

## **Ijtihad Jama'i A Solution for the Establishment of the Modern Madzhab of Fiqh**

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**Abstract:** Madzhab is a term used for a group of Muslims who follow the ijthid methodology and also the legal opinion of one of the mujtahid ulama'. Currently it is difficult to find an 'ulama' who is able to reach the highest degree for an 'ulama', in order to not stop ijthid, the ulama' make breakthroughs with ijthid jama'i which are carried out in shari'ah institutions such as the Tarjih Council and the Tajdid Muhammadiyah. These institutions replace the ulama' mujtahid with varied methodologies and their legal opinions followed by the ummah. Based on the description of the problem above, an in-depth research is needed on whether Ijthid Jama'i can be a solution for the formation of the modern madzhab of fiqh. This research is a literature study (Library Research) with a descriptive annalizes approach. The results of this study found that the Muhammadiyah Tarjih and Tajdid Council can be called a modern Madzhab of fiqh because the fatwa institution has replaced the mujtahid ulama' in legal istinbath.

**Keywords:** ijthid jama'i, madzhab, madzhab fiqh modern.

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### **1. Introduction**

The term madzhab of fiqh often refers to a group of Muslims who follow the way of taking Islamic law or legal opinion (fiqh) from one of the ulama' who is called a Mujtahid. As stated by At-Turky "that what is referred to as a madzhab is the methodology adopted by the priests of the madzhab in understanding an-nushuush ash-syar'iyah, as well as the methodology in istinbath al-ahkaam which was followed by later ulama' and individuals." [1] A mujtahid is not an ordinary person, not all ulama' can become Mujtahids, because he must meet the criteria set by the ulama'.

Ash-Syatibi stated that a mujtahid must have two characteristics: first, able to understand maqashid ash-syari'ah, and second, able to do istinbath al-hukm based on his own understanding of maqashid ash-shari'ah. Therefore, a mujtahid must be able to understand the substance contained in the texts of the Qur'an and as-Sunnah in terms of language and syara' so that a non-contradictory argument can be obtained so that it can be used as a proof for a legal problem. In addition, a mujtahid must also be able to make legal analogies (qiyas) on problems that do not have a syara' argument to the problems that contain the arguments, after conducting an in-depth study of the 'illah of these problems [2].

There are four Madzhab that are recognized in the world and have many followers to date, namely: the Hanafy, the Maliki, the Ash-Shafi'i and also the Hanbali, delivered by Imam Mujtahid. These four madzhab have varied approaches and methods in determining the law. This diversity is influenced by the quantity of hadith that reaches them, understanding of these hadiths, differences regarding the use of legal arguments, changing times, differences in places and customs can be a significant factor in changing a legal product [3].

The History also records that the seed of the birth of the madzhab was the difference of opinion among the ulama' friends after the death of the Prophet in deciding a law that had never existed before [4]. This difference was unavoidable because the expansion of Islamic territory at that time was so rapid, and not all companions had the ability to interact with the texts of the Qur'an and as-Sunnah so that the names of the companions emerged who issued many fatwas and opinions on a problem. . So that the term 'Aisha madzhab emerged, 'Abdullah ibn 'Umar madzhab, 'Ali ibn Abi Talib madzhab and Abdullah ibn Mas'ud madzhab Radhiyallahu 'anhum ajma'in [5].

The consequence of the expansion of Islamic territory is the opening up of the field of ijthid, until in the second to the fourth hijriyah century more and more ulama' developed their Madzhab of thought, such as the teachers (Shaykhs) of the four imams of the madzhab ; Hamad ibn Abi Sulaiman and Ibrahim an-Nakh'i sheikh al-Imam Abu Hanifah, Ibn Shahaab az-Zuhri and Yahya ibn Sa'id sheikh al-Imam Malik. In addition, there are

also other ulama' besides the teachers of the four priests of the madzhab such as; al-Imam al-Auza'i, al-Imam Laits ibn Sa'ad, and al-Imam ash-Sha'bi. In terms of classification and competence, they are included in the degree of mujtahid which is the highest degree for a 'ulama', especially among them are the sheikhs of the four madzhabs. Actually, some of their fatwas and legal opinions have been written down, it's just that over time, these Madzhabs have been eroded by the times [6].

At present, it is difficult to find a mujtahid imam, because the conditions are so difficult to fulfill. When viewed in the modern era with very rapid developments, it certainly requires a lot of certainty of sharia law, the problems faced are more complex and complicated that it is not possible to be described by a ulama' 'only. Moreover, there are many problems that require contributions from other scientific branches, not only in terms of religion because of limited abilities and approaches, then another method is needed as problem-solving for more comprehensive results, namely, ijtiḥad jama'i [7].

Ijtiḥad Jama'i which is carried out collectively by deliberation requires a forum that houses the ulama' from all over the world to form Ijtiḥad Jama'i institutions. These institutions then develop different methodologies and approaches as a benchmark for legal istinbath according to the place, time, and condition of the community where the institution is located. Indonesia, with a majority Muslim population, has several fatwa institutions, one of which is the Tarjih Council and the Tajdid Muhammadiyah.

The assembly was initiated by KH. Mas Mansyur at the XVII Muhammadiyah Congress in Pekalongan became one of the fatwa councils that was quite intense and responsive in responding to the problems of Indonesian Muslims [8]. The Tarjih and Tajdid Councils are very important for the organization because it is these assemblies that issue fatwas and legal decisions as guidelines for Muhammadiyah members.

This research aims to examine the possibility of a fatwa institution such as the Tarjih Council and the Tajdid Muhammadiyah which consists of a group of ulama' as an institution, is it possible to be a solution for the formation of a modern Madzhab of Fiqh? Meanwhile, many new things have not been discussed by classical ulama' in their books. As stated by Ash-Syawī that fatwa institutions as an institution can replace the position of an absolute mujtahid imam in terms of law [9].

Research on this Madzhab of Fiqh has been done before. Most of the articles that the author got that discussed Madzhabs was only limited to a discussion of comparative laws between Madzhabs and also the implementation of the opinions of the priests of these Madzhabs in the current modern era, such as [10] which compares the opinions of the Hanafi and Shafi'i Madzhabs of wicked marriage guardians, in which the difference occurs because of the argument that used with different degrees of authenticity. Including the existence of Madzhabs in this modern era, such as [3]. In this research, it was stated that it is obligatory for someone who is not a mujtahid to be a madzhab, and an invitation to leave the madzhab to return to the Qur'an and as-Sunnah is futile because there will be a lie of legal texts due to ignorance.[11]

The discussion is limited to the comparison of laws between Madzhabs and also the existence or necessity of sects for a layman which is indeed very difficult nowadays to find a mujtahid. But what if the position of a mujtahid is replaced by a group of ulama' in a fatwa institution, can it become a Madzhab of fiqh in today's modern era?

## **2. Methodology**

The methodology in writing this article uses library research. A literature study is conducted to find a basis for obtaining and building a scientific narrative related to the theme that the author adopted. In this writing, the primary data source that the author uses is the book of ijtiḥad jama'i by Abdul Majid as-Soswa, while secondary data sources that support this writing are books and poles at-turast and other scientific journals related to ijtiḥad jama'i and also schools of fiqh. Data collection techniques are carried out by searching and finding books that become the primary data source, namely the ijtiḥad jama'i book, and secondary data sources, namely related books and journals. While the data analysis in this article uses the method of classifying primary and secondary data according to each sub-discussion. The author uses a descriptive analysis approach to describe the results of the author's analysis so that it can be a solution to the formation of Madzhab in the modern era today.[12]

## **3. Ijtiḥad Jama'i**

Place An ijtiḥad is etymologically an ifti'al form of the word al-juhd which means ath-thaqah (strength), al-wus'u (ability), and al-masyaqqah (difficulty), which can be translated into mobilizing all abilities to decide cases with ease. the difficult and laborious way [13].

In terms of terminology, the ulama' differ in explaining the meaning of ijtiḥad with various kinds of lafadz, although all of them agree that ijtiḥad is a hard effort with the effort and sacrifice of fiqh experts, as stated by Al-Imam Ash-Sya'ibī: "Exert all abilities to gain knowledge (certainty) or dhazann (strong suspicion) on a law." [14]. Another ta'rif put forward by Ibn Qudamah, according to him ijtiḥad is: "Sacrificing all abilities

for a definite knowledge of the laws of sharia." [15] Dr. Al-Wahbah Az-Zuhaili details *ijtihad* as "an action taken (by *ulama'*) to take (*istinbat*) the shari'ah laws from their detailed arguments." [16] He added "the *ijtihad* must exist in every era in various places."

The definitions above refer to the meaning of *ijtihad fardy*, namely *ijtihad* carried out by a *ulama'* only, such as Ali Ibn Abi Talib's *ijtihad* on the issue of *talaq*. As explained by Andri Nirwana and Sayed Akhyar that 'Ali Ibn Abi Talib has a different opinion from the opinion of other companions. 'Ali stated that *talaq* three times at a time or with a large number of *talaqs* in separate places then fall *talaq ba'in* [17]. Meanwhile, other friends thought that such a divorce would still fall into one divorce.

The *Ijtihad Jama'i* is a contemporary term that has not been recognized by classical *ulama'*, even though this model of *ijtihad* has existed since the time of the companions of the Prophet. *Ijtihad jama'i* is a phrase in Arabic which the *ulama'* also differ in defining it, including Khalid Husain al-Khalid defines *Ijtihad jama'i* in general as "an effort to mobilize the *ijtihad* of a group of *ulama'*" in discussions and deliberation for Islamic law *istinbath 'ah* on the matter of *dhazanni*." [17]

According to Taufiq ash-Syawid *ijtihad jama'i* is "The process of deliberation and exchange of ideas by a group of *ulama'*, experts and specialists either by way of long-distance negotiations or in one *majlis* to arrive at a legal agreement or chosen by the majority of them." Ash-Shawi added that the agreement in *ijtihad jama'i* replaced the opinion of a *mujtahid*, so *ijtihad jama'i* had replaced *ijtihad fardi* [9].

Meanwhile, Abdul Majid as-Soswah ash-Syarafi stated that *Ijtihad Jama'i* is "the maximum effort exerted by the majority of *fuqaha'* to get the *dhazan* from *syar'i* law by way of *istinbath* to produce a legal agreement that is agreed by part or all of it." [18]

According to Wahbah az-Zuhaili, *ijtihad jama'i* is the agreement of a group of *ulama'* on sharia law on a problem that is *dhazanni* based on the law that has been decided by the previous *ulama'* by presenting their opinions, and this activity is carried out at an institution or association. , or the agreement of the majority of the *ulama'* who were present on a certain opinion, based on the sources of sharia law that had been determined and the *maqashid shari'ah* to be chosen in accordance with the benefit of the times [16]. It can be concluded from the various definitions above that *Ijtihad Jama'i* is a systematic and directed scientific activity carried out by a group of *ulama'* who have the capacity to carry out *ijtihad* at a time, in order to achieve *maqashid ash-shari'ah* and the realization of the benefit of the times.[19]

#### **4. The Urgency of Ijtihad Jama'i**

From this it can be seen that contemporary *ijtihad jama'i* has a vital role in the *istinbath* of *fiqh* law. The urgency of *ijtihad jama'i* can be seen from the following points [18]:

First, *ijtihad jama'i* realizes the principle of deliberation as Allah has commanded in Surah Ash-Shura verse 38 which reads: "While their business is (decided) by deliberation between them."

Second, *Ijtihad Jama'i* is more accurate and reaches the truth more than *fardi ijtihad*, because in an *Ijtihad Jama'i* forum, *ulama'* have gathered with various scientific fields, in contrast to *fardy ijtihad* carried out by only one *ulama'*. And with the existence of *ijtihad jama'i* can minimize errors in *ijtihad*.

Third, as a substitute for *ijma'* which is impossible today with the wider area of Muslims, because *ijma'* must be the agreement of all *mujtahids* at one time from the people of the Prophet Muhammad. So it is hoped that the existence of *ijtihad jama'i* can unite sharia law (no more legal differences) for Muslims around the world.

Fourth, with the existence of *ijtihad jama'i*, the door of *ijtihad* can be opened again and will never be closed, although it is difficult to meet the criteria of *mutlaq mujtahid*, but with the gathering of *ulama'* from various scientific fields can replace this position.

#### **5. Requirement for Ijtihad Jama'i**

Requirement for *Ijtihad Jama'i* viewed from the presentation of Abdul Wahhab Khalaf in his book 'Ilm Usul al-Fiqh emphasizes more on the scientific requirements possessed by a *mujtahid*, he emphasizes four scientific fields, namely [20]:

a. Knowing of Arabic, because the texts of the Qur'an and as-Sunnah use Arabic, the *mujtahid* must be able to understand it as Arabs understand the language. Therefore, he must be able to apply the basic rules of language in order to be able to conclude the meanings and expressions of the language.

b. Know about of the Qur'an, especially regarding the verses that are texts of sharia laws, as well as the legal *istinbath* method of these verses. This includes *Nasikh* and *Mansukh* as well as *asbab nuzul* in the verses of the Qur'an.

c. Know of as-sunnah, especially *hadith* which contain law and must also understand about the degree of *hadith-had* in terms of *maqbul* and *mardud*.

d. Understand the aspects of the use of qiyas, namely the legal analogy by examining the 'illah and the wisdom of the shariah of a law. This includes understanding various events that occur in the community and their mu'amalah, so that they can know the 'illat of law contained in an event that has no text.

Abdul Wahhab Khalaf added that for a mujtahid it is also necessary to understand the benefits and 'urf that occur in society, so that when you cannot analogize the law to the existing texts, you can use other methods to verify the law of the events that occurred [20]. According to Abdullah al-Judai' a Mujtahid must also understand the science of ushul fiqh, because the science of ushul fiqh is one of the wasilah for legal istinbath [21].

In addition to the above conditions, as-Soswa stated that it is important for a mujtahid to understand maqashiq ash-shari'ah as a whole and also in detail. Because understanding the shari'ah texts and their application to an event that is experienced, will not happen without understanding maqashid ash-shari'ah. It is also important for a mujatahid to know the shari'ah laws that have become ijma' ulama' so that when deciding a case it does not conflict with the existing ijma' [18].

Seeing the hard of the requirements of a mujtahid, for now it is very difficult to fulfill. In order to anticipate the cessation of ijihad, the ulama' agreed that in congregational ijihad these requirements could be fulfilled in congregation. With congregation, the shortcomings of each ulama' can be fulfilled by other ulama', with multi-disciplinary problems faced can be solved with comprehensive results [22].

## 6. Modern Madzhab of Fiqh

For Madzhab in terms of language is mashdar mimy from the origin of the word *zahaba-yazhabu* which has the meaning of disappearing, going, leaving, going to and leaving [23]. According to Abdu ar-Rauf mazhab which is the basic word meaning the path to which someone is going [24]. The path taken by a person is not only a physical path, but in terminology, it also contains a meaningful meaning, namely a way of thinking or point of view [25] and various ideologies that allow differences due to different mindsets [26].

In terminology, what is referred to as a mazhab at first is the difference in opinion and fatwa of each ulema' at the time of the companions of the Prophet who differed from each other, depending on the differences in the hadiths that came to them from the Prophet and the point of view of the understanding of the companions from understanding nash al-Qur'an and also as-sunnah [27]. From here comes the definition of mazhab in varying terminology, including the definition expressed by Muhammad al-Muqri, one of the fuqaha', namely: "Faith that makes a person lean towards him, is solid and makes it a reference in religion." [28].

The difference in point of view and understanding of the texts of the Qur'an and as-Sunnah that they believe in is their reference in carrying out Islamic Shari'ah which is referred to as the Madzhab of thought, such as the Madzhab of Abu Bakr, the Madzhab of Umar ibn Khathab who is a senior shahabah (kibar ash-shahabah), and the Madzhab of Ibn Mas'ud and the Madzhab of ibn 'Umar of the junior companions (shighar ash-shahabah).

While Ushuliyyun defines madzhab as "the path taken by a mujtahid in interpreting the shari'ah laws from his detailed arguments, ma'hab can also be referred to as a collection of shari'ah laws which are the result of the ijihad of a mujtahid." [29]

From the two definitions above, although they are different, they actually show one thing in common, namely a mindset, point of view and method taken by a ulama' in understanding a proposition in the texts of the Qur'an and as-Sunnah. Then with the emergence of mahab priests and the writing of the ijihad methodology of the mahab priests in his book this definition experienced a shift in meaning [16]. As stated by At-Turky "that what is referred to as a Madzhab is the methodology adopted by the priests of the Madzhab in understanding an-nushuush asy-syar'iyyah, as well as the methodology in istinbath al-ahkaam which is then followed by later ulama' and individuals" [1]. from here the word madzhab began to be known as a group of Muslims who followed the legal istinbath method or Islamic legal opinion (the result of ijihad) from one of the Mujtahid Imams.

While modern words are borrowed words from foreign languages, the modern Cambridge Dictionary is "designed and made using the most recent ideas and methods" [30] is translated as something designed and made using the latest ideas and methods. The meaning of the word modern according to the Big Indonesian Dictionary is the latest, latest or attitudes and ways of thinking and ways of acting by the demands of the times [31]. So something is said to be modern if it uses the latest ideas and can keep up with the developments and demands of the times.

Modern (contemporary) fiqh is a pattern of Islamic legal thought that began in the nineteenth century until today [32], then what is meant by modern Madzhab of fiqh in this paper is the pattern of thought and methodology of istinbath fiqh law and Islamic legal opinions followed by a group of Muslims in accordance with current conditions and situations.

### **7. The Importance of the Modern Fiqh Madzhab**

We have to admit, classical ulama' have contributed a lot to the science of fiqh as well as the madzhab imams with various legal products and also their methodologies which, if analyzed, they are directly tied to the Qur'an and as-Sunnah to produce qualitative ijtihad [32]. The results of the previous ulama' thoughts did have extraordinary values, but it must be realized that their thoughts were only limited to the problems that occurred in their time. Many problems in today's modern era have not been covered in classical books.

With the development of science and technology, the problems faced are increasingly complex whose studies cannot be taken from a shari'ah point of view alone, but experts from other scientific fields are needed as considerations in determining the law. Therefore, to anticipate the development of this modern era, it is necessary to have a methodology in legal istinbath that is by the times. However, this does not mean leaving the ulama' thoughts in the classical era, but also not being too attached to these thoughts. This can only be done by ijtihad jama'i.[33]

### **8. Ijtihad Jama'i as a Solution for the Establishment of Contemporary Fiqh Madzhab**

Third-order As has been explained, Ijtihad Jama'i as an institution replaces the mujtahid in establishing sharia law. Mujtahid Mutlaq compiled his Madzhab with various methodologies, such as [3]:

1. The Hanafi Madzhab which was brought by their imam, Imam Abu Hanifah (703-767 AD), in legal istinbath made the Qur'an as the main source, as-Sunnah, Ijma' friend, personal opinion of a friend, qiyas (legal analogy) , istihsan, and 'urf.
2. The Maliki Madzhab which is in Medina with its great teacher Imam Malik bin Anas (717-801 AD), in its legal istinbath puts forward the Qur'an and as-Sunnah, then the practice of the people of Medina ('amal expert al-Madinah), ijma ' friend and opinion of a friend, qiyas, istishlah, and 'urf.
3. The Shafi'i Madzhab, which was brought by Imam ash-Shafi'I (769-820 AD) established its ushul in ijtihad with: al-Qur'an, as-Sunnah, Ijma' friend, opinion of a friend, qiyas and istishab.
4. The Hanbali Madzhab, this Madzhab was brought by Imam Ahmad bin Hanbal (778-855 AD), established the method of ijtihad with the main sources of the Qur'an and as-Sunnah al-Maqbulah even though the dha'if hadith was also used but with consideration, then Ijma' friend, opinion of a friend and qiyas.

The Imams of the four madzhab have compiled his methodology which was later written and recorded by his students, these four madzhab have been continuously supported so that they have survived to this day. Indeed, the ulama' who composed not only four Madzhab of thought, there were also Hasan al-Bashri, as-Saury, al-Auza'i, al-Laits, and ats-Tsauri, but did not survive because of the lack of support for these Madzhab and disappeared after his death. the priest.

As a substitute for ulama' mujatahid, fatwa institutions also have different methodologies in determining their laws, such as the Tarjih Council and the Tajdid Muhammadiyah (MTT). The religious institution that was established at the 16th congress of Muhammadiyah in Pekalongan has compiled the manhaj and qaidah tarjih which was later inaugurated at the 17th Congress of Muhammadiyah in Yogyakarta. Since its inception, the Tarjih and Tajdid Councils have used Ijtihad Jama'i which was not only attended by Muhammadiyah ulama', but also experts in other general fields relevant to the discussion [34]. Ijtihad for Muhammadiyah has a very important position, because this ijtihad is what makes Muhammadiyah a reforming organization (Tajdid) in Indonesia. For Muhammadiyah, ijtihad is intended as a form of criticism of Muslims who adhere more to the opinions of the ulama' than to understand the law itself from both sources [35].

The ijtihad methodology developed gradually developed, until the sixteen main points of the Tarjih Council Manhaj in legal istinbath were formulated as follows:

First, the main basis for beristidlal is the Qur'an and as-sunnah al-maqbullah. As long as it is not related to the field of ta'abbudi ijtihad on the basis of 'illah in problems for which there are no texts from the Qur'an and as-Sunnah.

Second, in deciding a decision, it is carried out by means of ijtihad jama'i (collectively) by way of deliberation, so that the individual opinions of the members of the assembly are not seen as strong.

Third, do not bind yourself to a madzhab but do not rule out the opinions of the priests of the madzhab by making them a material for consideration in legal istinbath, as long as they are in accordance with the spirit of the Qur'an and as-Sunnah.

Fourth, the principle of being open and tolerant and does not consider the result of the decision of the Tarjih Council to be the most correct. According to Abdurrahman, this made it possible for the Tarjih Council to change its decision.

Fifth, the Tarjih Council only uses mutawatir arguments in the matter of monotheism ('aqidah).

Sixth, Do not refuse ijma 'shahabah on the basis of decisions both ijma 'qauli and sukuti.

Seventh, the arguments that seem contradictory (ta'arudh) are used the method of al-jam'u wa at-taufiq, and if it can't be done then tarjih is done.

Eighth, using the sadd adz-dzari'ah principle to avoid slander and mafsadah. Sadd adz-dzari'ah which according to ulema' ushul is preventing by prohibiting things that are allowed because it causes anxiety and harm, such as the prohibition of installing pictures of KH. Ahmad Dahlan, the founder of Muhammadiyah, feared that polytheism would occur. Although in the end the ban was lifted due to concerns about the absence of the Tarjih Congress in Sidoarjo [34].

Ninth, as long as it is by the shari'a, men-ta'lil can be used to understand the content of the Qur'an and as-Sunnah. While the qaidah which reads "al-hukmu yaduru ma'a 'iltraini embodiment wa 'adaman" can apply in certain cases.

Tenth, the use of arguments to establish a law is carried out in a comprehensive, complete and unanimous manner, not separated.

Eleventh, Sunday's Hadith can testify to general arguments in the Qur'an except in the field of 'aqidah.

Twelfth, In practicing Islam using the principle of at-taysir, meaning understanding and implementing the teachings of Islam with a broad and not narrow meaning so that it is easy to practice it, the ease of practicing this because practicing it is by what is taught in the Qur'an and as -Sunnah is not exaggerated (takalluf) and not reduced.

Thirteenth, in the field of worship whose provisions are obtained from the texts of the Qur'an and as-Sunnah as long as the background and purpose are known, then understanding can be done by using reason.

Fourteenth, In matters of duniyawiyah which are not included in the duties of the Prophet, the use of reason is very necessary, with the aim of trouble.

Fifteenth, understanding sahabah can be accepted in understanding musytarak texts.

Sixteenth, in understanding the texts in the field of aqidah, the meaning of the dhzahir texts must be prioritized from ta'wil, and ta'wil shahabah in this field should not be accepted.

The sixteen points of the manhaj tarjih are pursued by three methods of ijthad, namely: ijthad bayani which is an attempt to obtain law from the dhzanny texts by looking for a basis for interpretation or interpretation. Ijthad qiyasi, an attempt to make an analogy of a problem for which there is no law in the texts of the Qur'an or as-Sunnah to a problem that is already legal because of the equality of 'illah. Ijthad istishlahi, ijthad that is built on the basis of maslahah so that it can be used as a *shalih li kulli makan wa zaman* cannot be used absolutely so that the maslahah is in accordance with the goals and purposes of ash-Syaari 'not from human desires.

## 9. Conclusion

Ijthad jama'i is a phrase in Arabic which the ulama' also differ in defining it, including Khalid Husain al-Khalid defines Ijthad jama'i in general as "an effort to mobilize the ijthad of a group of ulama'" in discussions and deliberation for Islamic law istinbath 'ah on the matter of dhzanni." Ash-Shawi added that the agreement in ijthad jama'i replaced the opinion of a mujtahid, so ijthad jama'i had replaced ijthad fardi.

Second, Ijthad Jama'i is more accurate and reaches the truth more than fardi ijthad, because in an Ijthad Jama'i forum, ulama' have gathered with various scientific fields, in contrast to fardy ijthad carried out by only one ulama'. Ijthad Jama'i as a Solution for the Establishment of Contemporary Fiqh Madzhab Third-order As has been explained, Ijthad Jama'i as an institution replaces the mujtahid in establishing sharia law.

## References

- [1] Abdullah ibn Abdul Muhsin at-Turky, *al-Madzhah al-Hambali: Dirasah fi Taarikhihi wa Samatihi wa Asyari A'lamihi wa Muallafatihi*, vol. 1. Beirut: Resalah Publisher, 2002.
- [2] S. Hanna, "Urgensi Ijthad Kolektif dalam Permasalahan Kontemporer," *Media Syari'ah Wahana Kaji. Huk. Islam dan Pranata Sos.*, vol. 14, no. 2, p. 173, 2012.
- [3] Zakirun Pohan, "Eksistensi Mazhab Fiqih Pada Zaman Kontemporer Sekarang," *Al-Ilmu J. Keagamaan dan Ilmu Sos.*, vol. 6, 2021.
- [4] M. Al-Qathtān, "Taarekh Tashre' el-Islamy." Maktabah al-Ma'arif, Riyadh, p. 434, 1996.
- [5] Wahbah az-Zuhaili, *Al-Fiqh Al-Islamy wa Adillatuhu*. Damaskus: Daar al-Fikr, 1985.
- [6] Mushthafa az-Zarqa', *Al-Madkhal Al-Fiqhy al-'Aam*. Damaskus: Daar al-Qalam, 2004.
- [7] Faishal Agil Al Munawar dan Mirwan, "Ijthad Jama'i (Ijthad Kolektif) Perspektif Ulama Kontemporer," *J. Ekon. dan Huk. Islam*, vol. 4, 2020, doi: DOI: 10.35316/istidlal.v4i1.268.
- [8] Ahmad Fanani, "Moderasi Pemikiran Fikih Hubungan Antarumat Beragama di Majelis Tarjih dan Tajdid Muhammadiyah," *SHAHIH*, vol. 2, 2017.
- [9] Taufiq Asy-Syawi, *Fiqh Asy-Syura Wa Al-Istisyarah*. Al-Mashurah: Dar al-Wafa', 1992.
- [10] T. W. Husni A. Jalil, "Wali Nikah Fasik (Studi Perbandingan Mazhab Hanafi dan Mazhab Syafi'i),"

- Media Syari'ah*, vol. 22, 2020.
- [11] Muthoifin, "The Performance of Sharia Financing Amid the COVID-19 Pandemic in Indonesia," *Univers. J. Account. Financ.*, vol. 9, no. 4, pp. 757–763, 2021, doi: 10.13189/ujaf.2021.090421.
- [12] S. A. R. Muthoifin, Sudarno Shobron, "Humanist islam in indonesia ahmad syafii maarif perspective," *Humanit. Soc. Sci. Rev.*, vol. 7, no. 6, pp. 780–786, 2019.
- [13] Ibn Mandzur, *Lisaan al-'Arab*, vol. 3. Beirut: Daar ash-Shadir.
- [14] Asy-Syathiby, *Al-Muwafaqat*, vol. 4. Kairo: al-Maktabah at-Tijariyah, 1968.
- [15] Ibn Qudamah, *Raudhatu An-Nadhzir wa Junnah Al-Munadhzir*. Damaskus: Resalah Publisher, 2009.
- [16] Az-Zuhaili Wahbah, *Al-Wajiz fi Ushul Al-Fiqh*. Beirut: Daar al-Fikr al-Mu'ashir, 1999.
- [17] A. Nirwana and S. Akhyar, *Tafsir Ijtihad Shahabi*, no. January. 2020.
- [18] As-Soswa Abdul Majid, *al-Ijtihad al-Jama'i fi at-Tasyri' al-Islamy*. Qatar: Kementrian Agama dan Wakaf Kuwait, 1998.
- [19] Muthoifin, "Shariah Hotel and Mission Religion in Surakarta Indonesia," *Humanit. Soc. Sci. Rev.*, vol. 7, no. 4, pp. 973–979, 2019, doi: 10.18510/hssr.2019.74133.
- [20] Abdul Wahab Khalaf, *Ilm Ushul al-Fiqh*. Kairo: Maktabah ad-Da'wah al-Islamiyyah wa Syabab al-Azhar, 1942.
- [21] Abdullāh ibn Yusuf al-Juda'i, *Taysir 'Ilm Ushul al-Fiqh*. Beirut: Muassasah ar-Rayyan, 1997.
- [22] Fajar Rachmadi, "Al-Ijtihād Al-Istislāhī And Its Impact In Contemporary Juristic Inference: Majelis Tarjih's Perspective Of Muhammadiyah," *IJISH (International J. Islam. Stud. Humanit.)*, vol. 1, 2018.
- [23] Ibn Mandzur, *Lisan al-'Arab*, vol. 3. Beirut: Daar ash-Shadir.
- [24] Abdu ar-Rauf al-Munawi, *At-Tauqif 'Ala Muhimmat at-Ta'aarif*. Kairo: 'Alam al-Kutub, 1990.
- [25] Ahmad bin Muhammad Al-Muqri, *Al-Mashabil al-Munir fi Gharib asy-Syarh al-Kabir*. Kairo: Maktabah Abdul Wahid Beik.
- [26] Muhammad Abdu ar-Rahman Abdu al-Mun'im, *Mu'jam al-Mushthalahat al-Alfadz al-Fiqhiyyah*. Kairo: Dar al-Fadhilah.
- [27] Ilyas Dardour, *Tarikh al-Fiqh al-Islamy*. Beirut: Daar ibn Hazm, 2010.
- [28] Muhammad 'Amim al-Ihsan, *At-Ta'rifaat al-Fiqhiyyah*. Beirut: Dar al-Kutub al-'Ilmiyah, 2002.
- [29] Muhammad Husain Abdullah, *al-Wadhah fi Ushul al-Fiqh*. Beirut: Dar al-Bayariq, 1995.
- [30] "Cambridge Online Dictionary." .
- [31] T. P. dan P. Bahasa, *Kamus Besar Bahasa Indonesia*, Kelima. Jakarta: Badan Pengembangan dan Pembinaan Bahasa Kementerian Pendidikan dan Kebudayaan, 2017.
- [32] M. Ridwan, "Ijtihad Pada Era Kontemporer (Konteks Pemikiran Islam dalam Fiqih dan Maqashid al-Syariah)," *J. Masohi*, vol. 1, no. 2, pp. 110–121, 2020.
- [33] Muthoifin and B. Purnomo, "Readiness towards halal tourism in Indonesia perspective of reality and religion," *Int. J. Adv. Sci. Technol.*, vol. 29, no. 8, pp. 862–870, 2020.
- [34] Husna Amalia, "Muhammadiyah: Metode Dan Praktik Berijtihad," *MUADDIB Stud. Kependidikan dan Keislam.*, vol. 9, 2019.
- [35] I. Rosyadi, "Fatwa Tarjih Sebagai Hasil Ijtihad Jama'i Majelis Tarjih Muhammadiyah," *Tajdida*, vol. 10, pp. 1–12, 2012.