

The Existence of New Direction in Islamic Law Reform Based on The Construction of Ibnu Qayyim al-Jauziyah's Thought

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Abstract: *This study examines the Islamic legal thought of Ibn Qayyim al-Jauziyyah in carrying out legal istinbath. Ibn Qayyim al-Jauziyyah is a figure who lived in the XIII century, during which various religious aberrations emerged. The circumstances he was facing significantly influenced some of the ijtiḥad that he put forward. Therefore, he was well-recognized as a reformer among other scholars of Hanbali school. This research is a character study with a descriptive method using a benefit approach (maqashid al-syariah). The results of this study are about the invitation of Ibn Qayyim al-Jauziyyah to freely exercise ijtiḥad but in accordance with the Maqashid al-Shari'ah corridor, that is by upholding the principle of maslahah. Because of this, Ibn Qayyim al-Jauziyyah argued that ijtiḥad can develop according to the times, and the law at his time needed to be more relevant in dealing with and overcoming various circumstances that brought about novel and more complicated problems. This thought emerged as a reaction to the opinion among Muslims who assumed that the door of ijtiḥad had been closed.*

Abstrak: Artikel ini mengkaji pemikiran hukum Islam Ibnu Qayyim al-Jauziyah dalam menjalankan istinbath hukum. Ibn Qayyim al-Jauziyyah adalah seorang tokoh yang hidup pada abad XIII, di mana berbagai penyimpangan agama muncul. Keadaan yang dia hadapi sangat mempengaruhi beberapa ijtiḥad yang dia kemukakan. Oleh karena itu, ia dikenal sebagai seorang pembaharu di antara ulama mazhab Hanbali lainnya. Penelitian ini merupakan penelitian karakter dengan metode deskriptif dengan pendekatan kemaslahatan (maqashid al-syariah). Hasil dari penelitian ini adalah tentang ajakan Ibnu Qayyim al-Jauziyyah untuk bebas berijtihad namun sesuai dengan koridor Maqashid al-Syariah, yaitu dengan menjunjung tinggi prinsip kemaslahatan. Oleh karena itu, Ibnu Qayyim al-Jauziyyah berpendapat bahwa ijtiḥad dapat berkembang sesuai dengan perkembangan zaman, dan hukum pada masanya perlu lebih relevan dalam menghadapi dan mengatasi berbagai keadaan yang memunculkan persoalan baru dan pelik. Pemikiran ini muncul sebagai reaksi atas pendapat di kalangan umat Islam yang beranggapan bahwa pintu ijtiḥad telah tertutup.

Keywords: *New Direction, Renewal, Ibnu Qayyim.*

INTRODUCTION

Islamic Law, as commonly referred to in the Western term, is a legal order believed to have universal truth. This universality is manifested in its ability to adapt to any circumstance beyond space and time. The ever-evolving human

civilization every year requires that that Islamic law be actual and updated on all contemporary issues incited by the rapidly-growing changes in civilization. Islam is universal in nature, unconstrained by such boundaries as language, place, age and mundane rules. This is well-depicted in a well-

circulated Islamic expression stating *Islam shahih li kulli zaman wa makan* (Madjid, 2000). Therefore, Islamic law is a system of values and rules that serve as a solution to all worldly matters.

Admittedly, there are relatively limited number of laws from textual, normative sources. On the other hand, new problems are unlimited in number. Ibn Rushd stated in this case:

"The problems in people's lives are unlimited in number, while the number of Nash (both the Qur'an and Hadith) is limited. Therefore, it is impossible for something finite in number to face something infinite" (Rusyd, 1988).

The moral that can be understood from Ibn Rushd's statement is a call to the form for the practice of *ijtihad* on contemporary issues not precisely covered by the Qur'an or *hadith*, the two main sources in Islamic law. The first practice of *ijtihad* took place at the time of the Companions after the death of the Prophet Muhammad PBUH, when a deliberation was held for the selection of a new leader for the Muslims (Alwana, 2020). In addition, *ijtihad* is often exercised in many occasions to deal with novel cases to promote public good and help reach legal rulings (Fadhli & Rahmi, 2020). *Ijtihad* can be exercised since there are many arguments in the Qur'an that invite humans to consult in dealing with novel cases whose legal decision is not provided in the main sources of Islamic law (Wagianto, 2021). This explanation suggests that *ijtihad* is an actual and relevant method to adjust the teachings of Islam to fit change of societal conditions in dealing with various novel cases or issues in human life.

In Islam, Islamic law, the core of its teachings, is supposedly a divine revelation that does not change. However,

in its interpretation and application in society, it inevitably undergoes changes. The changes referred to in this case is contextual rather than textual (Muhammad Azhar, 1996). In reality, change is inevitable for Islam in order to keep up with the ever-changing life. Nonetheless, these changes need to be properly guarded if public good is to be achieved realized (Uways, 1998)

The development of civilization along with the flows of globalization and scientific and technological advances has resulted in significant changes in a number of fields of study such as economics, social science, law, and medicine. Among the most prevalent changes occur in the area of legal issues (Az-Zaqra, 2000). Therefore, as an inseparable element of world society, Muslims must not exempt themselves from the many problems in society.

The increasingly rapid development of various aspects in the society calls for a social change, which subsequently will require changes to the system that begin from values and laws. In addition, a reflection of the solidarity in a society occurs because of the law (Soerjono Soekanto, 2013). Thus, it is obvious that the social change in a society is closely related to the influence of prevailing law.

A social system that prevails and operates within a community can bring about social change which comprises changes to the community's values, attitudes, and behavior. A change to an aspect of life will normally result in changes in another. Therefore, when dealing with legal issues, it is important to consider the extent to which legal changes are able to inflict changes in other areas, and in this case the ability of the Islamic law to solve the existing problems is put to test.

The aforementioned social change can also lead to renewal of Islamic legal ruling. The lack of an effort to reform Islamic legal ruling will cause a difficulty in its implementation in general. Therefore, when reforms are carried out, the locality and temporality aspects of Islamic teachings should be raised as topics of discussion without neglecting the universality of Islamic law (Muhammad Azhar, 1996).

As mentioned earlier, it appears that experts have been trying to formulate social change. Ibn Qayyim al-Jauziyah, for instance, argues that in its implementation, a change occurs in line with the dynamic human nature and characteristics, which naturally leads to social change. This change is a logical consequence of changes in norms and shifts in values that occur in society. In dealing with the social changes of Islamic law, Ibn Qayyim al-Jauziyyah holds a much flexible principle which states that a change to the law must be based on a change in space and time. Thus, *ijtihad* must be exercised more frequently due to the social changes that constantly take place.

RESEARCH METHODS

The research employed a descriptive method with a *maslahah*-based approach (*maqashid al-syariah*). This research is in the form of a character study, collecting data and thoughts that fit the object of the study before a description of the data was carried out. The objective of this study is to analyze the *istinbath* of Islamic law reform by Ibn Qayyim al-Jauziyyah and its relevance to the actual issues in resolving novel legal cases.

RESULTS AND DISCUSSION

Biography of Ibn Qayyim Al-Jauziyah

Abu Abdullah Syamsuddin Muhammad bin Abu Bakr bin Ayyub bin Saad al-Damasyqy al-Jauziyah is the given name of Ibn Qayyim al-Jauziyyah, a medieval scholar and jurisconsult who belonged to the Hanbali school and a prolific scholar in other sciences such as philosophy, hadith, history and Kalām. This classical scholar was born in 691 AH/1292 AD and died in 751 AH/1350 CE. His father, M. Shaykh as-Sholeh al-Abid an-Nasik Abu Bakr bin Ayyub az-Zur'i, was instrumental in establishing a madrasa called al-Jauziyyah in a few years in Damascus.

Ibn al-Qayyim al-Jauziyyah's teachers includes Ash-Shihab an-Nablisi al-'abid, al-Qadi Taqi ad-Din Sulaiman (Ibn Taimiyyah), Fatimah bint Jawhar, Isa al-Muta'im, and Abu Bakr bin 'Abdul ad-Daim. Among them, the main teacher Ibn al-Qayyim studied from was Ibn Taimiyyah. It is also reported that Ibn al-Qayyim strongly opposed all the teachings developed by the al-Mu'tilah, al-Jahmiyyah, and al-Mukhalifah groups. In addition, Ibn al-Qayyim al-Jauziyyah was also known as the initiator of freethinking (Farid, 2006).

In addition, Ibn Qayyim al-Jauziyyah is known in his daily life as a person who was *wara'* (pious), devoted in his worship and steadfast in his belief (al-Hifny, 1992). Those who became his disciples and embraced his thoughts included Ibn Kathir, a traditionalist known to belong to the Shafi'i school, Zain ad-Din bin Rajab, a historian, Ibn Hajar al-'Asqalani, Ibn Qudamah al-Maqdisi, a leading expert on Hadith and Fiqh, Syams ad-Din Abu 'Abdillah Muhammad bin 'Abdul Qadir bin Muhyi ad-Din Usamah bin 'Abdul Ar-Rahman al-Hanbali, as well

as his two sons, namely Ibrahim, an expert in Fiqh, Nahw and Saraf and Syarif ad-Din 'Abdullah, who later succeeded his father in teaching at Madarasah Sadriyyah (al-Jauziyyah, 1999).

In their life time, Ibn al-Qayyim al-Jauziyyah and his teacher Ibn Taimiyah once forbade the visitation to the mosque of Ibrahim, a view which led to their arrest. Ibn al-Qayyim al-Jauziyyah also strongly challenged the concepts of wahdatul wujud, ittihad and hulul, which according to him contradicted the Qur'an and hadith by relying more on the use of common sense and by having no clear source of legal reference (Hasan, 2004). In addition, he was critical of other schools and often had arguments with other Hanbali scholars in various issues to the point that he was considered a resolute figure by many.

The sixth period in the distribution of tasyri was marked by the widespread fanaticism and blind devotion to the fourth school of thought. Ibn al-Qayyim al-Jauziyyah lived in this period of time and was known as a thinker and law reformer who constantly invited his people to stick to the Qur'an and al-Sunnah. In addition, he also encouraged the public to leave behind all the arguments and disputes in the fields of jurisprudence, Kalām and Sufism, and to reject fanaticism and blind devotion. Under these circumstances, he opened the gate of ijtihad and invited the people to exercise freethinking (Nasution, 1992).

Among the legacy left by Ibn al-Qayyim al-Jauziyyah in the field of fiqh are his books *I'lam al-Muwaqqi'in*, *Igasta al-Lahfan*, *Ahkam Ahlu az-Zimmah*. In the field of Kalām, among his legacy are his books *al-Kahfiyyah Al-Safiah Fi al-Intisar Li al-Farq an-Najiyyah*, *asy-Syifa' al-'Aqil Fi Masail al-Qada wal Qadr wal*

Hikmah, *ar-Ruh*, and more. In the field of mysticism, his legacy books include *Madarij as-Salikin Baina Al-Manzil Iyyaka Na'budu Wa Iyyaka Nasti'i*, *Rawdah al-Muhibbin Wa Nuzhah al-Mustaqim*, and *al-Jawab al-Kafi liman sa'ala 'an ad-Dawa' asy-Syafi*.

The Existence of The Reform of Islamic Law in Ibnu Qayyim Al-Jauziyyah's Thought Construction

The rapid growth of Islamic law is evident in its ability to provide legal decision to novel cases relating to both humans to God and human to human. In this case, in making a legal decision, most Muslim jurists always refer to the pre-existing rule of law that governs both muamalah affairs or human-to-human relationship, i.e. The basic legal position regarding all things is that they are permitted, except what is excluded by Islamic rulings (Bastina, 2020).

Nevertheless, it cannot be said that all novel cases whose legal solution is not precisely covered by the Qur'an and Hadith are permissible since new problems arise as a result of human actions themselves and in this life Allah SWT. has imposed His sanctions in every action. This fact drove Ibn al-Qayyim al-Jauziyyah, a well-known medieval jurist and scholar, to propagate a reform of Islamic laws. The legal reform he was calling for was driven by the sociological condition of the community which lead him to argue that legal changes could occur if the sociological circumstance of the society necessitates a change (Syukri & Nasution, 2015).

Furthermore, Ibn al-Qayyim al-Jauziyyah also argued that legal reform can be carried out by reformin the fatwa. When there is a change in the circumstances surrounding a law, the

fatwa will also indirectly change. This is in accordance with the rule in Islamic jurisprudence stating:

تَغَيَّرُ الْفَتَوَى وَاخْتِلَافُهَا بِحَسَبِ تَغْيِيرِ الْأَزْمَنِ وَالْأَمَكْنَةِ
وَالْأَحْوَالِ وَالنِّيَّاتِ وَالْعَوَائِدِ

Meaning: "Fatwas develop and differ according to changes in times, places, circumstances, intentions, and customs" (Al-Jauziyah, 1991).

The theoretical basis for the renewal of the law is basically found in the nature of the law itself which always serve to prioritize the benefit and interest of the people. The Prophet PBUH was sent to enforce various legal justice, invoke the public interest, and preach virtues and good deeds. In other words, if a law shows resistance against the system of interest, it will be deemed contrary to the sharia. Thus, according to Ibn al-Qayyim al-Jauziyyah, legal reform is carried out only to serve the interest of the many (Darwis, 2017).

As an example of a case, Ibn al-Qayyim al-Jauziyyah had his own view regarding the law of *istbath al-jarimah* for perpetrators sentenced to *qishash diyat*. He maintained a fact must be proven in four ways before a court of law; *al-iqrar* (confession), *as-syahadah* (witnesses), *al-qasamah* (oath) and *qarinah* (evidence). Missing one of these four elements means that an accused cannot be prosecuted. This is clearly in stark contrast to the view of the majority of Islamic jurists which allows the court to suffice on three pieces of evidence, namely *al-iqrar* (confession), *as-syahadah* (testimonial), and *al-qasamah* (evidence) (Ibnu Qayyim Al-Jauziyah, 2006). The conflicting views of the majority of Islamic scholars and Ibn al-Qayyim al-Jauziyyah in the issue of *istbath al-jarimah* lies in

qarinah; such a strong evidence must be presented to ensnare a criminal that the knife of law does not injure human values and bring harm rather than benefit, and as a result, justice can be enforced. Furthermore, regarding the elimination of the crime of theft during war, in Ibn al-Qayyim al-Jauziyyah stated that it was carried out as a form of implementation of the benefit and interest of the Umma (Idris, 2007).

Ibn al-Qayyim al-Jauziyyah's thinking style can also be seen in his perspective on the making the *daif* hadith as *hujja* (evidence). Ibn al-Qayyim al-Jauziyyah suggests using *dha'if* hadith as a reference for doing good deeds rather than employing one for making *qiyas* as long as the hadith does not contradict with a stronger hadith and has a fair narrator so that it is not categorized as *batil* (false) or *munkar* (denounced) (Idris, 1970).

In the field of education, Ibnu Qayyim al-Jauziyyah clearly defined successful learning achievement, i.e. when one has been able to worship God in the right way and the ignorance from within him has been lifted. His idea reverberates the main objective of education, i.e. to embed a noble character in one's life. Substantially in Islamic law, public interest and benefit will always go hand in hand with legal changes, which occurs due to the changes in times, places, situations, intentions and customs. This constitutes the strongest reason for reforming the law. In this case, Ibn Qayyim al-Jauziyyah also argued that Islamic law is dynamic, flexible and adaptive in nature and can survive the constant development of the times and the emergence of new problems. In other words, Islamic law can be interpreted and understood through the circumstances

surrounding human social life (Darwis, 2017).

The growth of Islamic law nowadays is marked by reasoning in finding a complex legal solution. This is a result of the development of people's thinking in the globalization complex. This development also gives rise to various efforts in developing science and technology which has brought many changes in all aspects of life. In addition, the development of thought also affects various fields of social science, culture, politics and economics.

In this situation, it is very important for Muslims to respond to all developments so as not to miss the increasing developments in various scientific fields. This situation demands Islamic law, which is a way of life in the lives of early Muslims to provide a quick response to any problems that just arise in this era. In addition, Islamic law which was created specifically for humans, whether sourced from the Qur'an, Hadith and human *ijtihad* built around 14 centuries ago certainly cannot be separated from various "interests" at that time. In other words, the creation of the law was conducted for the sake of overcoming novel problems caused by the development of the times in terms of politics, social and culture or the interests of the mujtahids in establishing Islamic law itself. Thus, from the various views above, it can be inferred that to consider Islamic law absolute (unchanged) is clearly mistaken (Madjid, 2000).

One of the products of the thoughts of the mujtahids is Islamic law, originating from both the scripture Qur'an and Hadith through various long reasoning processes to become a relevant legal product (*fiqh*). As one of the legal products (*fiqh*), Islamic law should

continue to develop to keep up with the changes of such factors as the circumstances, ages, politics, society and culture. Therefore, based on the elements involved in *istinbath* (Islamic law-making), it is obvious that Islamic law is essentially not a theoretical science (*'ulum nadhariyyah*), but practical laws (*ahkam 'amaliyah*) in the context of life (Arijulmanan, 2017).

Ibnu Qayyim Al-Jauziyyah's New Direction of Thinking

Providing solutions to the challenges of today's modern world is an implied objective of the various legal products of mujtahid's thought, one of which is Islamic law itself. A decade after the end of the imams of the four schools, Muslims were trapped in stagnation and *taklid* (blind imitation) for so long. In response to this situation, the 20th century marked the beginning of the development of thoughts on Islamic law carried out by scholars from Muslims and orientalis (Syamsul Anwar, 2002). The development of thought, which is always in tandem with the development of contemporary Islamic law, can be categorized into two main parts; namely changes directly related to the Qur'an and Hadith (sacred texts) and ones directly related to philosophy or reasoning. To reform Islamic legal reasoning means to offer a re-understanding of Islamic tradition and the validity of the established theories in *al-fiqh* in order to determine whether they are still relevant for use in today's era (Soleh, 2003).

The various changes in Islamic reasoning have direct implications in the aspects of Islamic law's methodology and discourse. Therefore, the method used in Islamic law reform cannot be separated from the development of broad, thorough,

wise reasoning, a criterion which may only be possessed by some figures. Thus, the society's state and the influence of the reasoning productivity of such figure as Ibn Qayyim al-Jauziyyah, who possessed very relevant thoughts because of his optimal use of reasoning in *ijtihad*, especially toward the recent increase in social changes, along with the changes in various fields and life aspects according to the circumstances, require research and understanding in order to address novel and actual problems that may arise. Hence, an expert thinker is expected to possess an accurate, in-depth and objective opinion on a new problem especially when he is authorized by the public to issue a fatwa in providing legal decisions to the problems they face. This is exactly the circumstance that drove Ibn Qayyim al-Jauziyyah to use his reasoning more comprehensively as evident in one of his *ijtihad* regarding hand cutting for punishment in Islamic law. Al-Qayyim basically shared the same position as Umar in this case. A quite distinct characteristics of Ibn Qayyim al-Jauziyyah was his constant effort to associate his reasoning with the principles of public benefit. Ibn Qayyim argued that limb amputation for a theft convict should not be abandoned because in reality such life circumstances as war or famine may abrogate the *hadd* law directly. His perspective in this case is reflected in the legal principle he exercised in many other legal practices, namely: the law may change with the changing times, places, situations and conditions in which the legal action takes place (Taimiyah, Ibn dan al-Jauziyyah, 1975).

The attachment of Islamic law to the dynamic of life will be obvious if it is explored more thoroughly by contextually associating the law to its motive, i.e. by

paying more attention to the *asbab al-nuzul ayat* (the reasons for the revelation of the verses of Qur'an) and *asbab al-wurudil hadith* (the causes of the emergence of hadith) (Sirry, 1995: viii). From a different point of view, the changes and developments of human civilization in this globalization era have yielded many new problems that previously have not been covered by Islamic law. This kind of understanding indicates that the contemporary interpretation of Islamic teachings is an attempt to adapt religious teachings into past situations and conditions (Satria Effendi M. Zein dkk, 1991).

Such limitations in facilities and infrastructure in the past prevented the *nash* (Qur'an and Hadith) from providing solutions to new problems that arose back then. However, nowadays Islamic law has been developing and adapting to the circumstances, society, politics and culture, resulting in the emergence of more complex and more actual cases. Therefore, Islamic law contemporarily undergoes re-actualization, contextualization, and reinterpretation in order to answer all the actual problems and provide legal certainty.

In an effort to re-actualize, contextualize and reinterpret the Islamic law, one must have the courage to let go of his "interests" and attempt to find other alternatives that are more adaptive, responsive, and contextual by prioritizing the concept of *maslahah*, which is used as an instrument in establishing legal decisions to problems not covered in the Qur'an and Hadith. Because of this situation, a formal ruling on a point of Islamic law cannot be separated from a method named "*maqasid al-syari'ah*".

The use of the *maqasid al-syari'ah* method is but to find answers to problems that have just emerged in this contemporary era. Scholars also make *maqasid al-syari'ah* an important study in dealing with more actual problematic phenomena in the future (Ni'ami & Bustamin, 2021). The concept of *maqasid al-syari'ah* offers the substance that emphasized *maslahah*, even though the *legal-formal-textual* provisions should not be ignored at all and should be the reference in determining the laws governing the behavior of a *mukallaf*. It should be realized that the *legal-formal-textual* standard is a way to achieve *maslahah* so as to manifest it in life. Accordingly, the *legal-formal-textual* provisions must also be more adaptive and responsive to the times in achieving the *maslahah* regardless of the source (Kawakib et al., 2020).

It is with a concept that prioritizes the essence of *maslahah* that Ibn Qayyim al-Jauziyyah positioned his reasoning even though as an *ushul* scholars belonging to Hanbali schools his opinions cannot be separated from the religious legal rulings of Hanbali schools. Nevertheless, Ibn Qayyim al-Jauziyyah also maintained some opinions that were not in line with Ahmad ibn Hanbal's school of thought, such as the position of *sunna* as a source of law in Islam. Ahmad ibn Hanbal argued that the position of the Qur'an and *Sunna* is the same, i.e. both are used as the main source of Islamic law (Dahlan, Abdul Aziz, 2001). Meanwhile, Ibn Qayyim al-Jauziyyah argued that the Qur'an is categorized as the main source of law and *sunna* is categorized as the second source of law (Al-Jauziyah, 1991). It is evident from this that Ibn Qayyim al-Jauziyyah had his own

characteristics in his attempt to reform regarding the sources of law in Islam.

Ibn Qayyim al-Jauziyyah discussed at length his concept of the renewal of Islamic legal thought on *ijtihad* and how to carry it out. He argues that *ijtihad* will always develop according to conditions and places where new and actual problems take place. This thought surfaced because there are those among Muslims who viewed that the door of *ijtihad* had been closed. Ibn Qayyim al-Jauziyyah strongly advocated exercising *ijtihad* as usual since he believed that the prescribed laws had no longer been relevant and out-of-date to be applied in society. In addition, he strongly criticized the *taqlid* attitude of the scholars who lived during his time as he viewed that human beings are perfect creatures of God equipped as their greatest potentials with reason, soul, body and morals that should propel them to consistently become *khalifatullahi fil ardh* (Basri, 2018).

Ibn Qayyim al-Jauziyyah advocated the use of reason (*ra'yu*) as much as possible in an effort to carry out *ijtihad*. This is done in order to produce more relevant, adaptive, responsive products of Islamic law. In this case, the use of reason is more appropriate and logical. The implementation of *ijtihad* using one's reasoning, according to Ibn Qayyim al-Jauziyyah, must also be accompanied by sincere intentions free of personal or group interests.

Ijtihad in Ibn Qayyim al-Jauziyyah's view is divided into three categories; *first: al-ra'yu al-batil if raibin*, which should not be exercised and used as a *fatwa* (legal ruling) since it is a despicable category of *ijtihad*, *second: al-ra'yu al-shahih*, which can be used as a *fatwa* and practiced by all people, and *third: al-ra'yu al-musytabih*, which can be used as a *fatwa* and practiced

in emergency situations, but does not have to be practiced for a long time. The categorization of *ijtihād* above has been used by *Salafus Salih* in his time and in its implementation emphasizes using reason (*ra'yu*).

However, the use of reasoning for false *ijtihād* is denounced and its practice is strictly forbidden, and using a false *ijtihād* in issuing fatwas to answer new problems is condemned. In addition, the followers of false *ijtihād* which exercise reasoning in the category of *batil* is strongly reproached. The *Salafus Salih* scholars use reasoning in carrying out *ijtihād* only during emergencies when there are no other sources of law that can provide answers to a given problem. Even so, they do not force people to practice or criticize the legal decisions made as a result of the *ijtihād*. In this case, the use of *ijtihād* this way is similar to having forbidden food and drinks in an emergency. In line with this, Imam Ahmad Ibn Hambal said: "I asked Imam Shafi'i about *qiyas*, then he told me: 'It can be used in an emergency (i.e. forced and there is no other way).'"

Ibn Qayyim al-Jauziyyah in his era was known as a reformer who not only encouraged his people to empower the potential of their minds to *ijtihād*, but also balance it with a well-ordered mystical spirit. The spread of invalid *shufiyyah* practices drove him to advocate returning to true original Sufi teachings that was in accordance with the Qur'an and the *Sunna* of the Prophet. The wave of the spirit of reformation he was championing made him one of the Islamic figures who succeeded in uniting the *umma* who had been previously divided because of *tariqats* and political ideologies. He also persistently preached against heresy and superstition, restoring Islamic teachings to

its foundation of the main objectives of the Shari'ah, that is to spread *maslahah* and close the doors of mafsadat in the midst of mankind through the doors of *ijtihād* in accordance with the Qur'an and *sunna* while still being in harmony with the circumstances of mankind.

CONCLUSION

Ibn Qayyim al-Jauziyyah is a figure who lived in the middle of the 13th century, an era when various deviations from religious teachings emerged, political conditions were eroded because the rulers were thirsty for office and the society was ignorant about what was happening around them. The circumstances he was experiencing greatly influenced some of the *ijtihād* he put forward. Therefore, he was known as a reformer among the Hanbali scholars, especially owing to his thoughts on the purification of all teachings in the Qur'an and Sunna. His most interesting view is that the door to exercise *ijtihād* is wide open as long as it remained within the corridor as stipulated in the teachings of *Maqashid al-Shari'ah* with *maslahah* or the benefit of *umma* as its principle.

Ibn Qayyim al-Jauziyyah also explicitly called for and gave encouragement to exercise *ijtihād* in his era because he viewed that all the provisions of Islamic law prevailing in his society were no longer in keeping with the problems they were experiencing. In addition, he also strongly criticized the scholars of his time whom he claimed were drowning in *taqlid*. When exercising *ijtihād*, he emphasized using their reasoning as much as possible in order to arrive at legal certainty to solutions to new problems. *Ijtihād* was carried out by using one's reasoning because at this time the

circumstances called for the production of a law that was more relevant and practical in dealing with various novel cases resulting from the changing of the times. As previously explained, according to Ibn Qayyim al-Jauziyyah, *ijtihad* using one's reasoning is divided into three, namely *al-ra'yu al-batil* when *raibin*, *al-ra'yu al-shahih*, *al-ra'yu al-musytabih*.

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