mukhtashar ar-Raudhah*, *Qawa'id al-Kubra*), *qawa'id* of exegesis and language (*al-Iksir*), *jadal* (*Riyadh an-Nawadhir*), refutations of opponents (*al-Intisharat al-Islamiyyah*), as well as commentaries and abridgments, including *Syarh al-Arba'in an-Nawawiyah* which is the object of this study.

### Analysis of Ath-Thufi's Methodology in the Commentary on the Sixth and Thirty-Second Hadiths

Based on the analysis of ath-Thufi's commentary on hadith number 6 (on *syubhat*/dubious matters) and number 32 (on *la dharara wa la dhirara*), it was found that the methodology used tends toward al-Manhaj al-Ijmali al-Ushuli (a global method yet profound in aspects of *ushul fiqh*). The steps he takes in each commentary include: mentioning a brief biography of the hadith narrator, explaining the meaning of the hadith concisely, simple *takhrij* of the hadith in terms of *sanad* and *matan*, linguistic analysis of the wording (*lughawi*), discussion of *fiqh* and *ushul fiqh* issues, discussion of logical and dialectical (*jadal*) issues, and mentioning the differences of opinion among scholars on related *fiqh* issues (see ath-Thufi's methodological notes at the beginning of *at-Ta'yin*). However, the application of this framework is not consistent for every hadith. Ath-Thufi sometimes goes very deep and expands on aspects of *ushul fiqh* (as in the hadith of *la dharar*), but is very concise on other aspects. This indicates a methodological inconsistency in the book *at-Ta'yin*.

#### 1. Commentary on the Sixth Hadith: The Hadith of Avoiding Syubhat

This hadith, narrated by an-Nu'man bin Bashir, states: "Indeed, the lawful is clear and the unlawful is clear, and between them are doubtful matters which many

*people do not know...*" (Narrated by al-Bukhari and Muslim). In his explanation, ath-Thufi begins with a brief biography of an-Nu'man and his parents (Ath-Thufi, n.d.: commentary on hadith no. 6). He then explains the definitions of *halal*, *haram*, and *syubhat*. According to him, *syubhat* is something that confuses between *halal* and *haram*, causing doubt (Ath-Thufi, n.d.: commentary on hadith no. 6).

Ath-Thufi then divides people in their response to *syubhat* into two groups: first, those who are pious by avoiding *syubhat* to save their religion and honor; second, those who fall into *syubhat* which will gradually drag them into *haram* (Ath-Thufi, n.d.: commentary on hadith no. 6). He strengthens this argument with several applicative examples: the prohibition of approaching Allah's boundaries (Qs. al-Baqarah: 187), the prohibition of *khamr* even in small amounts for fear that it will increase, the prohibition of *khalwat* with the opposite gender because it can be a gateway to *zina*, and the *makruh* nature of kissing for a fasting person if it arouses desire (Ath-Thufi, n.d.: commentary on hadith no. 6).

Ath-Thufi also touches on the polemic regarding the permissibility of having intercourse with one's wife or female slave in the anus. He states that this hadith indicates the *makruh* nature of such an act because it contains a prelude to a prohibited act (*al-ilaj al-muharram*), and at the very least, the quality of *wara'* (caution) demands leaving it (Ath-Thufi, n.d.: commentary on hadith no. 6). In explaining the analogy of "every king has a protected area," ath-Thufi uses *qiyas al-gha'ib 'ala asy-syahid* (analogizing the unseen to the visible) and *al-ma'qul 'ala al-mahsus* (the rational to the sensory). He constructs a syllogism: Allah is a king, every king has a protected area, therefore Allah has a protected area, which is His prohibitions (*maharim*) (Ath-Thufi, n.d.: commentary on hadith no. 6).

The explanation of the heart (*al-qalb*) is the peak of his analysis. Ath-Thufi states that the heart is the king and the body parts are its subjects. The righteousness of the subjects depends on the righteousness of the king, and their corruption depends on the corruption of the king (Ath-Thufi, n.d.: commentary on hadith no. 6). He compares the heart to the eye and the body to the field: if the water of the eye is fresh, the crop is fresh; if salty, the crop is salty. He also cites the event of the Prophet's chest being split open twice to physically and sensorily demonstrate the importance of the heart's purity (Ath-Thufi, n.d.: commentary on hadith no. 6).

From this commentary, at least twelve methodological approaches used by ath-Thufi were identified, namely: *al-manhaj at-tamhidi* (introduction to the narrator), *al-manhaj al-lughawi at-tahlili* (linguistic analysis), *manhaj tahrir al-mushthalahat* (terminology formulation), *al-manhaj al-ushuli at-taq'idi* (establishment of *ushul* principles), *manhaj bayan mansya' al-isytibah* (explanation of the source of doubt), *manhaj ibraz thabaqat al-mukallafin* (classification of levels of the legally responsible), *manhaj sadd adz-dzarai'* (blocking the means to evil), *al-manhaj al-qiyasi at-tamtsili* (analogical reasoning), *al-manhaj al-maqasidi* (purposes of sharia), *al-manhaj at-tarbawi al-qalbi* (spiritual education), *manhaj at-ta'shil lil wara'* (establishing the quality of *wara'*), and *manhaj ar-rabth an-nashi* (connecting texts).

## 2. Commentary on the Thirty-Second Hadith: The Hadith of "La Dharara wa la Dhirara"

This hadith, narrated by Abu Sa'id al-Khudri, is the core of ath-Thufi's thought. Its wording is: "*There should be no harming of oneself nor harming of others*" (a *hasan* hadith narrated by Ibn Majah and ad-Daraquthni). In his analysis of its *sanad*, ath-Thufi mentions that this hadith is narrated by Ibn Majah, ad-Daraquthni, and Malik in *al-Muwaththa'* in a *mursal* form. He establishes that this hadith is *hasan* because its many chains strengthen each other (*turuquhu yuqawwi ba'duha ba'dhan*) (Ath-Thufi, n.d.: commentary on hadith no. 32). He even puts forward the principle that a *layyin* or *dha'if* hadith due to weak memory can be strengthened by separate *syawahid* (supporting evidence) until it reaches a degree that requires action. He gives the example of Imam Syafi'i's principle regarding two *qullahs* of najis water that, when combined, become pure (Bazmul, 2010: 135-196).

Linguistically, ath-Thufi distinguishes between *ad-dharar* (causing harm absolutely) and *adh-dhirar* (causing harm reciprocally). He also mentions the narration "*wa la idhrar*" which has the same meaning as *ad-dharar* (Ath-Thufi, n.d.: commentary on hadith no. 32).

## 3. The Core of Ath-Thufi's Theory on Maslahah

Ath-Thufi's explanation reaches its peak when he states that this hadith requires *taqdim muqtadha hadzihi 'ala jami' adillat asy-syar'i* (prioritizing the consequence of this hadith over all other sharia proofs) (Ath-Thufi, n.d.: commentary on hadith no. 32). According to him, if a sharia proof contains *dharar*, then with the hadith of *la dharar* we negate that *dharar*. This is a form of applying both proofs (*al-*

'amal bi ad-dalilain). If not, it means we have neglected one of them (Ath-Thufi, n.d.: commentary on hadith no. 32).

Ath-Thufi then mentions that sharia proofs number nineteen according to his induction (*al-istiqrâ'*), namely: *al-Kitab, as-Sunnah, Ijma' al-Ummah, Ijma' Ahl al-Madinah, al-Qiyas, Qaul ash-Shahabi, al-Mashlahah al-Mursalâh, al-Istishhab, al-Bara'ah al-Ashliyyah, al-'Awâ'id, al-Istiqrâ', Sadd adz-Dzarâ'i', al-Istidlâl, al-Istihâsân, al-Akhdzu bil-Akhaff, al-'Ishmah, Ijma' Ahl al-Kufah, Ijma' al-'Asyrah, and Ijma' al-Khulafâ' ar-Râsyidîn* (Ath-Thufi, n.d.: commentary on hadith no. 32; see also Asy-Syanqithi, n.d.: 350).

Furthermore, he states that the strongest proofs among all these are *an-nash* (text) and *al-ijmâ'* (consensus). However, when *an-nash* and *al-ijmâ'* contradict *ri'âyah al-mashlahah* (the preservation of maslahah), then it is obligatory to prioritize *ri'âyah al-mashlahah* by way of *at-takhshîsh wa al-bayân* (specification and clarification), not by way of *al-iftiyât* (disregard) and *at-ta'thîl* (neglect) (Ath-Thufi, n.d.: commentary on hadith no. 32).

When someone thinks that *ri'âyah al-mashlahah* is not strong enough to oppose *ijmâ'*, ath-Thufi firmly states: "Indeed, the preservation of maslahah is stronger than *ijma'*, and consequently it is the strongest proof in sharia" (Ath-Thufi, n.d.: commentary on hadith no. 32). He then elaborates at length on the definition of *mashlahah*, its division into *mashâlih al-'ibâdât* (maslahah of worship) and *mashâlih al-'âdât* (maslahah of customs/habits), as well as evidence of sharia's attention to maslahah from the Qur'an (QS. Yunus: 57-58), the Sunnah (prohibition of selling above the sale of one's brother), *Ijma' (ta'lil al-ahkam)*, and reason (*an-nazhar*) (Ath-Thufi, n.d.: commentary on hadith no. 32).

Ath-Thufi also extensively refutes the evidence for *ijmâ'* from the Qur'an (QS. an-Nisa': 115, QS. al-Baqarah: 143, QS. Ali Imran: 110) and the Sunnah (the hadith "*Ummatiku la tajtami'u 'ala dhalalah*") (Al-'Ajami, 2021: 11; Ar-Rajihî, n.d.: 21/7). He raises various objections (*i'tirâdhât*) and then refutes them (Ath-Thufi, n.d.: commentary on hadith no. 32). At its peak, he establishes that his methodology is not merely *al-mashâlih al-mursalâh* in the version of Imam Malik, but stronger and further than that, namely relying on *nash* and *ijma'* in worship, but relying on *i'tibâr al-mashâlih* in *muamalah* and customary practices (Ath-Thufi, n.d.: commentary on hadith no. 32).

### Implications and Results of Ath-Thufi's Methodology

From the application of his methodology, ath-Thufi produces a radical *ushul fiqh* theory: the preservation of *maslahah* is stronger than *nash* and *ijma'*, so it must be prioritized in matters of *muamalah* and customs. However, the domain of worship remains under the control of *nash* and *ijma'*. This is a form of legal dualism: the rigid domain of *haqq Allah* (God's right) and the elastic domain of *haqq al-'abîd* (human rights) that follows *maslahah* (Ath-Thufi, n.d.: commentary on hadith no. 32). Ath-Thufi also establishes a clear *tarjih* rule when conflicts occur between *maslahahs* or between *maslahah* and *mafsadat*, considering aspects of *al-ahamm* (the more important), *al-mumkin* (the possible), to choice or lottery (*al-ikhtiyâr* or *al-qur'ah*) (Ath-Thufi, n.d.: commentary on hadith no. 32).

Socially, ath-Thufi strongly criticizes sectarian fanaticism (*ta'assub al-madzhabi*) that causes division, murder, and mutual *takfir*. He presents terrible historical evidence of conflicts between sects, such as expulsion, murder, and even the depiction of a mosque as a church by a Hanafi ruler (Ath-Thufi, n.d.: commentary on hadith no. 32). For him, the main cause of this division is the glorification of *azh-zhawahir* (the literal wording of texts) alone and the neglect of *ri'âyah al-mashâlih* (the preservation of *maslahah*) (Ath-Thufi, n.d.: commentary on hadith no. 32).

## CONCLUSION

Based on the analysis of the commentary methodology of Shaykh Najmuddin Sulaiman ath-Thufi in the book *at-Ta'yin Syarh al-Arba'in an-Nawawiyah*, particularly on the sixth hadith concerning *syubhat* (dubious matters) and the thirty-second hadith concerning *la dharara wa la dhirara* (no harm nor reciprocating harm), several main conclusions can be drawn.

First, typologically, the methodology used by ath-Thufi tends toward *al-Manhaj al-Ijmali al-Ushuli*, namely a global method that is concise in aspects of language and chain of transmission (*sanad*), but very deep and expansive when entering the discourse of *ushul fiqh*. The steps he takes include the biography of the narrator, explanation of meaning, simple *takhrij*, linguistic analysis of wording (*lafadz*), discussion of *fiqh* and *ushul* issues, dialectical logic (*jadal*), and differences of opinion among scholars. However, the application of this framework is inconsistent; ath-Thufi sometimes goes into great length on *ushul* aspects (as in the hadith of *la dharara*) and is very concise on other aspects, thus indicating methodological inconsistency in the book *at-Ta'yin*.

Second, in his commentary on the hadith of *la dharara wa la dhirara*, ath-Thufi constructs a radical *ushul fiqh* theory. He states that this hadith requires *taqdim muqtadha hadzihi 'ala jami' adillat asy-syar'i* (prioritizing the consequence of this hadith over all other sharia proofs). According to him, there are nineteen types of sharia proofs, and the strongest are *nash* (text)

and *ijma'* (consensus). However, when *nash* and *ijma'* contradict *ri'ayah al-mashlahah* (the preservation of maslahah), then *ri'ayah al-mashlahah* must be prioritized through *at-takhshish wa al-bayan* (specification and clarification), not by ignoring or belittling them. Ath-Thufi firmly states that the preservation of maslahah is stronger than *ijma'*, and consequently it is the strongest proof in sharia.

Third, the implication of this methodology is the emergence of a theory of legal dualism. Ath-Thufi makes a clear distinction between the domain of *'ibadah* (rituals) which remains rigidly under the control of *nash* and *ijma'*, and the domain of *mu'amalah* and *'adat* (social and customary matters) which fully follows the principle of maslahah. In the domain of *mu'amalah*, maslahah can take precedence even over *nash* and *ijma'*. Ath-Thufi also establishes a systematic rule of *tarjih* (preference) when conflicts occur between maslahahs or between maslahah and *mafsadat*, considering aspects of *al-ahamm* (the more important), *al-mumkin* (the possible), to choice or lottery (*al-ikhtiyar* or *al-qur'ah*).

Fourth, from a social-critical perspective, ath-Thufi uses his theory to criticize sectarian fanaticism (*ta'assub al-madzhabi*), which according to him causes division, murder, and mutual *takfir* (excommunication). He presents historical evidence of conflicts between sects and concludes that the main cause is the glorification of *azh-zhawahir* (the literal wording of texts) alone and the neglect of *ri'ayah al-mashalih* (the preservation of maslahah).

Thus, ath-Thufi's thought makes a significant contribution to the development of the theory of *maqashid asy-syari'ah* and maslahah, although his bold theory of prioritizing maslahah over *nash* and *ijma'* in *mu'amalah* has sparked great controversy among *ushul fiqh* scholars, both classical and contemporary.

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