The Relation between Theology School and Rational Ijtihad of At-Tufi Al-Hanbaly

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ABSTRACT: At-Tufi did not consistently follow one stream of theology paradigm. In his Tafsir al-Isha> rah al-Ila> iyah, the interpretation of a clause is in line with Qadariyah, and other verses his interpretation is accordance with Asy'ariyah, Mu'tazilah, Jabariyah, or even Syi> ah. The writer is in line with the theory of Fazlur Rahman who suggested that al-As'ari tend to deny the existence of the relationship between theology and Islamic law. Ash'ari viewed that theology embraced by the fuqaha did not give an effect to their thoughts on Islamic law. So, it can be concluded that the at-Tufi is as one of the jurist of Hanbali school has been traced that his views are not consistent with a single stream of theology. It is difficult to say that he converted his maz{hab into other school of theology based on his thoughts, because in practice Mu'tazila itself does not touch on the discussion of Islamic law. It could be someone's opinion is same with another maz{hab, because it is more acceptable to his opinion in accordance with the existing context, but it does not mean moving or follow that maz{hab. The turn of maz{hab is not only defined in terms of his thoughts, but it must be the totality of his personality. Therefore, the author does not agree with Malcolm H. Kerr who suggested that there is a necessary connection between theology and Islamic law, in which the fuqaha have tended in accordance with the school of theology that was followed. In the end, the writer found that at-Tufi is a sunnah tolerant expert jurists, free thinking, who flows his mind, dare to differ with another jurists with what he believes is right, because he was right with what he believes is right.

Keywords: Maslahah, Theology, intelligence, Nas} Ijtihad

I. INTRODUCTION

Faraq Abu Zaid stated that the emergence of Hanbali school is a natural reaction to the outrageous attitudes of a number of Muslim groups, such as Syi> ah, Khawa> rij, Mu'tazilah, Qadariyah, Jahmiyah and Murji'ah. Ahmad Ibn Hanbal held to the Hadith and Sunnah as a source of religion misuse conducted by rationalists group. For example Mu'tazila which stated that the Koran was creature. In contrast to the Shafi' i who argued against deception of ijtihad by combining tradition with the ratio, while Ahmad Ibn Hanbal argued that ijtihad must be resisted by holding to the Qur'an and Sunnah strictly (Zaid F. A., pp. 17-18).

With the support of his students, Hanbali School (Maz{hab) firstly had been spread from Baghdad, then dilating from Iraq to Egypt; and eventually became official, this Maz{hab is less comprehensive development area, though there are many followers coming from outside Saudi Arabia such as Palestine, Syria, Iraq and others (Mahmassani, 1977, p. 55). since the Reformation era in Indonesia, this Maz{hab began to appear in public like Al-Isyad school, khala> qah (religious circle) and it also has been indicated it is developed by certain political parties based on fundamentalist Islam.


Ibn Taymiyyah, an outstanding faqih and follower of Hanbali maz{hab, has major works, such as Fataawa Ibn Taymiyyah; As-Siya> sah as-Syari'> ah fi Isla> h ar-Ra'> yi wa Ra'> iyah; Rasa> 'il Syekh al-Islam Taqiuddin Ibn Taimiyah; Manha> j al-Sunnah an-Nabawiyah fi nasq kala>m as-Syari'> ah wa qadariyah; al-Maqli fi ma baina al-Hijmah wa as-Syari'> ah min al-Itisi> al; dan Al-Furqqa>n baina Auliya ar-Rahma>n wa Auliya asy-Syaitha>n, and a number of books in us} n> fi qiu> subj which its contain criticized many jurists in term of law basis and ijm{a} (consensus). This method book of making a legal decision by nas} and ijm{a was a Rebuttal against those who said that dalalah lafz{iyyah could not provide conclusive knowledge (Mahmassani, 1977, p. 240).

Ibn Qayyim al-Jauziyyah (691-751 / 1292-1350), an expert in the field of fiqh and usu> l fiqh of Hanbali maz{hab, was also an experts in hadith, nawa> w and a famous poet. Ibn Taymiyyah was the longest teachers followed by Ibn Qayyim. He even loved him very much; a lot of Ibn Taymiyyah's thoughts and attitudes
followed in such of his opinions could not escape from influence of his teacher mind. As Ibn Qayyim’s book in fiqh and usuqfi fiqh: Al-Faruq’al-Hukmıyat fi as-Siyâsah al-Siyariyyah dan l’la>m al-Muwaqi’iqi ni n ar-Rabb al-Alami‘nr , we can see the obvious influence of the ideas of Ibn Taymiyyah to Ibn Qayyim’s work (Mahmamss, 1977, pp. 254-255).

These two great scholars, Ibn Taymiyyah and Ibn al-Qayyim are very influential on at-Tufteri. Even in the book of al-Isyu>ra>h al-Illahiyah ila al-Maba>h is us-Usu>liyyah mentioned several prominent Hanbalian Ulama as a teacher at T}u>fi (At T}u>fi, Al-Isyu>ra>h al-Illahiyah ila al-Maba>h is us-Usu>liyyah, 2002, pp. 114-124). Al-T}u>fi, lived in the same era with Ibn Taymiyya and Ibn al-Jauziah. -Indeed according to a statement, is considered as a student of Ibn Taymiyya, al-Zayyi, Al-Barza>ri and Ibn Hamzah. Therefore, these three great scholars (Ibn Taymiyya, Ibn Qayyim and at-Tufteri) are known with a trio great scholars who think independently from among adherents of Hanbali mazhab (Zaid M., 1964, p. 73).

In the case of Fiqh and Usu>liq development, at T}u>fi wri only had two teachers affiliated with Hanbali. In line with this, al-Tufteri learnt from Ibn Fara’ al-Hanani (Ismail ibn Muhammad ibn Isma’il Ibn Fara’ al-Hanani, al-S[qars]}ari), Ali ibn Muhammad al-Bagdadi al-S[qars]}ari al-Nahwi and Jamaluddin al-Bagdadi (Yusuf ibn Mahmud ibn Abd al-Bagdadi al-Muqiry). While in the field of Arabic language and literature, he learnt from al-Ba’liy (Muhammad ibn al-fat [ibn Abi al-Fad [al-Ma’al]; Abu Hayyan an-Nahwi; al-Barza> li (Muhammad ibn Mahmud ibn Mahmud al-Barzaly). Despite of many teachers, at T}u>fi only had two teachers affiliated with Shafi’i’ mazhab, they are al-Faru’y (Abdullah ibn Abi Ar-Rid [a al-Faru’y], an expert scholars of Fiqh-Usuqfi, Arabic grammar and mantiq science, and al-Ha> f izz ad-Dimyati, (Abd al-Mu’min ibn Halaf ad-Dimyati) ulama ha}fiz and d}abib in religion sciences (Zaid M. Z., 1964, pp. 118-119).

His book entitled al-Bulbul fi Usu>riq Fiqh is a summary of Raudjah an-Ne>z{ir wa Jannatu al-Mana>qa>qr belong to Ibn Qadahah al-Hanbali. The book of Al-Bulbul was too dense and took a long time to understand it, then at T}u>fi wrote us Shah (a commentary book) entitled Sharh Mukhtasjar Raudjah which originally consisted of two volumes (At T}u>fi, 2002, p. 10). That is why Shaykh Ibn Badran in his book al-Madkhal fi Usu>riq al-Maz>hab al-Imam Ibn Hanbal judged that Sharh Mukhtasjar at-Tufteri is the same level with the book Muktasjar ifn Ha> ri. (At T}u>fi, 2002, p. 15).

The Sharh Mukhtasjar at-Tufteri’s, among Hanbalian, is considered as main reference, because it does not only express the view of Ibn Qadahah, but also at T}u>fi gives many additional explanation sharpening the discussion (At T}u>fi, 2002, p. 15). Many of the great Hanbalian figures refer and hold on the book Mukhtasjar, as Alauddin Ali Ibn Sulaiman Ibn Ahmad al-Muradawi (w.880 H) who wrote Tahri>r al-Manqas>ta>wa Ta’hid al-Iman al-Mustaq<i>bri>ya>ri al-Muql}a>l al-Usu>riq which always referred that Sharh. Imam Taqiyyuddin al-Futu>hy (w.979 H) took the Sharh at-Tufteri as references for Hanbali mazhab in Egypt, and made it as guide book to solve problems that developed in Egypt. He often took at-Tufteri opinion in his book Sharh al-Kaukab al-Mun> ir ir (At T}u>fi, 2002, p. 16).

Because of his expertise on Islamic Jurisprudence (Fiqh) and ushul fiqh, At-Tufteri had some faithful disciples of the Hana>bilah such as Abd ar-Rahman al-Qu>sy (724 H) and Muhammad ibn Fadal Ibn Khatib al-Maraji al-Qu>sy, even as written by Ibn Rajab that Ibn Taymiyyah included his students in Arabic language (At T}u>fi, 2002, pp. 71-72).

When we deeply comprehend his expertise in fiqh and ushul fiqh either involving his teachers or his students, and his views, it is apparent that he is at-Tufteri cannot be separated from Hanbali mazhab. That is why many scholars who claimed that at-Tufteri is a scholars figure on Fiqh-Ushul fiqh, who think independently under Hanbali mazhab. Abdullah ibn Abi Abd al-Mulins an-Turki wrote: at T}u>fi is one of Hanabilah Jurist whose all of his fiqh works are affiliated to Hanbali school. In line with this, al-Muradawi al-Hanbali said at T}u>fi is a great Fuqaha> of Hanbali circles who think rationally and capable to do ijtiha>d (At T}u>fi, 1998:Vol 1, p. 10). This statement is supported by Zahrah who relied on Ibn Rajab and Mustafa Zaid by analyzing strong arguments and relying on the life journey of at T}u>fi (Asmin, 1995, pp. 182-183). In the meantime, the analysis of methodology of Islamic law and defining legal proposition reflect that at-Tufteri is real Hanbalian and could not separated from mazhab of Hanbali

II. RELATION BETWEEN THEOLOGICAL THOUGHT AND ISLAMIC LAW

Thought of theology and Islamic law can be seen, at least, from some major aspects that are often associated with Islamic law.

2.1 Iman Is A Confession Of Faith Within Heart

at T}u>fi argued that faith or belief is quite simple; confessing by our heart (tas)di>q bi al-qalbi about the existence of God, angels, holy books, messengers and judgment day. While the unbelievers is the opposite of belief definition (At T}u>fi, 2002: vol. 1, p. 40). Knowledge of God, the apostles and of all that come from God in general not in detail called faith. Thus, the faith does not have the nature of increases or decreases, and there is no difference between people in matters of faith. Shuch Arguments of at T}u>fi had been expressed when he interprets this verse:

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And they knew that the buyers of [magic] would have no share in the happiness of the Hereafter. And vile was the price for which they did sell their souls, if they but knew! (Q.S. Al-Baqarah, 2: 102).

The meaning of شروآ به أسئم القدر في الآخرة is شروآ به أسئم the witches. Therefore (witches) are not punished conducting suicide in the world, but (wait) in the hereafter after the coming of judgment day.

Discussion of magic is strongly connected with this verse, because magic is included in furu’ (branches matters) related with al-kufru and al-qatl. Whereas at-Tu’ifi viewed that al-kufru and al-iman are sub of al-Asma>.

The essence of kufr is to deny the religious teachings which are definite. And the essence of kufr is to deny the religious teachings which are definite.

"Indeed, infidel -kufr- is to deny any religious teaching that is known for certainly. Hence, the denial to things outside it is not kufr”

Anything that is excluded from this definition does not consider kufur. Hence al-kufru is opposite of al-iman, while al-iman is (At-Tu’fi, 2002: vol. 1, p. 285):

ا لايمان هو التصديق بالله و كنته ورسله واليوم الآخر ووجب ان يكون الفكر هو التكذب باتلك أو بعضهه

“Faith-iman- is to believe in Allah, angles, holy books, messengers of God, and Judgment Day. It is an obligation to believe that infidelity is unbelieving, denying all those principles or some of them”.

In other occasion, ‘Faith is a confession by heart firmly stated by at-Tu’fi when he is interpreting this verse:

كلما ألقى فيها قولها خرقتها أبداً بيتكُذب نذير

Almost bursting with fury: Every time a Group is cast therein, its Keepers will ask, "Did no Warner come to you? (Q.S. Al-Mulk, 67: 8).

He agreed with Murji’ah opinion stating that no one will go to hell unless infidels. There will be no punishment (in the world) for those who believe even though he has sins, for faith is a virtue. There is no effect doing something bad (sai’ah), and vice versa, The Word of God:

و فيكون لكُن نعمة أو نعمة ما ك في أصمات السعيء

“Dan mereka berkata, sekiranya kami mendengarkan atau memikirkan (peringatan itu) niscaya tidaklah kami dalam deras dari api”

They will further say: “Had we but listened or used our intelligence, we should not [now] be among the Companions of the Blazing Fire! (QS.Al-Mulk, 67: 10)

This verse is related to previous verse, Al-Mulk: 6, stating:

و للذين كفر يربون عذباً جهنم

For those who reject their Lord [and Cherisher] is the Penalty of Hell: and evil is [such], Destination.

By labeling status of ‘infidels' then (later) someone will get the punishment of Jahanna (At-Tu’fi, 2002: vol. 3, p. 356-357). At the next turn, at-Tu’fi reiterated his opinion when interpreting:

فالذين كفر يربون عذباً جهنم

Therefore do I warn you of a Fire blazing fiercel. None shall reach it but those most unfortunate ones. Who give the lie to Truth and turn their backs. (Q.S. al-Lail,9: 14-16)

Kalau dalam surat Al-Mulk ayat 9 hanya disebutkan “tidak akan masuk neraka kecuali orang kafir”, maka dari surat al-lail ini dapat dietgaskan:

If in chapter Al-Mulk verse 9 God just mentioned "will not go to hell unless infidels", then in the chapter al-Lail the point can be highlighted:

من بادوا في الأطفال المكبة لا نفَّذ الأشباح والأثاثات

“the most unfortunate people are those who reject and disbelieve the truth either by eradicating or affirming”.

Therefore it is obvious that our opinion about infidels who will go to hell are those belied and turned away from the faith. This opinion is stronger than our previous expression which is stating that the only entrance to hell is merely kafir, unbeliever (At-Tu’fi, 2002: vol. 3, p. 412).

2.2 God’s attributes and human actions

Related to attributes of God, he supports Asy’ariyah, by adhering sifat f‘iliyah and ʿatiiyah, when he is interpreting:

و الأزمن جميعاً فضيلةً يوم الدينام والسامرات مطيعات يميشيه.... “...On the Day of Judgment the whole of the earth will be but His handfu.... ” (Q.S. Al-Zumar, 39: 67)

The word al-Qabdi’ and al-Yamin are similar meaning with:

At the same time, at-Tu’fi is line with ma‘zhab of Asy’ariyahs which states that God has a face, hands, eyes and so on, but they are not the same as human body. Thus he refused anthropomorphism, as Asy’arite (At-
2.3 The issue of hujusn and qubh (good and bad)

The issue of good or bad deeds (hujusn -qubh) appeared in usul fiqh science in the form of position of human mind as theorem beyond the nas. In this case the ijtihad, Islamic scholars are divided into three streams: Mu'tazila, Maturidiyah and Asy'ariyah.

Mu'tazila argued that knowledge of God and the good and bad can be obtained with reasonable power. Because reason can know the good and bad, everyone should do good thing like honest, just and leave bad deeds like lie and unjust. Abu Zahrah quoted the opinion Mu'tazilah which argued that human actions can be categorized into four kinds. (1) bad action because it is prohibited (qubh li an-nahy), bad action because its essence (qubh li an-na'sfih), good because because it is ordered (H (asan li al-Amri BIH), and good as its essence (Zahrah, 2001, p. 52). If the essence action contains some advantages or the doer does not get critic, the act should be done. On the other way, when bad things essentially to the marked presence of censure or loss for the perpetrator, the act should be abandoned. Based on this way of thinking, when there is no shar'i ah or revelation, man has been burdened to do good and leave the bad. When nas did not give any cues, then the human mind serves to determine good or bad deed. Intellect has the authority that is impartial, assuming that the shari'ah revealed by God is for the sake of human interest and welfare of human being.

Nevertheless Mu'tazila viewed that human still need and be guided by the revelation. The mind only knows the general things, while on the detailed things human need clarification and confirmation of the revelation absolutely. Thus revelation enhances the knowledge about the good and bad sense.

Maturidiyah, either Samarkand or Bukhara, agreed that our mind can know good things which are essentially good, and bad things which are essentially bad. Our mental also knows that being bad is bad and being good is good. A very fundamental difference with Mu'tazila, whether intellect capable of determining whether or not a mandatory action. According Maturidiyah, reason cannot oblige people to do good deeds and to avoid bad deeds. The one who has authority over all things imperative is only God, not reason or human mind. This means an obligation to do well and leave bad deeds can only be known through revelation.

Human mind is a tool to be able to know the good and bad, while actually God made it as a compulsory. God did not make the order as a liability in the absence of any sense of human beings. According to Abu Uzbah, extensions sense analogous to the function of the messenger. Envoy did not make anything mandatory, he just tells what must be known by man. The actual charge is God's own command (Uzbek, p. 36).

On this basis, if there is no nas (scriptural text), reason cannot determine the law of action, but man should refer to scriptural text through some methods such as Qiyas, istihsan, istislah, sadd az-zari'ah and so. It does not stand alone, so, the reason does not have the right and determinative imperative authority to mukallaaf.

Outside of these two streams, Asy'ariite holds that human reason does not have anything except the ability to know God. While three other things can only be known through information of revelation. Problem of Good - bad value of an act cannot be established by reason, it should be noticed by revelation. Lying is bad deed, for revelation says so. If the revelation states that lie is good, so lie must be a good thing. Had the Lord required of his servants to do a lie, of course it is not possible to refuse to do so. Al-shahrastani Asy- Asy'ariyah followers assert that reason cannot determine good and bad deed. Neither is what is notified by the Shari'ah with honors on people who do. While the bad meaning is what is notified by the Shari'ah with reproach for those who do (Asy-Syahrastani, 1951, p. 250).

On this logical reason, it can be seen that the asy-Asy'ariite regards the value of a good or bad is not the essence of an act, but only in the form of quality on the deed. Mind does not have the potential and qualities to determine whether the act is worth value or bad value, so the absolute of revelation information is strongly needed. None of requires for every man to do good and avoid bad things, except if the revelation had come to inform. The phrase could be understood the tendency of Asy'arite stated that mind is nothing more than a tool in understanding revelation, in order to explore the substantive meaning of the text through istinbat methods already practiced by law jurists, such as qiyas, istislsa>n, istislsa>h and saddu az-zari>ah. This means apparent closeness of Asy'arite with a view Maturidiyah.

From those three schools, we are able to read that Mu'atazila arguing that human mind has imperitive authority which actually can shift the understanding of al-hukmu which not only means khitab Allah, but also by human reason it can be mujib in terms of no nas]}, implies that khitab Allah shifted on khitab of mind. If this happens it seems contrary to basic Islamic belief that the only sya>ri' is God alone, as mentioned in the Qur'an 6: 57.
It is possible that *khitab* Allah does not solely refer to al-Qur’an, but also to all forms of legal reasoning which are validated like hadith, *ijma*, *qiyas*, *istihsan*, and *istiwash* and so forth. If so, this would not mean that mind has no imperative authority at all which means our reason is always under the subordination of the Lord.

It seems that the views of Maturidiyah bridge and simultaneously accommodate both forms of the difference between Mu'tazila with Asy’ariyah. Maturidiyah agreed with Mu'tazila about the potentiality of mind, but they disagree on the authority of mind. In other case, Maturidiyah is opposite to Asy’ariyah in terms of potentiality of mind, but both are contiguous to the rejection of authority sense. In other word, though Maturidiyah recognizes the potential of sense, but this school still rejects the authority of reason.

2.4 Theory of effective cause (illat) and maslahah

The most important in the study of Usu'al fiqh, relating with Al- *Hujun* and al-*qubh*, is disagreement of scholars about illat theory, as a determinant factor (al-Mu'arrif) of the existence or absence of a legal provision. 

Al-Mu'arrif li al-hukmi is the essence of law content in the law itself. Asy’ariyah argued that al-mu'arrif li al-hukmi made by sya'ri in legal was not because the essence of which is contained in the law. Based on this perspective Maturazilah insisted that effective cause of law happened by itself, and it can be known by human reason based on the essential nature (good and bad) that was contained. Meanwhile Asy’ariyah argued that illat of law does not happen by itself but it is determined by God.

Mu'tazila reasoning brings a consequence; every ilat of law must contain goodness (*maslahah*), generate benefits (*hujun*), and or reject badness (*qubh*). Thus, every act of God must have illat (touch upon the benefit and follow good-bad contained essentially in each cases. Thus their theory is in parallel with al-*salaah wa al-askla* which is an obligation for the Mighty to provide its illat. While Asy’ariyah in their theory did not result in the necessity of *ta’li al a’l Allah bi al-Maslahah*, because for them God as creator is not driven by a certain purpose in conducting deeds.

III. RATIONAL IJTIHAD OF AT-TUFI AND ITS RELATION TO THEOLOGY MAZHAB (SCHOOL)

Based on theological thought of Murjiah, Mu'tazila, Maturidiyah and Asy’ariyah above, we could analyze the tendency of theology at-Tu'fi fi in expressing his maslahah concept based on several issues.

3.1 Issue of effective cause of law (illat al-hukum)

Does God conduct his action because of illat or not? Arguments of proponent that support illat assume that the action without illat is considered a meaningless and useless action. Whereas Allah is purified and sacred from of vain things. For them, many Qur'anic verses support this illat.

In the contrary, other groups who do not agree that the action of God should be accompanied with illat argued anyone who acts as a boost something, meaning he still needs something else. Thus, it means he is not perfect depending on external factors surrounding him. While the existing of negative attributes to Allah is impossible.

To answer some reasons given by those groups above (pros and cons) have put, at-Tu'fi look that their opinion do not get the point of issue, because actually the acts of God are containing illat associated with welfare and perfection of *makalla*, God does not need an illat to do, since the nature of God is perfect and does not need help from anyone or other factor.

Public goodness for human is a gift of Allah, that what *ahl al-sunna* expains about. While Mu'tazila believes that it is an obligation on God to give and implement the goodness (maslahah) for humans being. According to at-Tu'fi that preservation of maslahah essentially constitutes an obligation for God the Giver and the Gracious, not an obligation on Allah.

Allah indeed has maintained *maslahah* for his creatures, but what is maintained is it whole maslahah absolutly or perfectly? Or Allah maintains all the common benefit both the absolute and the perfect or partial of the perfect, by the principle as long as maslahah gives the benefit to organize human life? It might be all maslahah are maintained by God, but the much closer to the truth is the last form of maslahah. In verse al-An'am: 12 above, Allah affirms that Allah accepts repentance is not an obligation imposed to God. Based on this argument, the objectives of Shar'ah are clearly to guard the soul and dignity of human being. It is surely right that every verse of the Qur'an contains and embeds maslahah, without any obligation to God to maintain maslahah.

3.2 Text of Intellect and acts of God

*Maslahah* method as a legal effort to achieve the public goodness and to avoid the evil, the parameter does not only refer to *nas* syara’, but also it refers to sense as form of the existing tradition (adat). However *maslahah* sometimes shall take precedence over religion (text}) and *ijma*, because maslahah is the strongest argument which must be put forward. Thus, human mind (without confirmation of *nas*}) is able to know good and evil-. *Istiqla'al al-Ugu' biidra{k al Masa'l wa al-mafa'sid. al-Tu'fi, in this case, restricted the issue
on mu'amalah and customs affairs only. This means that the virtues which concern with social life and rights of makallaf can be determined by social custom and reason. Istiqla>l al-Uqu>ba bi iddra>ka al Masa>ylah wa al-mafa>sid. This application is done through ijtiha>d as it has been pursued by the other mujtahids, through the arguments of syara` that the al-T]u>fi mentioned, there are 19 kinds, such as qiyas, istisihan and so on. If we look at illat of law, the method of settlement taken by al-T]u>fi is in line with Maturidiyah, a moderat school between two sides; Mu'tazilah and Asy'ariyah. God really establishes the law and it really does have illat, but illat is associated with welfare and perfection of human. Illat of goodness is the duty of God because of the nature of the Supreme giver and generous, not on base of liability for God. So illat of maslahah is not a burden borne by God. For instance Allah accepts repentance of man shall not imply an obligation on God. Based on this, illat of maslahah on every law always exists, without any obligation on God to preserve it. It means putting God on the one hand has absolute power and on the other hand putting men have the power and ability so that they are not in a weak position.

Related to action of God whether it is intended for human goodness or not, actually it has a great influence for activity and creativity of Muslim jurists. For those who see maslahah of humans as a destination of law, the Lord will provide a figh perspective that is not only theological but also humanistic, which all the commandments of God are considered as a reflection of his affection. Therefore the laws of God should advocate human interests and should be enforced upon interest of maslahah.

Meanwhile the opinion stating the purpose of God's action unrelated to human goodness, will serve a figh perspective that is both imperative and theistic. God determines commands based on the power and as a starting point that implementation obligations must be obeyed and done, they are not based on compassion and on human welfare.

Relating to the mind functions, he is in line with the Mu'tazilah opinion in terms of recognizing good and evil. Nevertheless it has been limited to mu'amalah and social custom issues. This means that power of mind is limited to social life which the truth is constrained by custom, the norms prevailing in society. It could be understood that the place of mind power anyway is under revelation that serves as motivator, like what Maturidiyah argued. Therefore in determining the law he referred to the sources of Islamic law and not referred to mind freedom without any control. In other words, he recognizes the potential of mind, not in term of an absolute of mind authority. In the meantime, the capacity of reason could not require anything to mukallaf. The obligation to do duty on the order of God, this means the only al-hakim (the judge) is Allah the all Mighty.

An outlook explains that mind cannot require anything; it does not constitute denying the role of mind in knowing the need for people to do good and leave evil deeds. In short, human mind at least serves as motivator for worshipping. Here there is a close relationship between God and human reason. If the sense to know the value of good and bad things, and encouraged to do something good and leave the bad. This means the mind power plays an important role and great functions even it does not exactly the same as Mu'tazila which has further and wider opinion. Unlike the Asy'ariyah who see the mind only has a small function.

The great function of mind actually describes human freedom and strength, while a small functions of mind reflects human frailty. Issues of human strengths and weaknesses is related to the ability and the power of human endeavor in receiving talki>f (responsible) form God. Takli>f means a unit of demands which is burdened on human being and at the same time as responsibility. It is impossible to do if human did not have the knowledge and the power to carry it out.

IV. INCONSISTENCY OF AT-T]U>FI THEOLOGY

From elucidation above, it is clearly understood that at-T]u>fi did not consistently follow one school of theology. In his exegesis al-Isha>rah al-Ila>hiyah, at-T]u>fi followed Qadariyah school in interpretation of a Qur'anic verse. Nonetheless in other verses he was agreed with interpretation of Asy'ariyah, Mu'tazilah, Jabariyah, even Syi>ah. For example, at-T]u>fi argued that human deeds are less important than faith, while human faith has no space to increases or decreases, and there is no difference between people in matters of faith. Belives and unbelives included under the subject of al-Asma>wa al-ahka>m in theology, therefore the nature of kufr is to deny and neglect absolute religious teachings. There would be no punishment (in the world) for believers eventhough he did sins, because faith definitely is a virtue whether he is a follower murj`ah? at-T]u>fi stated that al-Qur'an is qadim (eternal). God has a face, hands, eyes and so on, but they are not the same as what belonged to humans, whether he is Asy'ariyah. ? In issue of af`a>l al-iba>d (human action), he did not agree with the theory of kasab al-Asy'ariyah. In this issue, he is closer to Jabariyah paradigm. And Then, when at-at-T]u>fi argues that text is able to stand on its own as a source of law, that law has illat (effective cause). Is he mukatizila follower? In fact, at-T]u>fi is also was not in line with the Mu'tazilah in matters of human actions; the group that said al-Qur'an is creature and they deny ru`yah (human ability on seeing god in hereafter). He explained that the act of God had anything to do with human welfare, but the opinion of Mu'tazilites did not really get the problem, because actually the acts of God contains illat associated with goodness and perfection of mukallaf. God does not need an illat for his actions.
Therefore, the acceptance of sinner repentance is not an obligation imposed to God. We can conclude that the objective of the shari'ah is clearly to preserve life and human dignity, and every verse of the Qur'an contains the idea of maslahah, without any obligation to God maintaining maslahah or human goodness.

Relating to the functions of mind, at-Tu'afi was in accordance with Mu'tazilah opinion in terms of mind ability recognizing good and evil, but it is limited on the issue of mu'tamalah and customs only. This means that capacity of mind is limited to human social life realm. The truth is constrained by custom, the norms prevailing in society. In this case at-Tu'afi placed human mind under revelation authority. Thus human mind serves as a variable, similar with Maturidih view. Therefore in determining the law he remains back to the sources of Islamic law; 19 sources, Instead of referring to the mind freedom without control. In other words, he recognizes the potential of human mind, but it does not constitute an absolute authority of reason. In the meantime, the capacity of reason could not require anything to mukallaf. The obligation to do duty on the order of God, this means the only al-hakim (the judge) is Allah the all Mighty.

Thus, when we regard him as Islamic jurist affiliated with theology of Murjiah – more over confined to the issue of faith and kafir merely- it is not fundamental reasoning. This case is the same as Imam Hanafi, founder of Hanafi School. He was allegedly as adherents Murjiah, because he had defined faith and kafir similar with Murjiah principles. Hanafi had a notion that no one has the right judging the believer as the infidel as long as muslim still believed in Allah and His Messenger, even though he has conducted various immoral deeds. Whoever labeled a muslim as an infidel and unbeliever, he has committed the sin anyway (ash-Syarqawi, 2000: 256).

Imam Hanafi defines faith as knowledge and recognition of God, His apostles, and everything that comes from God in a general and not in detail. Faith does not have the nature of increases or decreases, and there is no difference between people in matters of faith (Al-Gurabi, 1958, p. 203). The definitions given Abu Hanifah illustrates that the faith of all Muslims are the same. There is no difference between the faith of the great sinful Muslims and obedient muslim to God's command.

On the other hand, Ibn Hazm, a well-known figures of Zahiriyah also had appraising al-Ash'ari as the Murjiah school (Al-Hazm, 1964, p. 46). It is because al-Ash'ari argued that faith is a confession in the hearts about Oneness of God and the truth of messengers and all the things they bring. Saying this confessing trough verbal and performing pillars of Islam is a branch of faith, Great sinner, if it dies without repentance, His fate lies in the hands of God. It is possible that God will forgive his sins, but there is also the possibility that God may not forgive his sins and God would torture him according to the sins which he made and then just put in heaven, because he cannot eternally stay in hell (Asy-Syarastani, 1951, p. 101).

Ibn Taymiyyah has accused al-shahrastani as adherents Syi'ah ah (Aziz, t.t: 47-51). Instead a muqassir Jamaluddin al-Qasimy actually supported Jahm bin Sofwan, a great figure of Jahmiyah school. And he put Jahm into muslimin group. He considered Jahm as mujahid of the attributes of God. He was very diligent enforcing the laws of the Book (Qur'an) and the Sunnah. He was a famous preacher of al-kitab and sunnah acting so firmly to those who deviate from those two holy scriptures (Al-Qasimy, pp. 9-18).

In this case, can this description be interpreted that Abu Hanifah argued that human actions are less important than the faith? Abu Hanifah, a well-known imam mazhab who gives a high place for human ratio (logic), is great jurist. Presumably it is very awkward if Abu Hanifah as a figure Fuqaha stated that human deed or worship was not important. As a founder of mazhab fiqih always talking about the value of human deeds, it is very doubtful that he has such kind of thought; deeds are not important for a Muslim. Therefore as-Shahrastani said: “How could a man who was educated to perform good deeds from his childhood to his adulthood can encourage leaving deeds or actions” (Asy-Syarastani, 1951, p. 146). Ahmad Amin said, Imam Hanafi is categorized as Moderate Murjiah group (Amin, 1964, p. 322).

Because there is no agreement of opinion among the scholars about who are Murjiah, moderate Murjiah or extreme Murjiah, then Abu Zahrah emphasizes to not judge Abu Hanifa and other ulama as adherent of Murji’ah group (Zahrah, 2001, p. 206).

Fatwa of Abu Hanifah about no right for anyone to judge Muslims as infidel just like explained above, it should be understood it in the historical context of that time in which the ruling reign easily considered other group as infidels particularly to their political opponents (Muslims), shed blood, limit the freedom of the people, and let the rulers do as they pleased, and let the strong suppress the weak. Thus it was indeed Abu Hanifa intended that the descendants of Abbas, particularly al-Mansur is no longer easy infidelizing his political opponents, and no more bloodshed among the sons of Abbas with the Alawiyyin (partisans of Ali ra). All of these mean that there is freedom. Therefore, all the fatwa and the opinion of Abu Hanifah based on the spirit of freedom which is according to Shari'a law should be respected and protected. Abusing freedom has more lighter impact than restricted freedom (Asy-Syarqawi, 2000, p. 250).

According to Harun Nasution, the inclusion of Abu Hanifah and al-Asyari into Moderate Murjiah, is because moderate Murjiah teachings eventually became an accepted teachings into the group of ahli as-Sunnah wa al-Jama'ah (Nasution, p. 28).
Besides previous fatwa about infidelizing Muslims and definition of faith according to Abu Hanifah and al-Ash'ari is not empty from Syar'i reasons. Many traditions support their opinion as expressed by al-Qardawi, for example:

"Three matters are included as the principle of faith: Refrain to people who say la ilaha illa Allah, and do not accuse them as disbelieve because of sin, and do not exclude them from Islam because of deed" (Al-Qardawi, 1997, p. 163)

"Hold yourselves from (accusing) person who says La ilaha illa Allah. do not call them infidels because of sin. Whoever considers person say la ilaha illa Allah as infidel, then he is closer to disbelief"

"Every Muslim is forbidden on other Muslim for his blood, property and honor". (Al-Qardawi, 1997, pp. 159-165).

V. CONCLUSION

At-Tufi, well-known as a juris of Hanbali school, hold logic too much, such as his maslahah concept. It does not mean that at-Tufi’s view on a matter of faith follows Murjiah of theology. al-Bazdawi concluded that the Murjiah generally agreed with the scholars of al-Sunnah wa al-Jama’ah (Al-Bazdawi, 1963: 135). Harun Nasution viewed that moderate Murjiah group as the ones who stand itself has been lost in history, and their teachings about faith, kulf and great sin melted into al-Sunnah wa al-Jama’ah school (Nasution, t.t: 3), Hence the phrase at-Tufi expression closely connected with al-Ash’ari who argued that expressing our faith by tongue that is not important, and performing the pillars of Islam is a branch of faith.

At-Tufi argued human action is definitely less important than faith itself. Such kind of way of thinking may exist in thought of at-Tufi - wellknown as a juris of Hanbali that take human logic into account deciding law. But argument stating human action and worship is not important deeds, it is unacceptable. As a faqih been engaged in fiqh and Usu’l fiqh, certainly believes human action is important for a Muslim. This is in line with the interpretation of following verse:

إِلالَّ انلَّذٌٍَِ آيَُُٕا َٔعًَِهُٕا انصلَّبنِحَبدِ نَُٓىْ أَجْزجٌ غٍَْزُ يًٌَُُْٕ

"Except to those who believe and work righteous deeds: For them is a Reward that will never fail". (Q.S. Al-Insyiqaq, 84: 25.)

The word of 'amila> connected with aman> is included at>af:

من باب عطف البنفس ص على العام

“It is a kind at>af; specific to the general thing”.

Thus, action or deed implicitly must be conducted by believers (becoming part of iman) (Nasution, t.t: 40).

The writer is in line with the theory suggested by Fazlur Rahman explaining al-Ash’ari tends to deny the existence of the relationship between theology and Islamic law (Rahman, 1990: 48-49). Ash’ari saw theology embraced by the jurists did not give effect to their thoughts on Islamic law. In the meantime, we could conclude that at T>af as one follower of Hanbali school, is not consistent with a certain schools of theology, so it is difficult to say he converted his mazhab into a theological schools because of his thinking. We should not say that at-T>af is Mu’tazila, because Mu’tazila itself in practice did not discuss on the discussion of Islamic law. And this is one of the shortcomings of Mu’tazila, a scholar may have a thought which similar with other mazhab, because his view and thought is more acceptable in accordance with the existing context, and it does not mean that he have moved or followed other mazhab. To be able to say, converting mazhab is not only determined from thought aspect, but it must be the totality of his personality. Here, the writer is not in line with Malcolm H. Kerr suggested that between theology and Islamic law there is a necessary connection, where the jurists have a tendency corresponding an advocated theological school. (Kerr. 1996: p.6)

In the end, the writer argues that at-T>af is a tolerant, free thinking, not bound in a single mazhab. Certain theology paradigm outside ahl sunnah confirmed by Abu Asim, that at-T>af as a cholars of jurisprudence who has flowing thoughts, freedom of thinking, courageous to be different with another jurist about what he believes is right, because he think so.

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