

# Dynamics of the Prophet's Ijtihad: A Reflection of Needs or Limitations?

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## ABSTRACT

Conceptually, the term ijtihad is an effort to dig out law which had been existed in the Prophet's live. In its development ijtihad has been done by prophet followers up now. Although in a certain period as so called taklid period, in which ijtihad is not allowed, however, at another period of time ijtihad is allowed. In fact, ijtihad cannot be avoided and it is a must to cope with more complex problems. It is widely understood that not all the result of ijtihad as the renewal of the old one. The fact shows that the result of new ijtihad as similarity or even the same with the old one. Although the result of the new ijtihad is totally different from the old one, the new one cannot change the status of the old one for there is a rule says that ijtihad cannot be canceled by another ijtihad. Based on the application of ijtihad, the sources of Islamic laws direct Islamic followers to understand them. The sources of Islamic laws admitted and followed by ulama are Holy Qur'an, hadis, ijma and qiyas.

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## 1. Introduction

The presence of Muhammad Saw has caused much debate and criticism. Because even though he claims to be God's messenger to mankind, he looks like a human being. The first criticism also came from heathens who would not like it if the prophet acted like everyone else. However, this is generally not a topic of discussion among Muslims. In the words of Sulaiman al-Ashkar, there are many humanitarian activities, or al-Akhal al-Jibriya, which have nothing to do with the prophetic mission[1]. Actions like eating, drinking, sleeping, hating, and anger are human nature and generally have nothing to do with religious teachings[2]. The main characteristic of humans is reason[3]. This rational thinking is called ijtihad[4]. But the next question is whether Muhammad really had Ijtihad. If true, why is it included in the religious teachings of the Prophet Ijtihad?

The previous two questions require rather long answers, because they have implications not only from the point of view of Islamic theology, but also from the point of view of law and philosophy. For example, Ibn Khaldun (1332-1406) regarded a prophet as someone who stands outside humanity in general and addresses angels. They do indeed communicate with angels[5]. On the one hand, the prophet is an ordinary person, but on the other hand, he is of course more than an ordinary person. That is why Fazlur Rahman calls the Prophet an extraordinary person who has an incredible superiority over people when it comes to God. It is they who can reliably prove that God is God and Satan is Satan[6]. Moreover, John L. Esposito said that Muhammad was God's human instrument in conveying His word as well as being an exemplary model that believers must follow[7]. Therefore, it

is important for Muslims to understand Prophet Muhammad and follow him in their true faith and in their daily actions[8].

## 2. Results and Discussion

### 2.1. The Concept of Ijtihad in the Context of the Prophet

Ijtihad comes from the word "ja ha da" which means suffering or pain. The word ijtihad comes from the word al-juhdu or al-juhdu, which means will and difficulty. This word has the same origin. Therefore, ijtihad can be said to be a solution to human difficulties or wishes[9].

In Islam, the term ijtihad is often associated with certain legal definitions. For example, Al-Ghazali (b. 1111) said that ijtihad "is the policy of all mujtahid branches in the pursuit of knowledge or understanding according to Sharia." Afterwards, al-Baydawi also said that ijtihad sacrifices are the only thing sought in Sharia law[10].

The above explanation shows that the term Ijtihad is often associated with the source of Islamic law[11], [12]. The Quran and Hadith are the final source of Islamic law and are accepted by all Muslims. However, if you do not find a solution to the problem in these two texts, then it is related to Ijtihad. Abu Zahra said that Ijtihad was similar to Qiyas in this matter[13]. He quoted al-Shafi'i as saying: "There is legal certainty in every matter, and Muslims are obliged to ensure it." However, when there is no clear legal regulation, it is necessary to take a clear approach and then a to find an effective approach, namely through ijtihad[14].

The opinion of Imam al-Syafi'i reflects the role of reason in human beings in determining the law[11], [12]. People cannot be separated from the ability to reason, even in religion. Simply put, this is also shown in the hadith about Ijtihad Muaz, confirmed by the Prophet SAW[15]. The word ra'y above shows how reason is a strong foundation as a source to determine the law during revelation, in this case the Quran and hadith cannot answer a single question[16]. However, the discussion in this article does not focus on how ordinary people do ijtihad, but on the prophet who is the messenger of Allah SWT. As discussed in the second chapter, the Prophet is an ordinary person, like ordinary people. human beings without dispute[17]. As for the meaning of the Prophet appeared in the reception of the speech or the mandate of Allah the Prophet in general to the people. However, the Prophet's humanity also requires Ijtihad by the Prophet to solve problems, religious and otherwise[18].

### 2.2. Study of Cases of Prophetic Ijtihad

Regarding the existence of ijtihad in the Prophet, Latifah Abdul Majid and Mohd Nasir Abdul Majid provide at least 4 descriptions. First, from the perspective of reality, the Prophet was allowed to carry out ijtihad absolutely because he had to solve new problems without having to wait for revelation[19]. Second, ijtihad generally only applies to worldly matters and not to sharia matters. Third, even though in reality the Prophet made ijtihad, in the notes of al-Ghazali (d. 1111), [20] there is no naş that indicates the necessity of ijtihad itself. Fourth, in general the existence of ijtihad only applies after the Prophet has waited for revelation first[21].

The reasons for allowing ijtihad to be carried out by the Prophet can be seen from two aspects, the first aspect of the text, both the Qur'an and the hadith, the second is rational reasons. In connection with the text of the Qur'an, Allah mentioned the issue of prisoners of war which the Prophet agreed upon after deliberation with his Companions [22]. The warning given by Allah SWT to the Prophet clearly seemed to be a guideline for the ijtihad carried out by the Prophet. However, al-'Umri stated that the existence of errors in the Prophet's ijtihad is a clear signal of the existence of human thinking which in any intelligence can lead to errors and this is the difference with revelation[23].

It must also be understood that in terms of deliberation, this is also God's command and not just the Prophet's wishes[17]. The commandment of *وشاورهم في الامر* also implies the existence of deliberation regarding the problems faced by the Prophet. Thus, the Prophet was permitted and even ordered to perform ijtihad in a peroslana which was not explained by revelation[23].

The Prophet's humanity in the form of *ijtihad* gave rise to many variants reflected in his life behavior. Al-'Umri noted that there were at least five forms of *ijtihad* carried out by the Prophet, namely in the form of prejudice, prohibition, desire, command and prayer[24]. However, this does not rule out the existence of other forms of *ijtihad* because the Prophet ate like other humans, slept like humans others even forget like other humans[25].

The Prophet who was confirmed by revelation included the Prophet's desire to move the direction of the Qibla from Baitul Maqdis to the Kaaba as stated in the following narration: "The Messenger of Allah prayed facing Baitul Maqdis during the month. However, the Prophet preferred to do Haka'bah. Therefore the verse came down, "Indeed, we (Allah saw you (Muhammad) lifting your face towards the sky. Then after that the Messenger prayed facing the Kaaba."[26].

Thus, the above hadith simply shows how the Prophet's *ijtihad* was wrong, which if it was wrong would certainly be reprimanded or justified by Allah through revelation. However, of course not all revelations were conveyed to the Prophet to provide a warning to him but also to the Companions who took part in the Prophet's considerations[27].

Regarding the issue of the Prophet's *ijtihad* being wrong but not justified by Allah's revelation, this is regarding the Prophet's advice to date palm farmers in Medina. It is narrated in Sahih Muslim that one day the Prophet went to Medina and saw farmers pollinating dates. Then the Prophet said, "What are you doing?" They answered, "We are used to it." The Prophet also advised, "If you don't do that, it would definitely be better." In the end, the date farmers stopped doing it, but the harvest turned out to be reduced. Finally they reported it to the Prophet and then the Prophet said, "Really, I'm just an ordinary human being. If I order you about your religion, obey it, but if I order you about something based on my opinion, then really I am just an ordinary person."[28].

The incident above has attracted much attention from hadith studies regarding the Prophet's erroneous *ijtihad*. As in the previous chapter, Muhammad was an ordinary human being, the same as other humans, in fact this mistake was a normal, normal thing. However, if it is seen as a prophetic personality in Muhammad, it certainly becomes a problem in itself[29].

Al-Nawawi said that the Prophet's opinions related to the problems of world life as above were not the responsibility and material of Muhammad's prophethood[30]. Apart from that, the Prophet never studied agriculture in his history. So, the Prophet's ignorance regarding the pollination of date palm trees is normal. Apart from that, ibn Khaldun said that the Prophet's words related to worldly life such as agriculture and medicine were based on his daily experience and observations, of course without any revelation there[31].

Closing the point of the various models of *ijtihad* and their impacts above, several interesting threads can be drawn as follows. First, that the Prophet was indeed an ordinary human being who could not be separated from human aspects such as *ijtihad*, mistakes and criticism. On the other hand, this also shows that the Prophet is not the form of God in the form of a holy human being without fault. Second, the process of accepting hadith from the Companions is not just a form of blind obedience, but is also processed through logic that allows the Companions to intervene in the Prophet's opinion in the hadith itself. Third, the Prophet's infallibility is not in the Prophet's purity from mistakes, but in guarding against the Prophet's mistakes, which if they occur and have an impact on his prophetic mission, then Allah's Revelation also intervenes in correcting the *ijtihad*[32]. For the third problem above, it is necessary to discuss revelation in relation to hadith clearly. This is so that we can then understand which is the Prophet's *ijtihad* and which of the Prophet's hadith are actually part of Allah's revelation itself.

### **2.3. Implications of the Necessity or Limitations of the Prophet's Ijtihad**

Regarding the issue of *ijtihad* in the Prophet, the ulama were divided into two groups, namely those who agreed to the existence of *ijtihad* and those who did not agree to the existence of *ijtihad* in the Prophet[21]. Apart from that, there was also another group who kept silent about this issue. This difference is of course a direct consequence of the question of whether the Prophet's *ijtihad* is parallel

to revelation or not[23]. On the other hand, due to rational reasons and human reason, the necessity of the Prophet's *ijtihad* is important, especially in relation to worldly issues and even war. However, before dividing between those who agreed and those who did not, Sayyid Tanṭāwī explained that in fact, in general, the *ulama*, while there was *ijtihad* carried out by the Prophet regarding worldly matters, it was religious matters that were debated and even prohibited[33].

Epistemologically, there are at least two important things related to Islamic law, the first is related to the source of law and the second is related to the method of understanding that source, this effort is called *ijtihad*. Scientifically, every legal system must be structured based on a set of values in order to build an organization of people's activities according to a certain frame of reference, and this is based, among other things, on certain legal philosophical views. This legal philosophy is what differentiates one legal system from another. Islamic legal philosophy is a value system that bases all activities of the people on the concept of the oneness of God, or in Ziaduddin Sardar's language. "the absolute frame of reference based on Revelation". Such views take shape and reflect like a pyramid. Caliph Abdul Hakim described the Islamic belief system beautifully[14].

Islamic ideology is like a pyramid with one peak at the top, namely Allah. Islam is a monotheistic religion where everything is based on one concept, namely the oneness of God. This concept of oneness is reflected in all aspects of life such as ethics, sociology, politics and economics and this concept of oneness also determines the views and attitudes of its adherents towards science and the universe. In subsequent developments, the *fuqaha* classified the sources of law into two parts: those that were agreed upon (*mutafaqun Alayh*) and those that were still disputed (*mukhtalaf fih*). However, recently there has been a tendency to divide legal sources into three types as offered by Mahmud Syaltut, namely *al-Quran*, *al-sunnah*, and *Al-ra'y*, or this third one is often called *al-ijtihad*, which is the topic of this paper [34].

*Ijtihad* is the noun form (*mashdar*) of the verb (*fi'il*) *ijtihadu*, *yaitahidu*, and comes from the basic word *jahd* or *juhd* which means "effort" or "hard effort" (exertion, endeavor, attempt, effort)[35], and is generally defined as devoting all seriousness to achieving *Sharia* law based on detailed *Sharia* postulates. On the basis of this understanding, *ijtihad* is seen as an effort that requires serious thought and hard work, and is not related to ordinary things that can easily be understood and carried out. Therefore, it is natural that a number of *fuqaha* set quite heavy requirements for someone to be able to carry out *ijtihad* or be a *mujtahid*[14]. these requirements are so tough that in practice they are difficult for most people to fulfill and this is what later became one of the causes of the emergence of an understanding of closedness. the door to *ijtihad* (*insidad bab al-ijtihad*)[36].

Normatively, it is often said that *ijtihad* is carried out on matters for which there is no clear text (*fi-ma la-nashsha fih*) in the two agreed sources, the *Koran* and/or the *Sunnah*. However, in practice, *ijtihad* is often applied to matters that are also explicitly mentioned and regulated in these two sources. Thus, *ijtihad* is a necessity, a necessity, and even a very important institution, often "more important and more central" than the *Koran* and *al-Hadith* in the process of determining law[37].

In an effort to translate the importance of *ijtihad* in answering legal problems faced by the people, various ways and methods (*istinbath*) with theories (*nadzariyyah*) have emerged which are not always the same whether in the classical, middle or modern times. The first theory is known as '*amal ahl al-madinah*' offered by Malik ibn Anas who is seen as representing the *hijaz* school of thought which tends to be textualist (*ahl al-hadith*, *ahl al-riwayah*)[38] as its counterpart is Abu Hanifah who is known as the representation of the *Kufah* school of thought with his theory *al-istihsan* who tends to be contextualist with dominant ratios; because it is known as *ahl al-ra'y*[39]. The contradiction between *ahl al-hadith* and *ahl al-ra'y* inspired Shafi'i to look for a model of understanding the teachings that was considered more "comprehensive" which was then formulated through the offer of *al-qiyas*[40], which in Syafi'i's view was the same and identical to *al-ijtihad* (*huma ismani bi-ma'na wahid*) does not stop there[41]. In the course of its history, the theory of *al-qiyas* was seen as giving too much opportunity to the context (*al-aql*) rather than the text (*al-wahy*), and this encouraged Ahmad bin Hanbal who came later to offer *al-istishhab*[42].

These theories continued to develop into the following times, with new offers by modifying or developing existing theories. Al-Ghazali, for example, supports and further develops the concept offered by Shafi'i, and at the same time develops al-mashlahah which is based on five basic interests (al-kulliyah al-khamsah): religion (al-din), soul (al-nafs), reason (al-'aql), wealth (al-mal), and derivatives (al-naf)[43]. Ghazali's thoughts were then developed and refined by Syatibi (the mouthpiece of the Maliki school of thought) through the "main objectives of Islamic law" which, among other things, explain the stages of mashlahah through dharuri (necessity), hajj (need) and tahsini (beauty); In line with this, Syatibi also built the al-istiqlal al-ma'nawi model (inductive way of thinking) which was strengthened by tawatur lafdhi (similar words) or also called inductive corroboration[44], which is popularly known as thematic legal analysis. (maudhu'i). Two other figures who played a significant role in the development of theories in establishing Islamic law were al-amidi, especially regarding the conditions of ijtiḥad[45] and al-qaraḥi regarding the dialectics of ijtiḥad and taklid[46].

The modern era also recognizes theoretical offerings in the field of ijtiḥad. Faizur Rahman, for example, offers the theory of double movement[47], Mahmud Shawtut with the Maqaranah al-Madhahib model[48], Yusuf al-Qardhawi with ijtiḥad intiwa'i and ijtiḥad insha'i[49], Ali Shari'ati with text and context[50], Mahmud Muhammad thaha with a new model of nasakh theory[51] which was later developed by his student Abdullahi ahmed an-na'im[52] in line with all these efforts, Hasan Hanafi offered a review of the tradition and renewal of al-tajdid[53], nasr hamid abu zayd with the theory of ta'wil and talwin[54], mohammed arkoen with logocentrism and the importance of three sciences: linguistics, history and anthropology, muhammad abed al-jabiri through his theories of bayani, burhani and irfani, and most recently, and quite controversial, Muhammad Syahrur through his theory of nashariyyah boundaries al-hudud. In history, all of these mentioned theories have become the most important part of a science which later became known as ushul al-fiqh, namely a science in Islam which was the first to systematically formulate ways of understanding Islamic teachings. Because of this, ushul al-fiqh is often referred to as "the queen of all the Islamic sciences." [55].

Of course, in detail the theories and methods in ushul al-fiqh have differences, as well as similarities, partly due to differences in time and the environment of each fuqaha. Regardless of these differences, all these efforts are based on the same point, namely efforts to translate God's revelation in the form of sacred texts (al-wahy) in accordance with the demands of society both in terms of place, period or time. In other words, one of the main characteristics of theories in ijtiḥad is the effort to understand sacred texts (divine texts) in the form of wahyu to be translated so that they become a guide to life for the people. Another thing that needs to be underlined here is the freedom to express the ideas that each person has, which in turn encourages the birth of certain theories as well as showing the dynamic nature and flexibility of Islamic law itself[56].

#### **2.4. The Role of Tradition and Shahabi Qaul in the Prophet's Ijtiḥad**

Qaul Shahabat is a compound word composed of the word qaul and the word Sahabat. The word Qaul is linguistically interpreted as words or conversations. The word Qaul is also usually interpreted as opinion or thought. Meanwhile, according to the language, the word Sahabat is interpreted as kaw-m, friend or companion[57].

There were many friends of the Prophet SAW, but of that large number those whose fatwas were preserved were only 13,033 people, consisting of many who gave fatwas establishing Islamic law, there were also middle ones, as well as a few. They are male and female. The number of friends who gave the fatwa was 7 people, namely; Umar bin al-Khattab, Ali bin Abi Talib, Abdullah bin Mas'ud, Aisyah Ummul Mu'minin, Zaid bin Thabit, Abdullah bin Abbas, and Abdullah bin Umar.

Among Islamic madhahib scholars there are differences of opinion in accepting Qaul Sahabat. Some madhahib argue to take Qaul Sahabat as shar'iyah evidence and ignore qias, others take Qaul Sahabat if it is in accordance with qias, others take Qaul Sahabat if their fatwa is in accordance with the law produced based on qias, while some madhahib rejecting the taking of the Qaul Sahabat as proof.



Those who argue that Qaul Sahabat can be used as hujjah syar'iyah with the terms of the fatwa are different from fatwas (laws) produced with qias. Opinions like this emerged from Hanafi Madzhab thinkers, but in their use they first sorted out which Qaul Sahabat was basically ra'yu (ijtihad), which Qaul Sahabat which was basically sama'i (hearing) from the Prophet. It was the fatwa which was basically sama'i that they took.

From the thoughts of the four groups of ulama, it can be summarized into two types, namely; 1) the opinion which states that it rejects Qaul Sahabat, this opinion is followed by the Syafi'i Clan Madzhab, 2) the opinion which accepts Qaul Sahabat as proof, this opinion is followed by the Hanafi, Malik and Hambali Madzhab.

## **2.5. The Relevance of Berijtihad Nai in Contemporary Life**

The world of islam after about six centuries of intellectual advancement, during which it produced a most illustrious galaxy of scholars, began to decline. With reference to this, Afghani was on a view that the blame for our decline does not lie elsewhere; it lies on us because we ceased to be dynamic as the Quran wanted us to be Muslims became static and began to rest on our laurels. The Quran called on us to engage in a continuous struggle. While we began to think that we had reached to the limit and began to rest intellectually, while others were marching on[58]. The Holy Prophet (PBUH) had given the basic principle only to the muslims, which are in the Holy Quran and His own example (Sunnah). He had directed the muslims to use their judgment in working out details according to the changing circumstances and rising exigencies. For this, as the benefit of the whole ummah lies in the activity of ijtihad, Allah promised a reward to a mujtahid. As there is hadith with reference to this that "when a judge makes ijtihad and reaches a correct conclusion, he receive a double reward and if his conclusion is incorrect, he still receive a reward."

The decline of muslims started gradually from super power to mere disoriented people and becomes subject to humiliation in every field of life and this is only because they stopped questioning and started on a way of blind following or in other words they stopped critical thinking in order to meet the challenges of the modern world. As human society is a developing entity and human actions, relationships and activities are ever increasing and ever expanding. Many things are invented that were not existed before. Therefore, the process of ijtihad is responsible for catering to all the needs of the human society and to provide answers to all questions, which may arise. Without the process of ijtihad, many human activities are difficult to develop in the sphere of an Islamic life. One question arises here, why it becomes difficult for the muslims in contemporary world to perform activity of ijtihad with its full dynamics? So that it could bring solution of all those problems faced by the muslims from the last few years. Perhaps there are so many reasons, which are responsible for in effectiveness of ijtihad in the present era. As for example, abolishment of caliphate in its true sense and the emergence of the concept of the nation states becomes huge hurdle in the path of this activity. As because of these two reasons a question arises in the world of islam, who have authority to perform ijtihad? Some says that ijtihad cannot be performed effectively in the present time because no one fulfills the requirements of mujtahid in the present time.

The old interpretations no longer provide suitable answers to the difficult questions faced by the muslim world. Thus, muslims must try to deal with the stagnation existing with in their minds. They must try to reinterpret (but within some limitations), which can give them suitable answers with reference to contemporary challenges. As it seems impossible for the muslims to get rid of all existing problems and go back to the caliphate, which can resolve the issue of authority. For the better performance of ijtihad Afghani recommended that ulma should establish regional centers in the various countries where ijtihad could be exercised for the guidance of common man. These regional centers should be connected with a global center, which may be established in any one of the holy places. According to him the representative of various centers may gather to exercise ijtihad for the whole Ummah and will prepare it to withstand foreign challenges[59].

### 3. Conclusion

By looking at developments in the current era, especially among Muslims in Indonesia or in the world, it is very difficult to find people who are experts in the matter of *ijtihad* if they follow the standard rules of *ijtihad* in the past. However, if we go through the right path, namely looking for new laws or exploring unresolved problems, while remaining guided by correct principles, the door to *ijtihad* may still be wide open. Because if not, Islamic law will become mute and rigid because it will not be able to keep up with the dynamics of the times.

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