The Process of Al-Bukhari Fiqh Methodology Development in Islamic Law

Muh. Fathoni Hasyim[a*], Liliek Channa AW[b], Imam Amrusi Jaelani[c], Basuki[d], Aksin Wijaya[e], Nur Ahid[f], [a,b,c]Universitas Islam Negeri Sunan Ampel Surabaya, Indonesia, [d,e]Institut Agama Islam Negeri Ponorogo, Indonesia, [f]Institut Agama Islam Negeri Kediri Indonesia, Email: [a*]mufah.hasyim@gmail.com

The popularity of al-Bukhari as an expert of hadith is indisputable; he reached the top position, his name has become a guarantee of hadith validity; in addition, he is also well known as an expert of Islamic law(faqih). However, his expertise is often disregarded. In fact, the authority of al-Bukhari in Islamic law reaches its peak as an absolute mujtahid or mujtahid mutlaq. This phenomenon raises some questions: firstly, is al-Bukhari affiliated with one of maddhabs of established Sunni law? When a mujtahid reaches his absolute mujtahid rank, following another methodology is forbidden; there is a need for constructing Fiqh methodology. Secondly, does al-Bukhari have his own methodology? An absolute mujtahid has an opportunity to establish his own madhhab which is ordained by its name. The third question is why is Bukhari's madhhab unpopular amongst Sunni madhhab? This article explores the fact that al-Bukhari is not affiliated to certain maddhabs, and the methodology formation as well as other factors underlying the failure in the formation of Bukhari's Madhhab.

Key words: *Fiqh al-bukhari, Islamic law methodology, absolute mujtahid.*

Introduction

Classical and modern scholars in the Islamic and Western world rarely or almost never mention Fiqh and Fiqh al-Bukhari methodology. Neither Schacht nor Hallaq provide space in the their books, even Melchert in his 'traditionist-jurisprudents in the 19th century, did not mention Fiqh al-Bukhari methodology (Lucas, 2006). On the other hand,   classical books contain several testimonies and appreciation of al-Bukhari's expertise in Fiqh, including: Al-Bukhari is "Sayyid al-Fuqaha" faqihu hazihi al-ummah, huwa afqahu khalqillah fi zamanina, Taj al- fuqaha, ra'sun fi al-Fiqh, mujtahid mutlaq, whose expertise in Fiqh is paralleled by

Imam Malik whose, expertise in the field of Fiqh and hadith exceeds Ishaq Ibn Rahawaih and Imam Ahmad Ibn Hanbal." Studies related to al-Bukhari are more numerous and his expertise focuses on the field of hadith, especially the study of his monumental work "Al-Jami 'al-Sahih," both in book form, and other scientific works, such as Fiqh al-Da'wah fi Sahih al-Imam al-Bukhari, by Said Ibn Ali Ibn Wahaf al-Qahtani. Fiqh al-Imam al-Bukhari fi al-zakat, (Thesis) by Ibtisam bint Muhammad Ibn Ahmad al-Gamidi's "A review of the criteria for the validity of Hadith-Hadith al-Jami 'al-Shahih, (Dissertation)" by Muhibbin. Criticism of the Book of Saheeh al-Bukhari and Saheeh Muslim, by Marzuki. "Health and Medicine in The Islamic Tradition" based on the Book of Medicine (Kitab al-Tibb) of Sahih al-Bukhari by Nurdeen Deurasi. Tibb Onto: Knowledge Representation of Prophet Medicine (Tibb al-Nabawi), by Asma Al-Rumkhani et. al. Ahl al-Hadith Methodology on Qur'anic Discourse in The Ninth Century: A Comparative Analysis of Ibn Hanbal and al-Bukhari, by Ahmad Sanusi Azmi, and other scientific works (Asqalani, 1998).

Scholars disagree about al-Bukhari's affiliation and position in Fiqh, each madhhab claims al-Bukhari is a follower of his madhhab and al-Bukhari's position as a follower (muqallid) has not been agreed upon. Some put al-Bukhari as one of his madhhab figures at the first level, and there are also those who mention him as the second level figure in his madhhab (Akh. Minhaji, 2005). On the other hand, al-Bukhari's position has reached the highest rank, including mujtahid mutlaq. Mujtahid mutlaq is the highest level of mujtahid in the strata of ijtihad. An absolute mujtahid is a mujtahid who has fulfilled all requirements as an independent mujtahid. Many disciplines must be mastered and the most important is for the construction of Islamic legal methodology itself not to use the method of law for other Madhhab law (Amin,. 1974).

The methodology of Islamic law or Usul al-fiqh contains a method of thinking for istinbat (exploring) Islamic law directly from its primary source. This law is explicit and implied in primary sources (Alquran and Alsunnah) and cannot be identified only through mastering one or two kinds of scientific disciplines, but a number of fields of knowledge is required for mujtahids (Asma, 2016). Even though a mujtahid has mastered various scientific disciplines, he may not necessarily reach the highest level, before he attains his own methodological construction. Therefore, al-Bukhari as an absolute mujtahid has his own methodology. Therefore, the question is how methodological construction is attained. As the founding priests of other maddhab,an absolute mujtahid has his own methodology, and the opportunity to establish a madhhab associated with namaya, but why is Madhhab al-Bukhari unknown in the history of Islamic law? This article was written in the context of discussing this problem. The answers to the second and third questions will provide new research material.

Methodology

The methodology used consists of the study of literature as well as interviews with historians who have Scientific expertise. More than ten books and twenty journals were examined to obtain information. Group Discussion Forums (FGD) were also held by five experts in the history of Fiqh al buhkari.

Results and Discussions

A. From Muhaddith to Faqih

Since al-Shafi'i's struggle succeeded in placing the position of the hadith as a source of Islamic law, the hunt for hadith is rife. Scholars have competed to visit various far away cities, meeting narrators of the hadith in person and checking the news received from the main source. The Madhhab Imams agree that "Hadith is the madhhab of all mujtahids." It is narrated from four of the Mujtahid imams, that if authentic hadith is found it is my madhhab. Using different editors but in the same substance, al-Shafi'i once said: "If you find a valid hadith that differs from my opinion, then throw my opinion away." The views of the Imam Mujtahid and Al-Shafi'i above are understood as the position of the hadith is above reason. Ijma 'and Ijtihad of scholars are under the hadith, as the hadith is a divine revelation that cannot be wrong, it has absolute truth, while the truth of reason is relative. Madhhab imams place the hadith in a special position, as the source of the second Islamic law (Azmi, 2017).

Hundreds of thousands of hadiths are codified in books of hadith, such as the book of al-Jami 'al-S} ahih, the work of Imam Bukhari, S} ahih Muslim, the work of Muslim Imam, Sunan Abu Dawud, the work of Abu Dawud al-Sijistani (w.279 H./888 M.), Sunan al-Turmudhi, by Muhammad Ibn Isa al-Turmudhi (279 H./889 M.), Sunan Ibn Majah, by Ibn Majah (w.273H./887M) and Sunan al- Nasa'i by Abdul Rahman al-Nasa'i (w.303H./915M). The hadith books compiled by scholars in this third stage are popular amongst hadith experts such as 'al-Pole al-Sittah al-Sahihah.' In the view of Muslims, this book occupies a high standing, especially al-Jami'al-Sahih by Imam Bukhari and Sahih Muslim by Imam Muslim. With the sterility of hadiths from non-hadiths, and the availability of hadith books that only contain authentic hadiths, the position of the hadith as one of the sources of Islamic law is becoming stronger (Anwar., 2007).

In Ahmad Amin's view, al-Bukhari's expertise in the field of Fiqh has a positive impact on in-depth understanding in the field of hadith. Therefore, his expertise in the field of Fiqh is not a primary goal, but obtained after comprehensive mastery in the field of hadith. Al-Jami's hadith book "'al-Sahih" only collects authentic hadith and is sterile from hadith da'if and maudu.' "Al-Jami 'al-Sahih hadith" by al-Bukhari is an invaluable contribution to the development of

Islamic law. Previously, it was difficult to distinguish between the words of the prophet with the qaul of the Companions and the Tabin, between the authentic hadith and the Daif and Maudu.' Therefore, in a relatively long time, the hadith reign was viewed with one eye by the rationalists (Mudzhar, 1993). With the compilation of hadith books that only contain authentic hadiths, it is easy for the mujtahid to find a basis in the legal sphere. The ease of accessing these authentic hadiths enables the muhaddiths to have dual expertise as faqih, particularly in the current era of information technology development, using the hadith assessment application. The mujtahid can easily find the value of a hadith in relatively quickly.

B. Al-Bukhari as Mujtahid

Proposed scholars have formulated mujtahid ranks. In addition to the proposition of ulama having different formulations, it is also unknown by whom and when the formulation was determined as it is now. The formulation of contemporary mujtahid ranks is presented by Wahbah al-Zuhaili as follows:

First, mujtahid mustaqil is a mujtahid who builds Fiqh on the basis of the methods and rules set but himself, in other words the mujtahid has its own Fiqh and Fiqh proposals, which are different from the proposals of Fiqh and other Fiqh. Mujtahid mustaqil has fulfilled certain conditions and can be seen as independent in using the argument, without being bound to any madhhab (Adawiyah, R., & Zamaluddin, W. 2016). Mujtahid mustaqil, in the writings of al-Ghazali, al-Razi and al-Amidi is termed mutlaq mujtahid. Imam Madhhab Empat is an example of a mujtahid who falls into this category. Al-Qardawi also includes Fiqh experts from friends, tabiin and those who are at the level of the four madhhab imams, such as Zaid ibn 'Ali Zainal' Abidin, Ja'far al-Sadiq, al-Thauri, al-Auza'i, Laith ibn Sa'ad, Dawud ibn 'Ali, al-Tabari and others.

Secondly, mujtahid Mutlaq ghair al-mustaqil, that is a mujtahid who has fulfilled the requirements of the pilgrimage, but does not have the istinbat} method himself, still uses the istinbat method} of his madhhab imam, whether they are independent or not, which is affected by the ijtihad results of their Imam Madhhab. In matters of furu 'Yeah, ijtihad products are sometimes varies even though they are mostly the same. In other words, this category of mujtahid has its own Fiqh, while its Fiqh proposal still follows the Imam of his madhhab. Examples of mujtahids in this category include: Abu Yusuf (d. 183 AH / 798CE), Muhammad ibn al-Hasan al-Shaibani (d.189 AH / 805M) and Zufar ibn al-Huzail (d.158 H. / 775 BCE), follower of Imam Abu Hanifa. 'Abd al-Rahman ibn al-Qasim (d. 191 AH/808CE), Abu Muhammad' Abd Allah ibn Wahhab (d. 197 H. 81414 AD), followers of Imam Malik. Isma'il ibn Yahya al-Muzanni (d. 264 H./877 AD), Abu Ya'qub Yusuf ibn Yahya al-Buwaiti (d. 231 H./848M), and al-Za'farani (d. 306 H./878M.). Amongst al-Shafi'i followers, Al-Qadi Abu Ya'la ibn Qudamah, Ahmad ibn 'Abd Halim ibn' Abd al-Salam ibn Taimiyah (d. 728

H./1328M), Ibn Qayyim al-Jauziyah (d. 751 H./1350M), from the followers of Imam Ahmad ibn Hanbal. According to Abu Zahrah, Abu Yusuf, al-Shaibani and Zufar ibn al-Hudhail were amongst the ranks of mujahidah mustaqil. Likewise, al-Muzanni, al-Shafi'i's best friend is also a mujtahid mustaqil according to Abu Ishaq al-Shirazi (Aldy, M. F. 2011).

Thirdly, mujtahid muqayyad or mujtahid takhrij, that is, those who have fulfilled the requirements for berijtihad are able to explore the law from its sources, but do not want to get out of the arguments and views of the imam, however, in matters not addressed by his imam, he undertakes ijtihad and explores the law to discover the provisions of the event that occurred by way of presenting texts or rules quoted from the Imam Madhhab (Ayyub, S. H. 2004). Mujtahid includes in this ranking Hasan ibn Ziyad (d. 240 H./854M.), Al-Karkhi (d. 340 H./951M.), Al-Sarakhsi (d. 418 H./1090M.), from the Maliki madhhab: Abu Ishaq al-Shirazi (d. 476 H./1083M), and al-Marwazi (d. 462 H./1069M), from the Shafi'i madhhab (Badran, S. Z. 2019).

Fourthly, tarjih mujtahid, the Fiqh expert who seeks to defend his Imam's madhhab, knows the arguments on which his opinions are based, the opinions of the Imam are able to describe, analyse, make conclusions and show strong opinions from the Imam and the opinions contained in his Madhhab, both the opinions of the Imam are able to describe, analyse, obtain conclusions and show strong opinions from the Imam and the opinions contained in his Madhhab, both the opinions of the Imam the students of the madhhab priest or other scholars (Barnett, M. D., Sligar, K. B., & Wang, C. D. C. 2018). Mujtahid in this rank include al-Qaduri (d. 427 H./1035M), and al-Marghinani (d.594 H / 1197M) from the Hanafi madhhab.

Fifthly, mujtahid futya (fatwa), the Fiqh expert who seeks to maintain his madhhab, develops it, and is able to master both easy and difficult problems, provide fatwa within the limits set by his madhhab imam, but is weak in the field of istidlal and analysis (Department Agama Republic Indonesia. 2018). Wahbah al-Zuhaili commented at the end of his writing about the Mujtahid sub-chapter, stating that the last three terms mentioned (mukharrij, murajjih) and ahl al-futya (fatwa experts), as part of mujtahid, are only due to tasamuh (tolerance), because mujtahid muqayyad must be able to explore (istinbat) the laws of shara,' whereas they only describe, analyse and draw conclusions about the opinion of their imams (Fathonah, 2015).

The rank of mujtahidis formulated by contemporary ulama according to the needs and tendencies of ijtihad in his time. Where is the position of al-Bukhari in the tabaqat mujtahid? After paying attention to al-Bukhari's authority in his jijtihad, Al-Husaini explored shar'i law from the postulates of tafsili, as indicated in the book of al-Jami 'al-Sahih, where he concluded that al-Bukhari had reached the highest rank of mujtahid that is mujtahid mutlaq (Frederik et. al., 2016). In line with al-Husaini's statement, R. Marston Speight comments on the contents of "al-Jami 'al-Sahih," "it was intended to be a tool for the study of jurisprudence, with many of the texts arranged according to the categories of Islamic law; the heading of various sections

reveal the compiler's competence in jurisprudence (Gibtiah, 2014). Although all four schools of Sunni law consider him to be one of their basic sources, he has never identified with any particular school." The above book's content includes numerous references to Fiqh, which are used as instruments to explore the author's methodology.

Ahmad Amin maintains that al-Bukhari was a mujtahid shara,' he had his own legal method. His legal thoughts are sometimes in accordance with the Hanafi madhhab and the Shafi'i madhhab, but not infrequently they are vary from them. At one time he chose friends or tabi'in madhhab such as Ibn 'Abbas madhhab, Mujahid madhhab,' Ata 'madhhab and others (Black, Ann & Hosen, Nadirsyah., 2009). For example, those who are Junub may read the Koran. If people are sick and afraid to use cold water, they can pray, pray with sandals, set the law of buying and selling in accordance with 'urf and may teach the Koran to the people of the book and others. This proves that al-Bukhari is not bound by any madhhab.

C. Fiqh Al-Bukhari Methodology

The formulation of al-Bukhari's Fiqh methodology is in line with his expertise as a hadith expert. Similar to the special features of the methodology of hadith experts in general, he has specific characteristics, which distinguishes him from al-Bukhari and other hadith experts.

First, he prioritises history over ra'yu, placing the Koran as the first source of law, the two hadiths, the three athar friends and tabiin, and only then the fourth as ra'yu. The systematics of al-Jami'al-Sahih shows al-Bukhari's commitment to history. Each chapter (book) is preceded by quotations from the Koran, followed by a valid hadith. In contrast to the Sahih book, whether Muslim or not, although both are compiled using a systematic book of Fiqh, the Sahih Muslim book contains the hadiths of the Prophet alone (Caeiro, 2006). Likewise, in Sunan's books including "Sunan Abu Dawud," "Sunan al-Nasa'i," "Sunan al-Turmudhi," "Sunan Ibn Majah" and others. The above analysis shows that al-Bukhari does not mean rejecting the use of ra'yu or analogy. In the chapter (book) al-I'tisam bi al-Sunnah and the Book of Akhbar al-Ahad which is contained in the latter part of the book al-Jami'al-Sahih, al-Bukhari condemns the use of ra'yu and qiyas, and shows the authority of hadith ahad even though it was narrated by a woman (Hallaq, 1994). According to Ignaz Goldziher, Al-Bukhari's condemnation of the use of ra'yu and the qiyas does not mean rejection of their use, but his s attitude reduces the important role of the qiyas and intimates its use. Ibn Hajar al-'Asqalani, provides an interpretation of the chapter which condemns the use of ra'yu and qiyas in the Book of al-Ithisam, so that the meaning of ra'yu is a fatwa that was delivered on the basis of personal opinion (Huda et. al., 2020). What was denounced was ra'yu which contradicted or differed from the passage. Whereas ra'yu, which is in accordance with the passage is used when it is not found in the Koran, al-Sunnah and ijma' are not condemned. Likewise, if qiyas are not found in the Koran, Al-Sunnah and ijma, there is a clear and representative finding that qiyas

are needed (Pahrudin et. al., 2020; Purwanto et. al., 2020). The use of criticised qiyas occurs when a nas is found, or there is a nas, but it is pronounced with a regional tax that is not appropriate or deviates, Ibn Hajar's interpretation and Goldziher statement above shows that al-Bukhari prioritises the passages and narrations (fatwas of friends and tabiin) rather than ra'yu in istinbat law. Al-Bukhari places ra'yu in the last position in the source of Islamic law.

Secondly, it does not separate furu 'from its origin, between Fiqh nas or athar. This differs from the fuqaha 'who writes the book of Fiqh separately from the passage. He places Fiqh into an integral part of history. Chapter titles are formulated in al-Jami 'al-Sahih} or other books are expressions of his opinion, for example sub-chapters must read al-Fatihah for imams and congregants in prayers at home or in travel, prayer jahr or sirr. In this sub-chapter, al-Bukhari lists the authentic hadiths which are the basis for the obligation to recite al-fatihah for the Imam and the congregation in the sirr or jahr prayer.

In "Khair al-Kalam fi" al-Qira'ah Khalfa al-Imam discusses the problem of general reading. Al-Bukhari quotes the Qur'anic verse (QS al-Muzammil [74]: 20, QS al-Isra '[17]: 78 and QS al-A'raf [7]: 204), followed by hadith and athar quotes which number up to three hundred narrations. There is no introduction or explanation of the problem discussed, explanation is only given of the hadith or history which does not require reading al-Fatihah. This is also given to the value of the hadith that is used as evidence, for example the hadith is mursal or munqati.' Therefore, the hadiths listed under the title of the chapter or sub-chapter are on the basis of his opinion which do not need to be explained again, because the hadiths or asar contain more convincing information.

Third, choosing opinions based on the hadith is more valid. As a hadith expert who succeeded in gathering the authentic hadiths in "al-Jami 'al-al-Sahih," has laid the foundation for evaluating the validity of the hadith. He chose an opinion that has a basis in hadith which is more valid than the opinion of friends, tabiin or mujtahid who have a basis of valid or invalid hadith, such as the problem of raising both hands when saying the sentence takbir in prayer. Al-Bukhari narrated several hadiths which stated that the Prophet raised his hands when he was not al-Ihram, when he would bow, when he woke up from bowing and when he stood up from sitting the second rak'ah. He also narrated the hadith which states that the Prophet only raised his hands to the takbirah al-Ihram and did not repeat it to the next takbir-takbir (the 10th hadith in the book Raf 'al-Yadaini fi al-Salah).

With his expertise in the field of hadith, al-Bukhari chose a hadith that raises both hands when takbir, bowing and standing up from sitting after the second rak'ah, as the hadith is more valid than the hadith that does not raise a hand. According to him, the hadith 'Ubaid Allah ibn Abi Rafi' was more valid than the hadith 'Asim ibn Kulaib, although both narrated the hadith from a friend 'Ali ibn Abi Talib. According to him, if two people narrated the hadith and one said

he saw someone do something while the other did not see it, then the former's testimony was accepted, because he was seen as a witness. This is analogous to the words of 'Abd Allah ibn Zubair regarding two witnesses. The first witness stated that he heard the Fulan's confession that he had 1000 dirham dependents,, while the second witness did not hear it, therefore the first witness' testimony was accepted (Wardatun, 2019). Likewise, Bilal's witness saw the Prophet praying in the Kaaba, while Fadal ibn 'Abbas said the Prophet did not pray in the Kaaba, therefore Bilal's testimony was accepted. Al-Bukhari also added the opinion of the popular hadith expert Sufyan al-Thauri, when the hadith 'Asim ibn Kulaib was presented to him, he denied it. In the early part of narrating the hadith, Al-Bukhari raised two hands, and commented that the hadith was narrated by 17 friends and a number of experts in several countries. This shows al-Bukhari's commitment to opinions based on more valid hadiths. Furthermore, in the case of abrogation, he is different from al-Shafi'i and Malik. In this matter he is more consistent with the opinion of 'Abd Allah ibn' Abbas, as it has a valid basis in hadith.

Fourth, his opinion is formulated in short sentences. Al-Bukhari's opinion on Fiqh is usually expressed at the end of the hadith presentation in short sentences, for example about thighs, whether thighs are for men. He argues: wa hadithu Anas asnada, wa hadithu Jarhad ahwat. Anas's hadith (which states that the thigh is not genitalia) is more valid than the body, while the hadith narration of Jarhad (which states that the thigh is genitalia) is more careful. He does not like to comment at length, the explanation of verses and hadiths is considered sufficient as an answer or comment. He provides a brief comment based on his expertise in the field of hadith and citizenship in the field of Sufism only if there's a variation in history (Wekke, I. S., & Hamid, S. 2013).

Fifth, being neutral when there are differences of opinion between friends, tabiin and mujtahid priests, each of whom has a solid foundation, the hadith which is used as a basis of validity is neutral and does not side with any opinion. Usually his comments are brief, for example al-Ghuslu ahwat, taking Junub more carefully in cases of sexual intercourse where there is no ejaculation. Al-Bukhari's neutral attitude is seen in several of his works. For example, in "Raf 'al-Yadaini fi al-Salah," where al-Bukhari does not mention differences of opinion amongst scholars about raising both hands in prayer, even though differences of opinion regarding the issue are diverse. Al-Bukhari also does not appear to favour one opinion. He only expresses his opinion in accordance with the results of his ijtihad and does not mention his compatibility with the opinions of other scholars. He provides an argument according to his expertise in the field of hadith, which shows the neutral attitude of al-Bukhari, in addition to his independence in ijtihad.

D. Formation of Madhhab and Failure of Al-Bukhari

The previous description mentions that al-Bukhari occupies a position as a mujtahid, even reaching the rank of mujtahid, which is absolute mujtahid or mustaqil. The question that arises then is why has Madhhab al-Bukhari never been recorded in history?? An absolute mujtahid has the ability to explore law directly from its main sources including the Qur'an and hadith, and has its own istinbat method, but it is not a necessity to establish its own madhhab, such as the main students of Abu Hanifa, Abu Yusuf, Muhammad ibn al-Hasan al-Shaibani and Zufar ibn Hudhail from the Hanafi madhhab Malik ibn Anas students such as 'Abd al-Rahman ibn al-Qasim and 'Abd Allah ibn Wahhab, 'Abd Allah ibn' Abd al-Hakam and others from Maliki Madhhab. As well as students al-Muzanni, al-Shafi'i's.. In addition, there are Muta'akhkhirin scholars who have absolute mujtahid qualifications, including 'Izz al-Din ibn' Abd al-Salam, Ibn Daqiq al-'Id, Ibn Sayyid al-Nas, Zain al-Din al-'Iraqi , Ibn Hajar al-'Asqalani, al-Suyuti, al-Bulqini, Ibn Rif'ah, Ibn al-Humam, Ibn al-Hajib, Ibn al-Qayyim al-Jauziyah, al-Subki and Ibn Taimiyah. These are scholars who are not only masters of the required knowledge as absolute mujtahid, but they also master other Sciences. However, they also did not succeed in establishing their own madhhab as al-Bukhari.

According to Hallaq, their failure to build their own madhhab, is due to not succeeding in constructing their own axis of authority, they were finally absorbed into the axis of established authority. For example, Shafi'iyyah scholars who are qualified as absolute mujtahids such as Abu Ibrahim Isma'il ibn Yahya al-Muzanni al-Misri (w.264 H./878M), achieved absolute mujtahid qualifications. Abu al-Qasim al-Anmati (w.288 H./901M.), Harmala (w.243 H./858M) and others, also had absolute mujtahid qualifications, successfully developing doctrines and methodologies of Islamic law themselves, and their names are rightfully labelled as personal madhhab, however as they have not succeeded in building their own axis of authority, they are absorbed into the Shafi'i madhhab doctrine.

The axis of authority was a figure who later became known as the founder of a doctrinal madhhab, such as Abu Hanifah, Malik, Shafi'i and Ahmad Ibn Hanbal. The holder of this axis of authority is then called the ""imam" who is qualified as a muttaq mujtahid. The Mujtahid's legal knowledge is thorough and creative. He is seen as a forge of his madhhab methodology which is the basis for the formation of Islamic legal principles. This mujtahid's name became his madhhab label, and he was claimed to be the initiator. The process of forming the axis of authority begins with the emergence of an opinion, theory and methodology built by a prominent ulama, which in turn is followed by the community (mufti, qad i, ulama and the wider community), during the present and the future. In dealing with socio-religious problems, the muftis and qad} i try to find a foundation from previous thinkers who are seen as having scientific authority. If this process continues and is followed by mufti, qad} i and the wider community, then a madhhab is born. In such circumstances, if the scientific outlook is stronger

and more established, legitimate, scientifically accountable and a role model for the next generation, an "authority axis" is formed. The thinker or scholar who has scientific authority is known as the founder of Madhhab.

In the history of the development of religious schools, both theology, law and other relevant subjects are influenced by political factors and their students' loyalty. Political factors are due to the patronage of the government in power over a flow which is growing and flourishing. According to Hallaq, this political factor is the most important, (of paramount importance), the legitimacy of the holder of power, forming a link between people and the ruling elite. People need protection from the authorities, and the authorities need the support of the people. Madhhab is considered to have a very urgent role in creating public awareness. Therefore, madhhab which has a broad base of mass support is made an official state madhhab. Madhhab needs political legitimacy from the authorities and vice versa. Its relationship with the authorities is symbiotic. The success of the Hanafi madhhab in Baghdad is due to the protection of the 'Abbasid ruler. Hanafi madhhab clerics received large mass support, whereas the Hanafi madhhab failed to gain large mass support in some of the Abbasid, anti-Abbasid territories such as Syria (a region of the Abbasids who were still loyal to the Umayyads). Madhhab Maliki rapidly developed in Andalus Spain around 200-284 AH, because it received support from the Umayyad rulers in Spain. This shows that politics plays a crucial role in the legal school.

Al-Bukhari experienced unpleasant treatment from the authorities, and took a hostile attitude to the authorities. This is clearly one of the factors which influence the lack of development of a doctrine and methodology constructed by al-Bukhari. Another factor is the absence of followers / students who specifically spread al-Bukhari's thoughts in the field of Fiqh. The growth and development of a religious stream, including the flow of Islamic legal thought is more determined by the loyalty of his students and the reputation of his character in conveying, informing and systematising their legal views. For example, Ahmad ibn Hanbal, the Imam of the Hanbali madhhab did not leave all writings or books of Fiqh, only leaving the books of the hadith known as al-Musnad. In it he collected 40,000 pieces of hadith which are the result of selecting 700,000 hadiths. However, his students attempted to collect his edicts on various issues, such as Ahmad ibn Muhammad al-Khilal, who collected the edicts of Ahmad ibn Hanbal's Fiqh and collated it in 20 volumes. The book is entitled "al-Jami 'al-Kabir." Many books were written by Ahmad ibn Hanbal's students but al-Khilal's work is the most complete collection   of   thoughts   about   Ahmad   ibn   Hanbal's   Fiqh. Abu Hanifah the Imam of the Hanafi Madhhab, does not leave the book of Fiqh, except al-Fiqh al-Akbar, which contains the creed. It does not discuss Fiqh except for rubbing two khuf (gloves of feet). He left the book of hadith called "al-Musnad," containing several hadiths narrated   as many as 215 hadiths by Abu Hanifah himself, but it was his students who later compiled and wrote fatwas and the Islamic legal thoughts of Abu Hanifah into a systematic

book of scriptures and volumes, such as "Muhammad ibn al-Hasan al-Shaibani," "Abu Yusuf" and others., likewise, other madhhab priests, who have existed and developed until now.

Hallaq mentioned three factors for the success or development of madhhab in an area. Firstly the acquisition of a judicial position, secondly, the establishment of halaqah or several halaqah and thirdly, the involvement of local scholars in Islamic legal debates. The first factor has been stated in the previous chapter, outlining that the position of qadi, mufti or others in the government held by adherents of a madhhab, means providing Madhhab opportunities to develop (Yasin et. al., 2020). For example, the appointment of Abu Yusuf (112-183 H), a prominent student of Abu Hanifah as a qadi in the three governments of the Caliph 'Abbasid, subsequently the Hanafi madhhab developed rapidly in Baghdad. The appointment of Ahmad ibn Hanbal as the legitimator of the appointment of the qadi during the reign of al-Mutawakkil, then the Hanbali madhhab became solid. the success of madhhab members in forming teaching halaqah arises from these three factors which are more efficient in spreading madhhab, which means that madhhab has more opportunities to develop through the activities of their students in the future.

Meanwhile, students of al-Bukhari such as Imam Muslim, Abu Dawud, al-Nasa'i, al-Turmudhi are better known as experts of hadith, although they also have extensive knowledge in the field of Fiqh Al-Bukhari, does not have students who have seriously focused on Fiqh, as mentioned above, his students are more concerned with the hadith, even though al-Bukhari has fatwas and Fiqh thinking and even bequeathed several books in the field of Fiqh, such as "Qadaya al-Sahabah wa at-Tabi'in," "Khair al-Kalam fi al-Qira'ah Khalfa al-Imam," and "Raf 'al-Yadaini fi al-Salah," but as they do not have students who develop their legal thoughts through alaqah-h alaqah or other media, the thought and methodology constructed by al-Bukhari did not have the opportunity to develop or succeed in building a madhhab on its behalf, that is the Bukhari madhhab.

In addition to the above factors, Hallaq argues that the life and death of a madhhab are caused by four factors: not obtaining the political patronage of the ruling government, failure in synthesising rationalism and traditionalism. Madhhab Zahiri and Abu Thaur disappeared, due to failures in this field. Both madhabs are more likely to be traditionalist. His attachment to the text was stronger, so it did not invite great mass sympathy, which is similar to al-Bukhari's thought. Attachment to the text is intense and the use of qiyas is limited, so it is considered not interesting enough to be followed. Furthermore, not building alliances with mainstream movements, even against the mainstream including The disappearance of the Tabari madhhab, due to hostility towards the established Hanbali madhhab. Finally, not having special distinguishing features, which are the identities of its madhhab. The Auza'i madhhab lost a significant following in Spain, because the Umayyad dynasty in Spain adopted the Maliki madhhab, although the two aspects of the doctrine of law were not significantly different. The

Umayyad dynasty preferred the Maliki madhhab, because it was motivated by the desire to continue to use the legal madhhab built earlier by the Madinah people. Failure to establish a Bukhari madhhab could be due to this factor, as the methodology and principles of al-Bukhari's law are not significantly different from the Hanbali madhhab. Its commitment to the nas and prioritising history over ra'yu and the use of qiyas is very limited. Qiyas are used in a forced state, and it is also possible for other factors to be the cause of the failure for the formation of Bukhari Fiqh madhhab.

Conclusion

Al-Bukhari is a hadith expert who masters multiple disciplines. His mastery of these sciences has reached its peak, especially hadith and Fiqh, until he obtained the title "Amir al-Mu'minin fiy al-Hadith wa al-Fiqh." The highest degree is only given to someone who has reached the peak of mastery of discipline hadith and Fiqh as a mujtahid, he is not bound by any ijtihad product and ijtihad methodology, because he has built an independent Fiqh methodology, therefore occupying a parallel position with the founding priests of the madhhab as mujtahid mutlaq.

The building of Fiqh methodology constructed by him is consistent with his expertise in the field of hadith. Therefore, it is similar to the building methodology of istinbat hadith experts in general. However, there are specific factors, including first prioritising history over ra'yu. Secondly, it does not separate furu 'from its origin, between Fiqh and nas or athar. Third, choosing opinions based on the hadith is more valid. Fourthly, his opinion is formulated in short sentences and finally being neutral when there are differences of opinion between friends, tabiin and mujtahid priests.

The failure of al-Bukhari in forming madhhab is due to several factors which include, political factors, including the absence of political patronage from the authorities. Secondly, loyalty factors, asal-Bukhari does not have loyal students to develop their Fiqh thinking. Thirdly, strong commitment to the text. Al-Bukhari did not succeed in synthesising proportional rationalism and traditionalism as Fiqh thinking tends to be more traditionalist. Fourthly, it failed in forming the axis of authority in the field of Fiqh. Al-Bukhari only succeeded in building such authority in the field of hadith. Finally, it does not have distinctive features. The methodological construction is almost the same as hadith experts in general, especially the Hanbali madhhab.

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