

Imam Syafi'i Perspective on The Theory of Nasikh Mansukh and Its Relevance in The Reform of Islamic Law

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ABSTRACT: Nasikh mansukh is a concept in Islamic law that governs the abolition or alteration of previous laws through more recent revelations. Imam Syafi'i, as one of the main figures in the fiqh school, made a significant contribution to the understanding and application of this theory. This study aims to analyze Imam Syafi'i views regarding nasikh mansukh, as well as evaluate its relevance in the context of modern Islamic law reform. This research uses a qualitative method with a literature study approach, mainly referring to the works of Imam Shafi'i, such as *Al-Risalah* and *Al-Umm*, as well as secondary sources that discuss Syafi'i thought. The results of the study show that Imam Shafi'i applies the theory of nasikh mansukh strictly, prioritizing caution in determining which verses or hadiths have been canceled. Although his approach was relevant for his time, the changing social, cultural, and political contexts demanded a more dynamic interpretation of this theory. In the renewal of modern Islamic law, Imam Syafi'i thoughts still have relevance, but must be balanced with a contextual approach that considers the development of the times. The theory of nasikh mansukh can serve as a foundation for the flexibility of Islamic law that remains rooted in authoritative sources.

KEYWORDS: Imam Syafi'i; Nasikh; Mansukh; Islamic Law

INTRODUCTION

The reform of Islamic law is one of the discourses that continues to develop in line with the social and political dynamics of Muslims in various parts of the world. In the midst of the rapid change of the times, new challenges have emerged in understanding, applying, and adapting Islamic law to the needs of contemporary society. (Baiquni, 2009) One of the debates that continues to be relevant in efforts to reform Islamic law is the theory of nasikh mansukh, which is the concept of annulment or replacement of part of the law by other laws in the Qur'an or Hadith. This theory has become the center of attention of classical and modern scholars because it has had a significant impact on

how sharia laws are understood and applied over time. (Fitria, 2024)

In simple terms, nasikh ناسخ is a law that annuls or replaces, while mansukh منسوخ is a law that is annulled or replaced. This concept arises from the fact that there are several verses of the Qur'an that seem to contradict each other in terms of commandments and prohibitions. To harmonize these verses, scholars introduced the theory of nasikh mansukh as a tool to understand the dynamics of legal changes in sacred texts, so as to solve confusion and contradictions in interpretation. However, over time, nasikh mansukh became more than just an interpretive solution; it developed into an influential legal theory in compiling the

principles of fiqh, thus influencing legal practice among Muslims. (Hazyimara, 2023)

One of the great scholars who paid serious attention to this theory was Imam Syafi'i (767-820 AD), the founder of the Syafi'i madhhab, which until now is followed by most Muslims, especially in Southeast Asia, including Indonesia. Imam Syafi'i is a scholar who is very systematic in compiling Islamic legal methodologies. In his famous book, *Al-Risalah*, Imam Syafi'i outlines the methodology of *ijtihad* and the importance of understanding the hierarchy of sources of Islamic law, including the Qur'an, Hadith, *ijma'*, and *qiyas*. Among his most famous contributions was his attempt to systematize the theory of *nasikh mansukh* as a method for resolving differences between seemingly contradictory *nash-nash* (texts). (Dahri, 2020)

According to Imam Syafi'i, *nasikh mansukh* is not only a theory that facilitates the understanding of the law, but is also an important mechanism in the evolution of Islamic law. Syafi'i believes that *nasikh mansukh* is a manifestation of Allah's grace to mankind, because it allows the *ummah* to adjust to the social changes that occur in society from time to time. For him, when a law is replaced, it does not mean that the law that is repealed is wrong, but rather because there is a need that is more relevant to the situation at that time. This thinking emphasizes the flexible nature of Islamic law, while at the same time demonstrating wisdom in the process of divine legislation. (Supian, 2014)

However, the theory of *nasikh mansukh* also caused various debates among scholars. Some scholars question how widespread the application of this theory is in Islamic law, while others see it as an important basis for justifying legal changes. In the modern context, the theory of *nasikh mansukh* has received renewed attention, especially because of the challenges of reforming Islamic law in the midst of social changes and globalization. The reform of Islamic law requires an approach that is not only faithful to the

sources of Islamic law, but also responsive to the evolving socio-political realities. (Supian, *The Contribution of Hasbi Ash-Shiddieqy's Thought in the Study of Hadith Science*, 2014)

This challenge is even more urgent when Muslims are faced with contemporary issues, such as human rights, gender equality, religious pluralism, and international law. Some groups demand that Islamic law be more flexible and contextual in responding to these issues, while others argue that Islamic law should remain authentic and pure without much modification. In the midst of this polemic, an in-depth study of the theory of *nasikh mansukh* is very important, because it provides a theological foundation for the adaptation of Islamic law to the changing times. (Muzakki, 2020)

In the context of Indonesia, which adheres to a pluralistic legal system and recognizes the existence of Islamic law through institutions such as the Religious Court, a good understanding of the theory of *nasikh mansukh* can help provide a direction for the reform of Islamic law that remains in line with sharia principles and relevant to modern socio-political developments. Therefore, Imam Syafi'i thoughts on *nasikh mansukh* are not only relevant in the historical context, but also important to be analyzed in the modern context as a foothold for understanding how Islamic law can continue to evolve without abandoning its basic principles. (Iman, 2018)

This article will examine more deeply the perspective of Imam Syafi'i regarding the theory of *nasikh mansukh*, starting from the basics of his thinking to the relevance of his theory in the context of Islamic law reform. Thus, it is hoped that it can contribute to a more inclusive and responsive discourse on Islamic law reform to the challenges of the times, without sacrificing the integrity and authority of sharia law.

METHODS

The research method used in this article is a qualitative approach using the library research method. This study examines Imam Syafi'i perspective on the theory of nasikh mansukh and its relevance in the reform of Islamic law through an analysis of Imam Syafi'i classic works, such as Al-um and Risalah. (Maidiana, 2021) his research will also use legal interpretation and historical approaches to explore the application of the theory of nasikh mansukh by Imam Syafi'i in the context of classical Islamic law. The data used comes from primary sources, namely the books of Imam Syafi'i, as well as secondary sources, such as the works of contemporary scholars and academics who discuss the theory of nasikh mansukh and the reform of Islamic law. The analysis process is carried out with a descriptive-analytical approach, in which the researcher describes Imam Syafi'i thoughts related to nasikh mansukh and then analyzes its relevance in the context of modern Islamic law. In addition, this study also compares the thoughts of Imam Syafi'i with the views of other scholars to get a more comprehensive picture of the role of the nasikh mansukh theory in the reform of Islamic law. (Asmendri, 2020).

RESULT AND DISCUSSION

Definition of Nasikh and Mansukh

Nasikh has two definitions, namely linguistically and termically. In terms of language, there are several most relevant meanings, including: first, "Ar-Raf'ul-izalah" which means erasure; second, "An-Naqlu" which means copying or citation; third, "Al-Ibthal" which means the omission of something; fourth, "At-Taghyir wal Ibtal Wal Iqamah ash-Shai' Maqamahu" which means to replace or exchange, (Bakar, 2016) on the basis taken from the words of Allah in Surah Al-Baqarah verse 106 which reads: "Whichever verse we pronounce, or we make (humans) forget it, we bring in

something better than it or something comparable to it. Do you not know that Allah is Almighty over all things?"; and fifth, "At-Tahwil wal Baqa 'ihi fi Nafsihi / At-Tabdil" which means to turn, copy, or move. (Putra, Nasikh wa al-Mansukh, 2022)

Just like Nasikh, the word mansukh also has an understanding in terms of etymology (language) and terminology. Etymologically, mansukh means "something that is replaced". Meanwhile, in terms of terminology, mansukh is defined as "sharia law that was originally in effect, but then changed or replaced by sharia law that came afterwards". So, mansukh refers to sharia law that was previously applicable but was later replaced by sharia law that came later. (Kholily, 2018)

There is a difference of opinion between mutaqaddin and mutaakhirin scholars in defining nasikh in terms of terminology or terminology. The difference of opinion comes from the many meanings of nasikh in etymology or language as previously explained. Ulama mutaqaddin establishes several meanings of nasikh, including: (Hadi, 2016)

1. Nullifying the law that has been established before with the law that has been established later;
2. Exclude or specify more specific laws that come afterwards;
3. Explanations that come later on unclear laws;
4. Stipulating conditions against previous laws that previously had no conditions.

As for the term of ushul scholars, nasikh means canceling the implementation of the law of postulates that come later, which indicates the elimination both explicitly and indirectly. This deletion can be done in whole or in part, depending on the interests at hand. The existence of the phenomenon of nasikh and mansukh in the Qur'an and As-sunnah,

according to logic, is acceptable because verses and hadiths often respond directly to the needs of the ummah which depends on conditions and culture. Sometimes, the next verse can cancel the content of the previous verse due to changes in social conditions. Textually, there is a lot of supporting evidence for the occurrence of nasikh in the Qur'an, including the Qur'an's own statement about nasikh, as contained in Q.S Al-Baqarah: 106 which means: "Whichever verse we nashkh, or we make (man) forget about it, we bring the one that is better than him or the one that is comparable to it. Do you not know that Allah is Almighty over all things?" (M. Nur Alfani Khoiri, 2022)

According to the experts, nasikh and mansukh have several definitions:

1. Manna Khalil al-Qattan stated that nasikh is the lifting or abolition of sharia law with other sharia postulates.
2. Abdullah Ahmed An-Nai'm said that nasikh is the postponement of a verse that comes later by a verse that comes down first, or vice versa, if actual conditions require it.
3. Quraish Shihab understands the word nasikh with two meanings. First, quoting or copying, such as the sentence "nasikhtu al-kitab" which means "I copy a book". The second meaning is to erase, such as the sentence "nasikhtu al-shams al-dil" which means "the sun erases the shadow". From these two meanings, it can be understood that the one who copies or deletes is sprinkled with nasikh, while the one who is referred to or deleted is called mansuk. (Umar Al Faruq, 2024)

So, nasikh and mansukh are concepts that refer to the appointment or suspension of sharia law with other legal postulates.

Opinion of Scholars on Nasikh

Nasikh can be interpreted as the revocation of the old law with new postulates or an explanation of the expiration of the validity period of the old law. However, in real and practical terms, there are shari'a books that no longer have legal force because they have been replaced by others. The legal helplessness of the sharia book has a negative meaning that can underestimate the meaning of the sharia book itself. Therefore, there is a difference regarding the possibility of nasikh. (Dzulhadi, 2009)

1. There are two opinions among the Jews regarding this nasikh, the first is that there is a group that does not accept the possibility of nasikh intellectually. They argue that the command to do something shows the good of what is commanded, and the prohibition of something indicates the bad of what is forbidden. According to them, something that cannot be said to be good or bad. The enabler who allows the nasikh is considered to allow a change in the nature of Allah, which they think is not appropriate. Second, there is a group that argues that nasikh should not be seen in terms of hearing or guidance. They used the postulate of the prophet Moses' words which stated "hold fast to the sabbath as long as there are heavens and earth". They also narrated in mutawatir the words of Moses who said, "My sharia is not Nasikh as you claim". (Putra, 2022). Thus, there is a difference of opinion among the Jews regarding the possibility of Nasikh.
2. Abu Muslim al-Asfahani argues that logically Nasikh can happen, but according to sharia (Islamic law) Nasikh is impossible. He rejected the existence of Nasikh in the Qur'an and gave the following reasons:

- a. Nasikh is the annulment of the law. If there are laws in the Qur'an that are declared invalid.
 - b. The laws contained in the Qur'an are sharia that are eternal and valid until the Day of Resurrection. Therefore, it is impossible for Nasikh to occur in the Qur'an.
 - c. Almost all the laws contained in the Qur'an are general and global, not detailed and specific. The Qur'an is a holy book that provides a broad guide to the Shari'ah, not in detail. Therefore, it is impossible for Nasikh to occur in the Qur'an. However, there are some laws that are explained in detail in the Qur'an, such as the laws governing family matters, which are indeed meant to be valid forever. (Nasution, 2022)
3. The majority of scholars are of the opinion that there is Nasikh in the Qur'an. They use the following postulates:
- a. God's actions do not depend on any particular reason and purpose. Allah has the right to command something at one time and forbid it at another. Hnaya Allah who knows the interests of His servants better. (Syaifulloh, 2018)
 - b. Nash-nash Al-Qur'an which shows the ability of Nasikh such as Al-Baqarah verse 101 which means "And when we put one verse in place of another verse as a substitute even though Allah knows better what He has revealed, they say; " Indeed, you are the one who exists; just hold it." In fact, most of them don't know." (Hakmi Hidayat, 2024). And Q.S Al-Baqarah verse 106 which means: "Whichever verse we speak, or we make (humans) forget about it, we bring what is better than it or what is comparable to it. Do you not

know that Allah is Almighty over all things."

Broadly speaking, the Ulama' have two groups in dealing with the problem of nasikh-mansukh. First, the group that accepts the existence of nasikhs with their various variations. Second, the Ulama' group who reject the existence of nasikh-mansukh with their various arguments. Some of the scholars who accepted the existence of nasikh-mansukh include: al-Syafi'i (d. 204 AH), al-Nahas (d. 388 AH), al-Suyuthi (d. 911 AH), and al-Syaukani (d. 1280 AH). Meanwhile, the scholars who rejected the existence of nasikh and mansukh were Abu Muslim al-Isfahani (d. 322 H), al-Fahrur Rozi (d. 606 H), Muhammad Abduh (d. 1325 H), H, Rasyid Ridho (d. 1354 H), and Taufiq Sidqi (d. 1298 H) (Dzulhadi, 2009).

The scholars who accept the existence of nasikh in Islam have arguments that are based on both rationality and nash (holy texts). One of the rational arguments is:

1. The will of Allah SWT is absolute and absolute, so Allah Subhanahu wa Ta'ala is free to order or prohibit His servants in doing something. Similarly, Allah Subhanahu wa Ta'ala has the freedom to establish His laws or to abolish them. This is because Allah Subhanahu wa Ta'ala is Omniscient in knowing the benefits and benefits contained behind the cancellation. (Rofiq, 2018)
2. It turns out that in Islamic Sharia, there are certain commandments that are limited to a certain time. An example is the fasting of Ramadan. With the arrival of the month of Shawwal, the command to fast in the month of Ramadan was abolished.
3. The treatise brought by the Prophet Muhammad (peace and blessings of Allaah be upon him) was addressed to all mankind as a whole (kafah). But before that, there was already sharia from the previous Apostles. With the

advent of Islam, the previous religious sharia was abolished (mansukh). Logically, if there is no nasikh (cancellation) of sharia law, it means that the previous religious sharia law is still valid. If so, then the treatise on Islamiyah will not be a whole (kafah) (Handoko, 2023).

Types of Nasikh

Proponents of Nasikh within the Qur'anic verse divide Nasikh into three models:

1. The first is naskh al-hukmi wa al-tilawah jami'an (the deletion of the text or reading of the Qur'an and the abolition of the laws contained therein). An example that is often mentioned is the narration of 'Aisha which states that at first, the Qur'anic verse about the prohibition of marrying a half-sister in ten known milks was dropped, then abolished with five known milks, and after that the Prophet Muhammad SAW. (Novendri, 2023)
2. The second is Naskh al-hukmi duuna al-tilawah is the abolition of the enforcement of a law without deleting its readings or texts that are still immortalized. Examples are the order to change the direction of the qibla of prayer from Baitul Maqdis to the Kaaba, the abolition of fasting for three days every month, and the replacement of the 'Ashura fast with the Ramadan fast. (Aqraminas, 2020)
3. The third is Naskh al-tilawah duuna al-hukm is Naskh that occurs in the reading or text of the Qur'an only without changing or deleting the laws contained in it. In this case, the law listed in the paragraph is still in force. An example is the verse about the command to stone a man or woman who is an adulterer. This was narrated

by al-Bukhari and Muslim through the narration of 'Umar bin al-Khathab and Ubay bin Ka'ab. Both of them stated that one of the verses of the Qur'an that was revealed to the Prophet Muhammad (peace and blessings of Allah be upon him) was this verse.

Based on its clarity and scope, the Nasikh is divided into four parts:

- a. Nasikh sharih is a verse that clearly removes the law contained in the previous verse. (Khatib, 2014)
- b. Nasikh Dzimmi is when there are two Nasikh that are in conflict with each other and cannot be compromised, and both are revealed to the same problem. In addition, the two Nasikh are known to have descended. In this case, the verse that comes later deletes the previous verse. (Wahab, 2020)
- c. Nasikh kully is when the previous law is abolished in its entirety. An example is the provision of iddah of four months and eleven days contained in Surah Al-Baqarah verse 234, which is deleted by the provision of iddah one year contained in verse 240 of the same Surah. (Athiyah, 2024)
- d. Nasikh Juz'i is when the general law that applies to all individuals is abolished with a law that applies only to some individuals, or the law that is absolute is abolished. (Muhajir, 2021)

In terms of reading and law, scholars divide them into three categories:

- a. Erasure of the law and recitation (recitation) at the same time. Sentences that fall into this category are not allowed to be read and should not be practiced. For example, the hadith about siblings which was originally mentioned as ten puffs was later changed to five puffs
- b. Abolition of the law only, while the reading remains. An example is the invitation from idolaters from

polytheists to Muslims to take turns in worship. The invitation has been removed based on the provisions of the qital (war) verse, but the sound of the tek remains.

c. Deletion of the reading only, while the law remains in force. An example is when there is a verse or hadith whose reading is deleted, but the law or rules are still in force. In this case, there is a deletion of the reading which means that we are no longer allowed to read or pronounce the text. However, the laws or rules contained in the verse or hadith are still valid and must be obeyed.

Conditions of Nasikh Mansukh

According to Al-Qattan, there are several conditions that must be met in the concept of Nasikh. First, the law that is mansukh must be the law of sharia that is abolished. Second, the reason for the abolition of the law is the existence of sharia khitaab which comes after the previous khitaab whose law is mansukh. Third, khitaab that is abolished or upheld must not be bound by a certain time. If a law is bound by a certain time, then it will end when the predetermined time is up, but this is not considered a Nasikh. (Lena Ishelmiani Ziarahah, 2023)

According to Abu Anwar, there are several conditions that need to be met in Nasikh. First, the law that is mansukh must be the law of sharia'. Second, Nasikh only occurs in commands and prohibitions, and does not apply in the aspects of morality, worship, faith, as well as Allah's promises and threats. Third, the evidence used to remove the law must come from the shari'a book that came after it. Lastly, the law that is mansukh must not be bound or limited by a certain time, because if the law is bound by time, then the law will end when the specified time expires. (Sobari, 2018)

Some scholars expand the conditions for the occurrence of Nasikh by setting several provisions. First, the law contained in the nashikh must be contrary to the law contained in the mansukh, where the law of the mansukh must exist before the law of the nasikh. Second, Nasikh only applies to matters related to commandments, prohibitions, and punishments. Third, the law abolished by the Nasikh is not limited to a specific time, but is valid all the time. Fourth, the law contained in mansukh must have been established before the emergence of the law of nasikh. Finally, the status of the nash that becomes a nasikh must be equivalent to the nash that becomes a mansukh. (Khotimah, 2023)

Some explanations of the meaning and conditions of Nasikh above can be concluded that Nasikh has four pillars, namely:

1. Nasikh, which is a process of revision or replacement of laws.
2. Nasikh, which is a substitute law given by Allah Subhanahu wa Ta'ala, who has the absolute right to revise or replace the law.
3. Mansukh, which is a revised or abolished law.
4. Mansukh 'anhu, which refers to a person who is subject to the law or mukallaf.

Wisdom of Nasikh Mansukh

1. Showing that the teachings of Islamic sharia taught by the Prophet are the most perfect and remove the shari'a from previous religions. Islamic sharia encompasses all previous teachings.
2. To safeguard the interests and welfare of mankind.
3. The existence of nasikh mansukh aims to invite the servants of Allah SWT to be obedient and obedient in

carrying out His commands and staying away from His prohibitions.

4. Allah SWT pays attention to humans and the surrounding environment, so that the goodness desired by Allah SWT is created and guaranteed. Laws can change because they are not in accordance with the conditions and situations, and are influenced by an environment that is not in line with the welfare of the people.
5. Allah SWT wants goodness and convenience for mankind. If there is a change in the law, both heavier and lighter, there is a merit or convenience contained in it. (Syaifulloh, Nashikh and Mansukh: Steps of Ulama' in Understanding the Qur'an and Hadith, 2018)

In his book of tafsir, Al Maragi observes the wisdom of the existence of Nasikh by stating that these laws are promulgated solely for the benefit of humans. This can vary due to differences in time and place. If a law is promulgated because it is deemed necessary at that time, but then the necessity ends, then it is a wise act to abolish the law and replace it with a law that is more suitable to the present conditions of the time. Thus, the law became better than before or at least had the same benefit for God's servants. (Sukirman, 2023)

Manna Khalil al-Qattan explained some of the wisdom of the existence of Nasikh in the Qur'an. First, the Nasikh was promulgated to safeguard the safety of the servants of Allah, which means that the main purpose of the Nasikh is to protect and ensure the safety of mankind. Second, the development of tasyri' towards a more perfect level in line with the development of da'wah and the condition of Muslims. In this context, Nasikh is used to follow the changing times and the dynamic condition of Muslims. Third, Nasikh also serves as a

trial and test for the Mukallaf, who are those who are obliged to carry out religious law, to test their obedience to the law. The Nashikh became a test for them, who had to obey or ignore the new law. Lastly, Nasikh wants goodness and convenience for Muslims. If the Nasikh moves on to heavier matters or matters, then there is an additional reward. However, if you move on to lighter matters or matters, Nasikh provides convenience and relief for Muslims.

The Relative Theory of Imam Syafi'i on Nasikh Mansukh in the Reform of Islamic Law

Imam Ash-Syafi'i said, "Indeed, Allah created creatures according to what He wanted in their creation and against them, as His sciences were. No one has the right to protest against his law and he is quick to count it. (Samsuri, 2020)

Allah sent down the Qur'an to them to explain everything, direction, and mercy. He also establishes all obligations and eliminates other obligations because he loves his creatures. Making it easier for them, and relieving them, as a blessing for what he has given. He gives the reward of his surge and also salvation from his torment to the person who has set forth the laws on him. So His mercy is what He has ordained, as well as what Nasikh has done. All praise be to Allah for all His blessings. (Muhammad Padlan, 2022)

The words of Allah SWT, "Say, "It is not appropriate for me to take his place on my own side," explains what we have said that the Qur'an is not in Nashik except with the Qur'an anymore, as it was established from the beginning. Indeed, He is the one who removes and fixes what he despises. (Mubarok, 2019)

Some scholars stated, "In this verse there is evidence that Allah actually allows

the Messenger to say something that is not contained in the Qur'an with His guidance and help."

If someone says, "We have found the argument that the Qur'an experiences Nasikh with the Qur'an because of the similarity of elements, then show the argument that the Sunnah experiences Nasikh with the Sunnah." So, if there are people who argue that the Qur'an experiences Nasikh with the Qur'an because of the similarity of elements, then the challenge is to show that the Sunnah also experiences Nasikh with the Sunnah. (Hakim, 2017)

Imam Syafi'i stated, "Our explanation is that Allah obliges people to follow the commands of the Prophet in the same way as receiving commands from Allah. A person who follows the Sunnah of the Prophet Muhammad (peace and blessings of Allaah be upon him) actually follows him based on the instructions of Allah contained in His book, the Quran, and also His Sunnah. We have not found any clear information from Allah that obliges people to follow His Sunnah apart from His own book, then the Sunnah of His Messenger. (Muhammad Padlan, Hermeneutics of Tafsir Al-Qur'an, 2022)

If the position of the sunnah is as we have explained, that is, it is not the same as the speech of the being, then it should not be replaced except by something that has the same position. However, no one has the same position as the Sunnah of the Prophet, because Allah did not create man after him who is the same as him. Rather, God obliges all creatures to follow him. God obliges them to follow His commands. All beings should follow him. And his followers must not violate what is obligated to follow him. A person who is obliged to follow the Sunnah of the Prophet must not violate it and must not replace it with anything." (Miftah, 2019)

The majority of scholars, including Imam Syafi'i, argue that the origin of the nasikh theory is the beginning of verses that according to their assumptions contradict each other and cannot be compromised. Those who believe in the existence of nasikh mansukh in the Qur'an rely on the Word of Allah SWT Qs an-Nahl which means: "And when we put a verse in the place of another verse as a substitute even though Allah knows better what He has revealed, they say: "Indeed, you are the ones who make it up". In fact, most of them don't know". (Zamroni, 2023)

Shari'a stipulates that house arrest is a punishment for those who commit adultery. Some scholars argue that house arrest is the initial punishment for adulterers. They argue that this penalty has been abolished by a verse explaining the importance of public punishment for adulterers. Therefore, Nasikh or annulment of the law is used as an excuse to ignore the punishment of house arrest stipulated in the verse of the Qur'an, and to maintain the public punishment for the perpetrators of adultery described in other verses. (Aliyah, 2014)

Other scholars argue that the sentence of house arrest and the punishment of reproach are the initial punishment for adulterers. They argue that these two punishments have been abolished by the verse that explains the punishment of *derah*. The annulment of this law was used as an excuse not to carry out the sentence of house arrest and reproach. In other words, the verses of the Qur'an that explain these two types of punishment have been partially abolished, namely the punishment of house arrest and reproach, but retain the obligation to bring in four witnesses as evidence of adultery. (Arifin, 2016)

Ijtihad scholars state that the punishment of exile is carried out based on a hadith conveyed by the Prophet (peace

and blessings of Allaah be upon him). However, according to some scholars, this punishment has been abolished by a verse that explains the importance of carrying out the punishment of dera. The annulment of this law is used as a reason not to implement some of the laws contained in the hadith, namely the combination of the punishment of abuse with exile for unmarried people who commit adultery, and maintaining the punishment of abuse only as a punishment set for unmarried people who commit adultery. (Ali bubakar, 2018).

CONCLUSION

In Imam Syafi'i view, nasikh mansukh is not only relevant in understanding the texts of the Qur'an but is also very important in the context of the application of Islamic law in general. He emphasized that a deep understanding of nasikh mansukh is an important basis in compiling fatwas and establishing laws. This is because nasikh mansukh helps scholars distinguish between temporary and permanent laws. Imam Syafi'i used this theory to assert that Islamic law, although eternal, has flexibility in the application of law according to time and place.

The relevance of the theory of nasikh mansukh to the reform of Islamic law is also very significant. In the modern era, where new challenges are faced by Muslims, this theory allows flexibility in applying Islamic law without ignoring the basic principles of sharia. Reform of Islamic law based on the principle of nasikh mansukh can maintain a balance between maintaining the authenticity of Islamic law and adapting to social change. Imam Syafi'i pointed out that a proper understanding of the verses that have been mansukh and those that are still valid can help scholars in making laws that are relevant and responsive to contemporary situations.

Thus, Imam Syafi'i perspective on nasikh mansukh provides a solid methodological foundation for efforts to

reform Islamic law. This theory helps maintain the firmness of sharia principles while providing room for adjustment and development of the law in accordance with the dynamics of the times.

REFERENCE

- Abubakar, A., Munir, B., & Harahap, C. S. (2018). Sanctions for Adultery Perpetrators (Comparison of Qunun No. 6 of 2014 and Selangor Syariah Crimes Enactment No. 9 of 1995 Section 25). *PETITA*, 3, 73.
- Adi Samsuri, S. (2020). Masyiah in the Qur'an Reviewed from the Perspective of Educational Theology. *Tarbawy: Journal of Islamic Education*, 7(2), 151-166.
- Akmir, A., & Sukirman, S. (2023). The Theory Of Nasikh Wal Mansukh In The Qur'an. *Journal Of Ushuluddin Adab And Da'wah*, 6(1), 1-12.
- Al Faruq, U., Agustina, A., Hamida, S. D., & Hamna, N. (2024). Al Nasikh and Al Mansukh. *Journal of Islamic Education*, 1(3), 8-8.
- Aliyah, S. (2014). Theory of Understanding Mukhtalif Science Hadith. *Journal of Religious Sciences: Studying Religious Doctrines, Thoughts, and Phenomena*, 15(2), 79-95.
- Arifin, S. (2016). *Taujih Al-Ayat: An Alternative From Nothing Nasakh*. Progressive: Scientific Publication Media, 4(2), 40-46.
- Athiyyah, V. S. A. (2024). Settlement of postulated contradictions through the method of al-jam'u wa al-taufiq and nasakh. *Al Irsyad: Journal of Islamic Studies*, 3(1), 29-42.
- Baharudin, B., & Aqraminas, D. (2020). Jasser Auda's Multi-Dimensional System: Reorienting the Use of Nasakh on Contradictions Between Verses. *Contextuality*, 35(02), 143-157.
- Baiquni, M. (2009). The industrial revolution, the population explosion

- and environmental problems. *Journal of Environmental Science & Technology*, 1(1), 38-59.
- Bakar, A. (2016). Contrast of Nasikh and Mansukh in the Qur'an. *Madania: Journal of Islamic Sciences*, 6(1), 47-64.
- Bashori, A. (2017). Development of Indonesian Fiqh (Study on the Study of Fiqh in Ma'had Aly Salafiyah Syafi'iyah Situbondo). *Journal of Islamic Law*, 15(1), 49-72.
- Dahri, M. (2020). Nasikh And Mansukh In The Study Of The Quran. *An-Nahdhah: Journal of Education, Communication and Religion*, 3(1), 73-85.
- Dzulhadi, Q. N. (2009). The Nasikh-Mansukh controversy in the Qur'an. *TSAQAFAH*, 5(2), 257-288.
- Fitria, R. P. W. (2024). The Dynamics Of The Relationship Between Islām And Modern Civilization In Pearadigma Alternative Modernities. *Mawaizh: Journal of Da'wah and Social Development of Humanity*, 15(1), 53-83.
- Hadi, A. (2016). Nasikh–Mansukh In Qur'an. *WHITE: Journal of Knowledge of Science and Wisdom*, 1(1), 154-183.
- Hakim, N. (2017). The Ontology of Satan in the Qur'an. *Dialogia*, 15(1), 151-171.
- Handoko, A. (2023). The controversy of Nasikh Mansukh in the Quran. *SALAM: Journal of Social and Cultural Syar-i*, 10(4), 1105-1126.
- Hazyimara, K. (2023). The Nasikh and Mansukh in the Qur'an: Nasikh and Mansukh in the Qur'an. *SETYAKI: Journal of Islamic Religious Studies*, 1(1), 63-70.
- Hidayat, H., Chumairo, C., Marisa, N., & Maulana, S. (2024). Al-Nasikh And Mansukh: Various Definitions Of Al-Naskh, Opinions Of Scholars About Al-Naskh In The Quran. *Relinesia: Journal of Indonesian Religious Studies and Multiculturalism*, 3(3), 42-50.
- Husni, M., & Wahab, F. (2020). Nasakh Mansukh's Theory in the Determination of Islamic Sharia Law. *Journal of Islamic Education*, 4(2), 1-20.
- Iman, F. N. (2018). Intra-Quranic Naskh Mythology (Study on QS Al-Baqarah verse 106 Application of Roland Barthes' Semiological Theory). *Nun: Journal of Qur'an Studies and Tafsir in the Archipelago*, 4(2), 27-50.
- Khatib, S. (2014). The Existence of Nasakh in the Implementation of Islamic Law Elasticity. *Madania: Journal of Islamic Studies*, 18(1), 79-86.
- Khoiri, M. N. A., Firmaningrum, Y., Amiruddin, R., & Sarbani, D. A. (2022). Nasikh–Mansukh In The Qur'an. *Al-Fatih: Journal of Islamic Studies*, 10(01), 75-90.
- Kholily, A. L. (2018). Abdullah Saeed's view on the concept of nasikh mansukh. *Nun: Journal of Qur'an Studies and Tafsir in the Archipelago*, 4(1), 159-178.
- Khotimah, A. K. (2023). Implementation of the Tarjim Program in Improving Student Learning Achievement in Al Quran Hadith Subject at MTs Safinda Surabaya. *Journal of Islam*, 6(2), 505-526.
- Maidiana, M. (2021). Survey research. *ALACRITY: Journal of Education*, 20-29.
- Miftah, A. H. (2019). Conception of halal in Islamic law. *Syaksia: Journal of Islamic Civil Law*, 20(1), 1-18.
- Mubarok, A. A. (2019). Deliberation in the Perspective of the Quran: (Analysis of Tafsir Al-Maragi, Al-Baghawi, and Ibn Katsir). *MAGHZA: Journal of Qur'an and Tafsir*, 4(2), 147-160.
- Muhajir, M. (2021). The Concept of Mandatory Will in the Tafsir of Surah Al-Baqarah Verse 180. *YUDISIA: Journal of Legal Thought and Islamic Law*, 12(1), 151.
- Muzakki, A. (2020). The Nasikh Mansukh Theory in the Qur'an. *AL-WASITHOH: Journal of Islamic Religious Sciences*, 3(01), 205-226.

- Nasution, K. B. (2022). Nasikh-Mansukh in the Qur'an. *Al-Kauniyah*, 3(2), 57-80.
- Padlan, M., Khairi, M. N., & Rahmat, I. (2022). Hermeneutics of Tafsir Al-Qur'an. *Mushaf Journal: Journal of Al Quran and Hadith Sciences*, 2, 190-202.
- Rahmalia, A., & Putra, R. P. (2022). Nasikh wa al-Mansukh. *El-Mu'Jam. Journal of Qur'an and Al-Hadith Studies*, 2(1), 28-38.
- Rahmat, R., & Rofiq, M. H. (2018). The Concept of Islamic Economic Ownership of Fiqh Material Class XII (Its Implications for Islamic Religious Education to Overcome Unemployment). *Nazhruna: Journal of Islamic Education*, 1(2), 241-275.
- Sabrifha, E., & Novendri, M. (2023). Implications of the concepts of Naskh and Mansukh on legal istimbat. *Al Qalam: Scientific Journal of Religion and Society*, 16(6), 2521-2538.
- Saefullah, A. S. (2024). A variety of literature-based qualitative research on the study of religion and religiosity in Islam. *Al-Tarbiyah: Journal of Islamic Education*, 2(4), 195-211.
- Sari, M., & Asmendri, A. (2020). Library research in science education research. *Natural Science*, 6(1), 41-53.
- Strategies and Mistakes of BSA Study Program Students in Translating Indonesian Manuscripts into Arabic. *Tamaddun: Journal of Islamic Culture and Literature*, 18(2), 26-39.
- Supian, A. (2014). The Contribution of Hasbi Ash-Shiddieqy's Thought in the Study of Hadith. *Mutawatir: Scientific Journal of Tafsir Hadith*, 4(2), 270-291.
- Syaifulloh, A. (2018). Nashikh and Mansukh: Steps of Ulama' in Understanding the Qur'an and Hadith. *Journal of Islamic and Social Studies*, 1(1), 107-127.
- Zamroni, Mohammad. "The Urgency of Civil Registration in the Fulfillment of Children's Rights According to Imam Syafi'i and Human Rights." *Musāwa Journal of Gender and Islamic Studies* 14.1: 77-86.
- Ziarahah, L. I., Aen, I. N., & Anwar, S. (2023). Nasikh wa al-Mansukh and its correlation with the Qur'an. *ISLAMICA*, 7(1), 33-40.
- Sobari, D. (2018).