Criticism of Reason against the Blasphemy of Ijma as a Source of Islamic Law

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Abstract: The study and critique of reasoning against the blasphemy of ijmak aims to place the position of ijmak proportionally and rationally, in accordance with the initial objectives of the ijmak theory formulated in the early days of Islam so that there are no misperceptions about the blasphemy of ijmak. Indeed, ijmak as a source of Islamic law requires the existence of evidence based on the Qur'an and Hadith, it cannot stand alone independently. However, furthermore, ijmak only becomes a support for the status quo of the fiqh laws produced by the cleric contained in fiqh books. This research is intended to look at the blasphemy of ijmak as a source of Islamic law. The method used is descriptive method. Conclusions are drawn by using deductive thinking. Research shows that ijmak can be used as evidence, has validity and authority, although it still requires evidence from the Qur'an or Sunnah. Not all ijmak is qath'i and therefore not all ijmak must be followed. The blasphemy quality of ijmak is qath'i if it is supported by texts that are qath'i or related to matters that are 'ulima min al-din bi al-dharurah. The quality of ijmak is zhanni if it is only supported by zhanni's argument or in matters for which there is no explicit text in the syarik text.

Keywords: Criticism of Reason, Blasphemy Ijmak, Islamic Law.
A. Introduction

The dynamics and renewal of Islamic law necessitates the existence of ijtihad activities by devoting all potential and mobilizing all available capabilities to find the laws of syarak or to implement them. This is due to that after the Prophet died, Muslims are required to have the ability and independence in determining and or establishing Islamic law with regard to existing legal issues, but no clear legal basis is found in the text of the Qur'an and or the Sunnah. In this context, the scholars have been given the blessing and justification by the Qur'an and Hadith to perform ijtihad in order to determine and or establish Islamic law.

Ijtihad activities surely must follow the "standards" and "codes of ethics" that have been formulated by the scholars to ensure that the ijtihad products they produce remain in the light of ruh al-tasyri' or maqashid al-syari'ah, should not rely on uncontrolled freedom of thought. The discipline that examines the code of ethics for ijtihad in

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4 From a linguistic point of view, the word “maqasahid al-syari’ah” has its own meaning. The word “maqashid” is a plural form (jama’) and the word “maqashid”. While the root word comes from the verbal word “qashada”, which means towards; aim; willing and intentional. While understanding of “syari’i” literally is the source of the spring or the source of life. The word “syari’ah” (singular) plural “syara’i” means everything that Allah has signaled to his servants, including the form of legal rules. Maqasahid al-Shari’ah in essence is the application of Shari’ah which is oriented towards realizing the benefit of mankind. See in Jasser Auda, Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach (London ; New York: International Institute of Islamic Thought (IIIT), 2008), h. 2; See also Muhammad Al-Tahir Ibn Ashur, Ibn Ashur: Treatise on Maqasid Al-Shariah (London-Washington: IIIT, 2006), h. 13 & 71; See also Suansar Khatib, “Konsep Maqashid Al-Syari’Ah: Perbandingan Antara Pemikiran Al-Ghazali dan Al-Syathibi,” Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, dan Keagamaan 5, No. 1 (December 30, 2018): h. 53-54, https://doi.org/10.29300/mzn.v5i1.1436.
Islamic studies is known as the science of ushul fiqh or Islamic law jurisprudence.\(^5\)

Islamic law jurisprudence has several studies, including the sources of Islamic law (*mashadir al-ahkam*) which are used as a base by scholars in making legal decisions. It's just that among these legal sources there are those who agree on their use by the majority of scholars, but there are also those who are in dispute. The agreed sources of law are the Qur'an, Sunnah, Ijmak and Qiyas.\(^6\) The composition and order of such sources of law is inspired by the words in the Qur'an, surah al-Nisa' verse 59.

Al-Qur'an surah al-Nisa' verse 59 provides a legal lesson that the command to obey Allah SWT implies an order to place the Qur'an as the first source of law, while the command to obey the Messenger indicates an order to make the sunnah as a second source of law after the Koran.\(^7\) The command to obey *ulil amri* implies an order to make *ijmak* of scholars as the third source of law.\(^8\) Regarding the fourth source of law, qiyas, it is known from the order to return to the Qur'an and sunnah if there is a difference of opinion, by qiyas or analogy.\(^9\)

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\(^5\) At the beginning of the development of Islam, the term jurisprudence was defined as ijtihad. The emergence of ijtihad has existed at the time of the Prophet. The Prophet taught his companions to use their reasoning power in establishing the law, for example, when Umar ibn al-Khattab kissed his wife while fasting. See Abdul Azis Dahlan, et.al., *Ensiyeladi Hukum Islam Indonesia*, Jilid II, Cet. Ke-1 (Jakarta: PT Ichtiaar Baru-van Hoeve, 1996), h. 666; Coulson defines Islamic jurisprudence as the whole process of intellectual activity that ascertains and discovers the term God's will and transforms it into a system of rights and obligations that are legally enforceable. See Muhammad Muslehuddin, *Philosophy of Islamic Law and the Orientalist A Comparative Study Of Islamic Legal System* (Lahore: Ashraq Mirza, Mg. Director, Islamic Publication Ltd. tt.), h. 192; See also Hermansyah Hermansyah, “Konflik Dalam Yuriisprudensi Islam,” *Muamalat: Jurnal Kajian Hukum Ekonomi Syariah* 10, No. 1 (2018): h. 4–5, https://doi.org/10.20414/mu.v10i1.2778.


The source of the law above is also strengthened by the conversation of the Prophet Muhammad with Muadz bin Jabal when he was sent to Yemen as a judge. The Prophet asked Muadz what his attitude would be if one day he would try a case. Muadz replied, will judge based on the book of Allah. The Prophet asked again, what if the basis is not found in the Book of Allah? Muadz replied, will judge based on the Sunnah of the Prophet. The Prophet then asked again, then what if there is no legal basis in the Sunnah? Muadz explained that he would perform ijtihad based on his thoughts. Then the Prophet Saw said, "Praise be to Allah who has guided the Messenger of Allah on something that pleased the Messenger of Allah".  

Referring to the conversation of the Prophet and Muadh above, this shows that ijmak is one of the sources of Islamic law that is agreed upon by the majority of scholars. The juridical-sociological consequence is that if a law has been agreed upon by the scholars, then it has binding power, in the sense that the followers must follow and practice it in their daily lives. However, among scholars there is still a debate about the quality of the blasphemy or the authority of ijmak, whether it is qoth'i (absolute-decisive) so that it must be practiced, or is it zhanni (relative-commensurate) which means providing an alternative, between having to follow ijmak product or being allowed to ignore it. This quality of blasphemy or the authority of ijmak will be the focus of the study in this article.

The purpose of conducting a study and critique of reasoning against the blasphemy of ijmak is intended to place the position of ijmak proportionally and rationally, in accordance with the initial objectives of the ijmak theory formulated in the early days of Islam so that there are no misperceptions about the blasphemy of ijmak. Indeed, ijmak as a source of Islamic law requires the existence of

10 Imam at-Turmu’dzi, Al-Jami’ al-Shahih Sunan at-Turmu’dzi, III (Beirut: Dar Ihya’ at-Turats al-‘Arabi, tt.), h. 616.
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evidence backing from the Qur'an and Hadith, cannot stand alone independently. However, what happened later was that ijmak only became a support for the status quo against the fiqh laws of the clerical products contained in fiqh books. Once it is said that an agreement has been reached through ijmak, it is immediately deemed that there is no more opportunity for reinterpretation to produce a new fiqh law. If this is the case, then ijmak becomes a "barrier wall" for the dynamics and renewal of Islamic law, because of the misperception that the blasphemy of ijmak is qath'i. Ijmak is only passive and retrospective, not active-prospective as a legal solution.

The study in this article is a normative or doctrinal research library. The pattern of approach used is a philosophical approach, the philosophy of Islamic law which in this case is the science of ushul fiqh, especially related to the theory of ijmak. The data analysis uses deductive logic, considering that this study includes doctrinal research, so the starting point starts from the premises in the form of legal norms contained in the Qur'an and Hadith and leads to the discovery of legal principles or doctrines.

B. The Blasphemy of Ijmak: Between Qath'i and Zhanni

The term ijmak is actually not foreign to Muslims, it's just that the term ijmak began to crystallize as a theory in the science of ushul fiqh along with the emergence of increasingly sharp dynamics of Islamic legal thought. In other words, the emergence of the theory of ijmak (consensus) is motivated by differences (ikhtilaf), especially in matters of fiqh, so people often say that ijmak is as old as ikhtilaf.


13 Habib, Ensiklopedia Ijmak, h. xvi.

14 Bambang Sungono, Metodologi Penelitian Hukum, Ke-7 (Jakarta: Raja Grafindo Persada, 2005), h. 68, 102.

15 Philosophy of Islamic law is the rules, principles, or regulations from which ruh taswir contained in the Qur'an and or Sunnah will be revealed. See in Hasbi ash-Shiddieqy, Falasafah Hukum Islam (Jakarta: Bulan Bintang, 1974), h. 36.

16 Hadi Sutrisno, Metode Research II (Yogyakarta: Andi Offset, 2012), h. 42.
Semantically and linguistically ijma' is a change in the form of the word from ajma'a (أَجْمَا عَ) which can mean “to gather, unite, assemble, unite, assemble, or pull together”.\textsuperscript{17} Ijma also means "will" and "agreement" (al-'azm - al-ittifaq).\textsuperscript{18} According to the terms in the science of ushul fiqh, ijmaq is defined as the consensus of the mujtahids of Muslims at a time after the Prophet's death on a syarak law relating to human actions.\textsuperscript{19} With such a description of ijma, since ijma is one of the sources of Islamic law, ijma has a very strategic and significant position in the development and renewal of Islamic law.\textsuperscript{20}

The discourse on blasphemy or the authority of ijma is a significant thing in the study of ijma theory. This is because the concept of ijma is based on a cross of opinions among scholars regarding the existence of ijma as a source of syarak law. (mashadir al-ahkam al-syr'iyyah). The majority or the number of scholars are of the opinion that ijma is a proof in the sense that it can be used as a source of Islamic law. This is the opinion of the majority of scholars\textsuperscript{21} such as al-Shafii'i, Ibn al-Humam, al-Jashshash, al-Gazali, ash-Syathibi, as-Sarakhsi, Ibn Hazm, and other contemporary scholars.

There are a number of arguments submitted by the majority of scholars to show the blasphemy of ijma both from the verses of the Qur'an and Hadith, including the words of Allah SWT in the Qur'an Surah al-Nisa' verse 59 which means: O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority.

\textsuperscript{17} Saim Kayadibi, \textit{Istihsan: The Doctrine of Juristic Preference in Islamic Law} (Kuala Lumpur, Malaysia: The Other Press, 2019), h. 20-21; See in Ibnu Mansur, \textit{Lisan Al-'Arab}, Juz VIII (Beirut: Dar Beirut, 1956), h. 53.


\textsuperscript{19} Muhammad Abu Zahrah, \textit{Ushul Al-Fiqh} (Mesir: Dar al-Fikr al-'Arabi, tt.), h. 198;See also La Jamaa, “Fatwas of the Indonesian Council of Ulama and Its Contributions to the Development of Contemporary Islamic Law in Indonesia,” \textit{Indonesian Journal of Islam and Muslim Societies} 8, No. 1 (July 2, 2018): h. 29–56, https://doi.org/10.18326/ijims.v8i1.29-56.


\textsuperscript{21} Ahmad, \textit{Al-Ikhtilaf Rahmah'an Niqamah} (Jeddah: Makatabah Dar al-Matbu'at al-Haditsah, tt.), h. 95.
The word "al-amr" contained in the verse is a synonym with the word "al-sya'\'an" which means business or field, including the religious field and the worldly field.\(^{22}\) In the worldly sector, the *ulil amri* or government authorities, such as presidents, sultans, kings, heads of state, or other leaders are in charge. As for the religious field, it is the scholars who have the right to regulate it.\(^{23}\) Thus, the legal lesson that can be drawn from this verse is that Muslims are obliged to obey the ruler or *ulil amri* if the ruler has set a policy and must obey the ulama if the scholars have produced ijmak based on the texts of the Qur'an or Sunnah.\(^{24}\)

Another argument which puts forward to support the blasphemy of ijmak is the word of Allah SWT in the Qur'an surah al-Nisa' verse 83. This verse instructs Muslims to refer to the Qur'an or Sunnah when there are differences of opinion.\(^{25}\) Therefore, if the mujtahids have agreed, then Muslims are ordered to follow that ijmak and this means to return to the Qur'an or Sunnah.\(^ {26}\) Ibn Hazm also interprets "*ulil amri*" as rulers (*umara*) and experts (scholars).\(^ {27}\)

As the word of Allah SWT in the Qur'an Surah al-Nisa' verse 115, through this verse, Allah SWT intends to warn those who oppose the Messenger of Allah and follow the path of the unbelievers with punishment in hell. Even those who follow the path of the disbelievers are likened to those who oppose the Messenger of Allah. Therefore, the law of following the path of the unbelievers is misguided and unlawful, while following the path of the believers is obligatory. Thus, it means that consensus can be used as evidence


because it is the agreement of the scholars and the way of the believers.\textsuperscript{28}

Another argument was also put forward that the similarity of opinion among Muslim mujtahids is basically a portrait of the representation of the opinions of Muslims as a whole. There are a number of hadiths of the Prophet and his companions which show that the agreement of Muslims is impossible to be wrong or misguided. Among them is the hadith of the Prophet which means "My people will not agree on mistakes or misguidance".\textsuperscript{29} Then the hadith of the Prophet which means "A group of my ummah will always defend the truth until the Day of Resurrection comes".\textsuperscript{30} Furthermore, there is a hadith of the Prophet which means "What is considered good by Muslims, it is also good in the sight of Allah".\textsuperscript{31}

The three hadiths of the Prophet above in principle emphasize that ijmak of Muslims is guaranteed from the possibility of being wrong and astray. Although the quality of these traditions is not up to the degree of authenticity in terms of text, editorial, and transmission sequences, the hadiths support each other so that they can be categorized as valid in terms of their meaning. Therefore, these traditions support the theory of ijmak.\textsuperscript{32} The point is it is impossible for Muslims to agree on falsehood and there will always be those who uphold the truth.

The scholars who support this ijmak blasphemy also stated that when the scholars agreed, in accordance with the theory of ushul fiqh, surely it required the support of the arguments and still pay attention to \textit{maqashid al-syari'ah}.\textsuperscript{33} The scholars also use certain \textit{istinbath}
methods such as *qiyas*, *istihsan*, and so on. Because the product of the *istinbath* of the ulama is always based on the syarak argument, the consensus of the mujtahids has legal force.\(^{34}\)

Referring to the various opinions above, it is clear that the consensus can be used as evidence for Muslims in establishing the law. The blasphemy of *ijmak* has been supported by arguments from various sources collectively, both from the Qur'an, Sunnah, and logical arguments as a unit. Indeed, these arguments have different objects or patterns of approach and do not explicitly point to the authority of *ijmak*. Even some traditions that are used to support the authority of *ijmak* are also classified as *dhaif* because they are included in the hadith of the week. However, the scholars emphasized that these arguments have the same direction and meaning and support each other.

If theoretically *ijmak* is still debated, but historical facts have proven that it has played an important role in uniting the ummah and minimizing the *side effects* of existing disputes, both sociologically\(^{35}\) and politically.\(^{36}\) Therefore, trust in the authority of *ijmak* no longer needs to be debated and should need to be maintained.

### C. Criticism of Reason against the Blasphemy of *Ijma* as a Source of Islamic Law

There is a difference of opinion among *ushul fiqh* scholars in determining the quality of the *ijmak* blasphemy, whether it is *qath'i* or *zhanni*. In this context, some scholars argue that the theory of *ijmak* comes from the Qur'an and the Sunnah, so it is

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\(^{35}\) al-Juwaini explained that *ijmak* has been proven to play a role as a defender and supporter of Islamic law jurisprudence, especially Islamic law thought inherited from salaf scholars. See Abu al-Ma’ali al-Juwaini, *Al-Burhan Fi Ushul al-Fiqh*, Cet. Ke-4 (Mesir: al-Wafa’ Manshurah, 1418 H), h. 436.

\(^{36}\) In the event of the election and appointment of Abu Bakr as caliph, it was clear that the deliberation and consensus of the people was pursued for a real and really urgent need to equalize perceptions and unite the people so that there would be no "leadership" vacuum after the Prophet's death. Munawir Syadzali, *Islam Dan Tata Negara*, Cet. Ke-1 (Jakarta: UI Press, 1990), h. 21.
generally considered that ijmak is a *qath'i* proof. Scholars who think so include Shairafi, Ibn Burhan, ad-Dabbusi, and Ibn Taimiyah.\(^\text{37}\)

Al-Bazdawi also argues that the blasphemy of ijmak *qath'i* and states that the function of ijmak does improve the quality of a regulation, which was originally *zhanni* or still in dispute, increased to *qath'i* after the consensus or ijmak of the scholars. Therefore, if an agreement has been reached, then if there are those who disagree, they can be ignored.\(^\text{38}\) Meanwhile, other groups of scholars, including ar-Razi and al-Amidi, stated that ijmak is a *zhanni* proof, because ijmak is stipulated in matters based on *qiya*ṣ or *ahad hadiths* that are also *zhanni* in nature. A more moderate opinion states that if ijmak is determined by the total agreement of the scholars, then it is *qath'i*. But if there are still disagreements, such as the existence of ijmak *sukuti*, or the parties who disagree are only a minority, then this ijmak is *zhanni*.\(^\text{39}\)

It is interesting what is stated in the book *Jam'u al-Jawami'*, that if the ijmak relates to matters that fall into the category of *'ulima min al-din bi al-dharurah*, such as the obligation to pray five times a day, pilgrimage to the Baitullah, fasting in the month of Ramadan, then the opponent is considered an infidel. However, with regard to ijmak material which is not covered by the text, including ijmak *khafi* or *sukuti*, such as the destruction of the hajj pilgrimage due to commune before wukuf, the opponent is not a disbeliever.\(^\text{40}\)

The explanation above shows that there are two categories of ijmak blasphemy quality: *qath'i* ijmak if supported by *qath'i* texts or relating to matters that include the *'ulima min al-din bi al-dharurah* category. Opponents of such consensus are infidels. As for ijmak which is of *zhanni* quality, ijmak in matters supported by

\(^{37}\) ar-Raziq, *Al-Ijma'fi al-Syari'at al-Islamiyyah*, h. 91.

\(^{38}\) al-Sarakhsi, *Ushul Al-Sarakhsi*, Juz I (Beirut: Dar al-Kitab al-'Arabi, 1372 H), h. 301.


\(^{40}\) Muhammad bin Idris al-Syafi'i, *Jima' al-'Ilm* (Madinah: Dar al-Atsar, 2002), h. 22.
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zhanni's argument or in matters for which there is no explicit text in the syarak text, the quality of its blasphemy is also zhanni and those who oppose ijmak who fall into this category are not infidels.

The blasphemy of ijmak, as it has been stated, is that the majority of jurists have agreed that ijmak is one of the sources of Islamic law and therefore ijmak can also be used as a juridical argument in establishing Islamic law. The blasphemy of ijmak is based on the word of Allah SWT in the Qur'an surah al-Nisa' verses 59, 83 and 115. These verses cumulatively imply the validity and blasphemy of ijmak as a source of Islamic law.

Logically, the agreement of the mujtahids is a portrait or a real picture of the opinions of Muslims. There are a number of hadiths that indicate and guarantee the truth of the agreement of Muslims, that it is impossible for Muslims to agree on what is wrong as some of the hadiths that have been previously mentioned. Hadith from Abu Hurairah about the word of Allah SWT "Obey Allah and obey Allah's Messenger and ulil amri among you". Ulil amri is umara, and according to the narrations of Mujahid, al-Hasan, Ikrimah, and 'Atha', what is meant by ulil amri is fukaha.\(^1\) These hadiths, although not valid in terms of the pronunciation of the matan and the chain of sanad, support each other then they can be said to be valid in terms of meaning and these traditions complement each other to support the ijmak theory.

Referring to the various opinions above, it can be understood that consensus can be used as evidence, but the blasphemy or its authority is not independent because it still requires the support of arguments from the Qur'an and Sunnah. Indeed, ijmak is a product of collective ijtihad, but in ijtihad the scholars still pay attention to maqashid al-syar'iyyah and use certain istinbath methods, so that the consensus of the scholars can be accounted for.

Regarding the quality of the objections of ijmak, some scholars argue that ijmak is a qath'i because ijmak is sourced from the Qur'an and Sunnah. This group also argues that the ijmak function does improve the quality of personal ijtihad products which were originally zhanni or still in dispute and can become qath'i after approval or ijmak. Therefore, if ijmak has been reached, then there should be no different opinions. The other group of scholars stated that the quality of the blasphemy of consensus is zhanni since ijmak is stipulated in matters based on zhanni texts as well. Object of ijtihad including jama'i ijtihad becomes the basis of ijma'i and in matters which legal basis is zhanni or there is no legal basis at all.

The blasphemy quality of ijmak can be divided into two categories; ijmak qath'i if it is supported by qath'i texts or relating to matters that include the category of 'ulima min al-din bi al-dharurah. The blasphmeey quality of ijmak which is zhanni is ijmak in matters on which the arguments are based on zhanni arguments. Therefore, Islamic law that was established through the previous ijmak can be annulled by the later ijmak, either by the same generation or by the next generation. It means ijmak may be annulled as the time for the determination of the ijmak has passed. Ijmak is possible at any time, as long as it is accompanied by correct syarak arguments and arguments in accordance with the methodology of establishing Islamic law. The latest ijmak product handling the same object will serve as a correction and replacement, as well as a sign that the validity period of the old ijmak legal status has expired.

According to the theory of Islamic law jurisprudence, the validity period of a legal regulation will end when 'illah and maslahah it contains are no longer found, and the next generation of scholars may agree on a legal regulation that is different from the previous legal regulations. In a rule of ushuliyah it is stated that "The law will change along with changing situations and conditions." Another rule of Islamic law states that "the law

42 Ali Ahmad al-Nadwi, Al-Qawa'id al-Fiqhiyyah (Damaskus: Dar al-Qalam, tt.), h. 158; See in Muhammad Ibn Qayyim al-Jauziyyah, I'lam al-Muwaqqi'in 'an Rabb al-'Alamin (Beirut: Lebanon: Dar al-Jail, tt.), h. 4.
revolves around its legal arguments, both for the existence of law or not.\textsuperscript{43}

Referring to the two fiqhiah rules above, if the agreement of the scholars on a law contradicts the previous legal agreement, it means that there has been a change to the law which is in line with the change in 'illah and maslahah and also means that the validity period of the previous legal agreement has ended.

Observing the opinions of scholars regarding the blasphemy of ijmak and examining the historical aspects of ijmak and the legal basis of naqli from the Koran and Hadith, the author argues that ijmak when viewed from the aspect of the quality of its blasphemy can be classified into 3 (three) types, they are:

\textbf{First:} Ijmak relating to the issue of ubudiyah mahdhah and supported by a verse or hadith qath'i or 'ulima min al-din bi al-dharurah. Ijmak in this matter is binding on every Muslim and cannot be annulled because the evidence is strong. This is actually the form of consensus desired by Ibn Hazm, al-Shafi‘i, and Imam Ahmad bin Hanbal. For example, ijmak regarding obligatory prayers, paying zakat, making pilgrimages, and so on. Such an opinion is in line with the fiqih rules that in matters of pure worship and having qath'i arguments, they are not the object of ijtihad. This is in accordance with the qa'idah fiqhiyyah formulated by the scholars that "Basically the law of worship is invalid, so there are arguments that command it".\textsuperscript{44}

\textbf{Second:} Ijmak in the matter of ubudiyah mahdalah, but the argument is zhanni. The blasphemy of ijmak in matters like this is zhanni and is only binding on the person or community who agrees to it. Parties who disagree, should not be forced to follow the agreement because it is contrary to the freedom of ijtihad which is


protected by syarak. For example, the problem of the number of rak'ahs for the tarawih prayer, the problem of raising up the basmalah reading in prayer, how to perform ablution, and so on.

**Third:** Ijmak in religious matters related to human relations (*muamalah basyariyah*) which is not stated or explicitly regulated in the text, such as regulations on the appointment of heads of state, administration and legislation on marriage, inheritance, and so on. Ijmak in these matters is *zhanni* and can be narrated because it is relative. This kind of Ijmak is binding when there is interference from the authorities to enforce it in the law. In the rules of *fiqhiyah* it is stated that "The wisdom of the leader to his people must refer to the realization of benefit".\(^{45}\)

D. Conclusion

By looking at the arguments, both *naqly* and *'aqly*, related to the issue of blasphemy or the authority of ijmak, it can be concluded that ijmak can be used as evidence, has validity and authority, although it still requires evidence from the Qur'an or Sunnah. Not all ijmak is *qath'i* and therefore not all ijmak must be followed. The blasphemy quality of ijmak is *qath'i* if it is supported by texts that are *qath'i* or related to *'ulima min al-din bi al-dharurah* matters. The quality of ijmak is *zhanni* if it is only supported by the *zhanni* argument or in matters for which there is no explicit text in the syarak text. Ijmak which is *qath'i* is very limited in number, especially related to matters of worship of *mahdalah*, while ijmak which is *zhanni* is very much in number and usually involves matters relating to humans (*muamalah*). Ijmak in matters of this kind actually need to receive (treatment) and be developed by the scholars together with umara.

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Sengaja Dikosongkan