

Towards Hadith Works and Writings of *Fiqh Muamalat al-Maliyyah*: An Introduction of The Malay Jawi Manuscript Entitled: *Risalah fi Bayani Hukmi Bai'i war Riba*

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Abstract. The Malay work of writings which put Hadith as the *Mawdu'* (title) of the writings of Malay Archipelago's scholars is considered *Nadir* (rare). This view is based on the remnants and the writings of Malay Archipelago's scholars that are mostly focused on the aspect of tasawuf, fiqh and tauhid. This can be seen from their works or books circulated in the market that are still be read by the Malays. The historical development of knowledge in the Malay Archipelago stated that the Malay ulamas have been in command of various fields of knowledge and disciplines such as Astronomy, Mathematics, Medicine and etc. This paperwork is an effort to discover the treasure of those Malay ulamas in producing written works on *Fiqh Muamalat al-Maliyyah* and putting hadith as a source. This writing is also to introduce Syeikh Abdul Qadir Bin Abdur Rahim Al-Fathani and his book entitled "*Risalah fi Bayani Hukmi Bai'i war Riba* (Article Describing on the Matters of Purchasing and Interests). This book has been classified as a *nadir* (rare) manuscript. This paper will also observe the method used in narrating hadith, total number of hadith and the source of hadith in the book.

Keywords: Malay, Scholars, Hadith, Method, Historical, Narrating.

1. Introduction

The arrival of Islam in Tanah Melayu during the 15th century when the Malay rulers notably the Sultan of Malacca converted to Islam in 1414 (Abdullah Ishak, 1990), has created a wave of interest among the Malay community towards knowledge. This is because, Islam encourages its followers to learn as the basic preaching in Islam. The role of ulama and religious school cannot be denied as one of the main reasons why knowledge became so lush inside the Malay community. According to Hall, the palace of Malacca, besides functioning as religious institution, is also function as the centre of dakwah for ulamas in spreading the light of Islam in the region and as a centre in producing works in various fields of knowledge. The effort made by the scholars did not stop by oral preaching but also with the publishing of many important works for the current and future reference. Those works were published according to certain and specific subjects such as Usuluddin, Feqah, Tasawwuf and etc. For example, they were practicing the system of *muamalat al-maliyyah* (*transaction of property*) in the matter of purchasing, mortgage, debt and such. Based on the history, the arrival of Islam in the Malay Archipelago especially Tanah Melayu, was supported by Muslim scholars from Mazhab Syafie. They spread Islam to the community without boundaries and focused much on the teaching of Shafie. However, their discussions were mostly based on academic and supported by dalil in al-Quran and Hadith.

2. An Introduction to the Author (Syeikh Abdul Kadir).

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Syeikh Abdul Kadir Bukit Bayas or Wan Abdul Kadir bin Wan Abdul Rahim (1864) (Muhammad Abu Bakar), was hailed from Patani. He had produced several works, but the total number of his works cannot be determined. As a scholar, he has the ability to re-write religious works in Arabic. For example is a book entitled “*Hadha Majmu’ Musytamilun ‘Ala Ihda wa Arba’in Risalah.*(the collection of 40 writings) This book is a book of religious discourse by Syeikh Ibrahim al-Kurdi, a prime scholar from Mecca. The Sultan of Terengganu, Baginda Omar (1839-1876), appointed him as the State Mufti which later he received the title Syeikh al-Ulama’ by the Sultan. His stature as a teacher and the mufti to the Sultan had given many positive effects towards the system of administration of Terengganu. During his years of ruling, Baginda Omar had massively introduced syariah Islamiyah as part of his government’s system. The Syeikh passed away in the year of 1864 M in Kampung Paya Bunga, Terengganu.

2.1. The Introduction of *Kitab Risalah fi Bayani Hukmi Bai’i war Riba* by Syeikh Abdul Qadir Bin Abdur Rahim Al-Fathani In Bukit Bayas Terengganu.

According to the view expressed by Wan Mohd Shaghir Abdullah, *Kitab Risalah fi Bayani Hukmil Ba’i war Riba* is the only work he discovered. (Wan Mohd Saghbir Abdullah, 1997). This book has several objectives such as giving information and lessons regarding the business practice or the system of economy based on Islamic teachings. The discourse covered the subjects of purchasing, *riba* (taking interest) and etc. The introduction of this book states: “... so to get rewards from Him by every single person who reads about the matter of transaction and women, big and small, young and about God...”. This book as what depicted by Wan Mohd Saghbir has two different sets of title in Arabic language. The first one is (رسالة في بيان حكم البيع والربا) (pamphlet on the discourse of the law in procurement and interest) and the second book is called "الترغيب والترهيب للبيع والشراء" / encouragement and the cautionary steps in transaction deals. These books are read from left to right and have 65 pages. Both of them have been classified as *nadir* because up until now, there are only two complete manuscripts were found and another one is placed at Islamic Arts Museum Kuala Lumpur as part of the museum’s collection. According to the author, these books were completed during the time of Dhuha, Monday or on the 2nd / 8th of Rabiulawal 1234H /1818M in the state of Terengganu. They have never been printed by any publishers except for the ones copied by al-Haji Mahmud ibnu Muhammad Yusuf Terngganu on Monday of 19 Zulhijjah 1236 H. (Wan Mohd Saghbir Abdullah, 2000).

This book has 11 main topics including sub-topics in which discussing about the matter of transaction and such. The primary method used by the author is to bring in *dalil* related to that particular topic discussed. Apart from that, the author had also mentioned about the narration of its references. He also focused on the matter of authenticity and facts that are taken from various valid sources and also rejected stories that are not based on al-Quran and al-hadith.

2.2. The Method in Arranging the Chapters / Chapterization in Book (TABWIB)

The book starts with an acknowledgment and introduction by Ustaz Wan Mohd Saghbir. The introduction starts with a couple of comments on the book’s objectives and its explanation regarding the efforts taken to save Malay books that are classified as *Nadir* manuscripts. Then, several brief informations are shared regarding the book such as the complete content of the book. The next chapter is the brief narration of the life and background on the author followed by the introduction remarks from Syeikh Abdul Kadir Bukit Bayas. According to the author, the book was written based on the concept of reminding between him and the Muslim ummah on matter related to transaction. According to the author, all informations shared in this book are focused much on the aspect of its authenticity and the rejection of any sort of stories or fables that are not based on al-Quran and al-hadith. The author started the insight with the recitation of “*basmalah, hamdalah, salawat*” and notify the title of the book in Arabic. Then, the author starts his discourse with a reminder regarding the sins of taking interests and the punishment for those who cheat in dealing with transaction.

In this book, the author has devided the chapters into 11 main chapters discussing on certain particular topics. In each topic, the author discusses more than one hadith. Below, the author has simplified the content of those discourses for each chapter. First chapter : This chapter is called “The origin of making the transaction permissable and the prohibition”. This chapter discusses on the debates regarding benefits in transaction and the forbidden of interest based on al-Quran and hadith. The author has also compared views between scholars regarding the issue of transaction and interest. Second chapter : This chapter is called

“*Tanbih* (reminder) arguments between ulama on the effort of terafdhal / primary”. This chapter discusses about the process of encouraging people to do business or to be an entrepreneur. The author has successfully opened a debate on encouraging the reader to work hard without relying much on other people. This chapter, later on has been divided into several sub-topics such as to the third until the fifth chapter. Third chapter : This chapter is called “ Selling materials that can be seen”. This chapter focuses on the question of buyers’ and sellers’ responsibility towards the material that they want to trade in between them. Fourth chapter : This chapter is called “ The selling of materials that are incomplete”. Fifth chapter : This chapter is called “ The selling of unseen materials”.

Sixth chapter : This chapter is called “ The starting of the forbidden of interest”. In this chapter, the author has provided several arguments based on al-Quran and Hadith regarding the forbidden of taking interest. The author has also clarified on the issue of those who do business while not knowing of the law of transaction according to the consensus of the scholars’. Seventh chapter: This chapter is called “*tanbih* (reminder) the forbidden of cheating in transaction”. The author has brought upon several hadith related to this issue and the reminder from Prophet Rasullullah on cheating during the transaction process. Eighth chapter : This chapter is called “*Muhimmah* (the importance)”. The author is trying to discuss on the matter relating to some of the very important reminder to sellers. Ninth chapter : This chapter is called “ *Tanbih* (reminder) the law on those who cheat in dealing with measurement. The author has brought upon some discussions in al-Quran and hadith in supporting his view related to this issue. Tenth chapter : This chapter is called “ *Tanbih* (reminder) on those who did injustice”. The author has discussed on the level of injustices, those who commit unjust, the reminder from Allah and His Prophet towards those people. Eleventh chapter : This chapter is called “ *Khatimah* (a closure) the taking of Laba parts”. This is the final chapter discussed by the author. The author has made a review and a conclusion regarding the division of profits for the seller.

2.3. The Methodology in Writing Hadith

In this methodology, the writer tries to observe the aspect of narrating hadith used by the author of the book. Throughout the observation, the writer has noticed that the author was heavily influenced with the methods used by the previous Malay Ulama and such authors who were hailed during the same era as him in putting several narrators’ name, indicating the saying of Prophet S.A.W with Arabic matan (text) or providing sources and translated it straight to Malay Language. The author has his own style and method of writing. He presented hadith according to its necessities and according to its respective chapter discussed. Hadith were arranged systematically according to its chapter and the arrangement was specifically assigned in academic style.

In designing the writing and hadith narrating, the author has generally specified the sources of hadith based on its sources such as mentioning “narrated by Bukhari and Muslim, reported by Ibnu Asakir and etc. However, there are also hadith that have only been mentioned about its name of the narrator without giving its respective source of reference. For example, the author only mentioned “ by Ibnu Umar from Prophet S.A.W, from Kaab al-Ahbar, from Ibnu Abbas and etc. Sometimes, the author will write “ A hadith by Prophet S.A.W and go straight with the process of *Taqal Matan* or stating the text of hadith without mentioning its reference, source, narrator or from which book. In certain situation, the writer has also mentioned about the source of hadith taking such as from the book called *Ihya’ Ulum ad-Din* and such. The book of *Ihya’ Ulumuddin* is not taken as additional hadith book. It is clear that the writer only use the process of “*Naqal*”/ copying the hadith directly to his book without revising or extracting the hadith. The writer, in many situation has put the hadith text in Arabic and give its translation except for a couple of hadith in which he just simply provide the translation without giving the original text in Arabic. The translation of those hadith were written in the style of old Malay translation.

From the analysis made by the writer, he doesn’t use the same method in narrating certain hadith but he starts with giving the name of the Sanad Hadith (chain of the narrators) and its matan (texts). The writer will mention about some of the narrators’s name, followed by Rasulluh S.A.W and, or mentioning the hadith matan (texts) in full. This method cannot be conformed by the writer as there is no hadith with continuous sanad (by using the process of *Naqal* / copying) used by the author . The author will cut off the name of the Sanad Hadith (chain of the narrators) that he feels too long to mention. In narrating a hadith, the author has

cut or shortened the Sanad Hadith. He only mentioned one Sahabah's name in the beginning of the sanad closed to Rasullullah S.A.W. The author has cut short the Hadith *Sanad* in order to make it easier for the readers to understand the hadith. This is to ensure that directly, the author is using the same hadith is actually the same as what similar with the source of hadith taken by the author. However, the process of shortening the *Sanad* Hadith in the writing of hadith is appropriate to the reading of the public. For hadith writer and those who know the way in writing hadith, this technique is actually not appropriate because it will only make the process of selecting the complete *sanad* hadith become harder. *Sanad* Hadith is very important in determining the level of authenticity of the hadith narration. It is considered as the symbol of the authenticity of a Hadith. Mentioning the name of hadith scholar in the beginning of Hadith *Matan/* Text. As what any other authors did, the author has also mentioned in his book the name of hadith scholars in the beginning of matan hadith. Some of the names are Bukhari, Muslim, al-Thabrani, Ibnu Majah, Khatib, Asbahani, ad-Dailami, Ibnu Hibban, Ahmad, Ibnu Asakir, Tirmidhi, dan Baihaqi.

2.4. The Numbers of Hadith in the Book

Eventhough the book of Syeikh Abdul Kadir Bukit Bayas is more on the discussion of Muamamat (transactions), the author has not debated specifically on the aspect of that particular field of matter. Instead, as what mentioned by the writer previously, the author focuses more on the process of hadith *takhrij* listed in his book called *Risalah fi Bayan Hukmi Bai' wa Riba* and followed by several analysis on those particular hadith.

The writer has made an effort in verifying each hadith mentioned by Syeikh Abdul Kadir Bukit Bayas in his book. Based on the verification, the writer has found out that there are 91 number of hadith in total mentioned in eleven different chapters altogether. See table 1.1 below to know the number of hadith mentioned in each chapter. The author has described and put upon several added hadith sources to streghened his discussion. There are 16 hadith mentioned among 91 collections of hadith being used as his dicussions.

3. Conclusion

In conclusion, this book is entirely focused on the discussion regarding the law of transaction and interest based on the Syara' (evidence from the Islamic Ruling). Apart from that, the arrangement of chapters adapted by the writer is done based on his understanding towards the discussion of Islamic scholars on the law of transaction. As an example to future research, it is advisable to make the revising or the *takhrij* process as compulsory in order to make sure that the hadith used by the author are considered as an effort to safeguard the hadith of Propher S.A.W. Other than that, the process of putting recital marks and the changing of recital from linguistic and arrangement of quranic words point of view should also be up graded with additional registration of content. These efforts can ensure the betterment of quality towards the book and thus bring positive changes to the Malays in general.

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