THE CONCEPT OF TAMADHHUB (FOLLOWING MADHHAB FIQH) ACCORDING TO SA'ID RAMADHAN AL-BUTHI

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Abstrak

Pada umumnya, pandangan para ulama mengenai ibadah menggunakan fiqh di kalangan umat Islam terbagi menjadi dua. Sebagian ulama menganggap umat Islam awam harus bertaklid kepada Imam Madhhab. Sebagian ulama melarang hal itu dan mewajibkan setiap muslim untuk berijtihad sendiri. Salah seorang ulama kontemporer, Sa'Id Ramaan al-Buml mempunyai penjelasan lengkap akan masalah tersebut. Argumentasinya banyak tertulis dalam buku-buku dan program televisinya yang menjadi rujukan umat Islam dunia. Menurut al-Bumi, tamadhhub adalah sesuatu yang dibolehkan secara ijma' ulama. Ini karena tidak setiap muslim memiliki kemampuan untuk berijtihad terhadap permasalahan yang ia hadapi. Maka masalah ini bisa dipercayakan kepada Imam berkualifikasi yang memiliki otoritas untuk mencari hukum yang benar dari permasalah tersebut. Maka tidak ada kewajiban bagi Muslim awam tersebut kecuali mengikuti pendapat sang Imam. Bagaimanapun, masih banyak golongan yang terlalu fanatik dan melarang prakrik bermadhhab, menganggapnya sebagai bid' ah yang sesat. Padahal ini bukan waktunya untuk saling menyalahkan, tapi sekarang adalah waktunya umat Islam untuk bersatu dan berjalan bersama, melawan setiap masalah sebenarnya yang datang dari luar, dan sangat berbahaya jika diabaikan. Harapannya, setiap Muslim sadar akan masalah ini dan

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mulai merapatkan barisan untuk bersatu dan saling menguatkan satu sarna lain.

Kata Kunci: *taqlid, ittiba', ijtihad, fiqh, mazab, imam*

lntrodution

The history of Islamic movement stated that Muslim scholars in the second century have a merit in developing *fiqh* or Islamic jurisprudence. They mobilized their effort for searching the core of *fiqh* from the *nacc;* al- Qur'in and *~rth* (this effort was known as *ijtiluid).* Then there were groups who followed these scholars till emerged the term of *madhhab* or school of Islamic jurisprudence in next period. And there are 4 famous schools of Islamic jurisprudence still known till this era; Hanafl, Milikl, Shifi'i, and Hanball. [1]

After several centuries, the human effort for digging up Islamic Jurisprudence became weak. Muslims tended to follow one school and suggested the door of *ijtihcld* had been closed.? The blind fanatic movement emerged. A group who followed certain of school (of Islamic Jurisprudence) claimed their school had the true view and other schools were false. [3]

According to this condition, there was a group tried hard to leave from school and called their followers to merely hold on the main core of Islam, al-Qur'an and *~rth.* Because of these points, there are several questions want to be asked such as; Is *madhhab* unnecessary again in this era? Is there the advantage of following certain school? and more similar questions.

One of contemporary Muslim scholar that has deeply researched this case was Said Raman al-Bumi of Suriah". He stated the necessary of Iollowing school for Muslims. He opposed the practice ofleaving school *{t/llti-madhhabism}* and wrote 2 books for this case. These books are: *"A~ Imnadhhabiyah Akhmaru Bid'atin* T *uhaddidu as-Syari-' ah aUslamiyah"5* which (ilVe the rebuttal for who denied the necessary of following school. The second book is *"As-salafiyah, Marzalah Zamaniyah Mubarakah laMadhhab hlilmiy"6,* a book that explains the true meaning of *Salaf* and discusses a group who refused the practice of following *Madhhab.* Al-Biiml not only wrote a book about this matter, he also discussed with one of leaders of ı his group to find the root of this problem. He tried to become so objective in order to be not trapped in fanatical understanding. The 'war of thought' between al-Bumi and this group became the famous discussion of this topic in the contemporary era.?

The meaning of *madhhabiyah*

On his book, al-Butl used *madhhabiyah* or *madhhabism* for showing the practice of a person who follow *madhhab.* Al-Biiti used *madhhabiyah* as the synonym of *tamadhhub.* It does not matter because sometimes one scholar used different terminology than other scholars {because the

1 The wire expalanation can be seen in *Tarfkh Tashrl'* (History of Islamic Law) belongs to Manna'" Qamman, 2001, Published by Maktabah Wahbah, Cairo. p. 11-37 and 93-174. A book that explores the development of Islamic law (include ***fiqh*** or Islamic jurisprudence) phase by phase.

2 The statement of closing of *ijtihdd* passed on fourth century of Hijriah. See Ahmad Hanafi, Pengantar dan Sejarah Hukum Islam, Seventh edition. (Jakarta: P.T. Bulan Bintang, 1995), p. 208. and Imam Maksum, *Pintu /jtihad Tertutup?* (Indonesian) [urnal of AHKAM, Volume 11, Nopember 2009. p. 119. The wirer explanation about the real meaning of the door of *ijtihad* had been closed can be seen in M. Hamdani Yusuf, *Perbandingan* ***Mazhab,*** New edition. (Semarang: PT Cipta [ati Aksara, 1994), p. 80-84

3 "-i 'uP ., ..ili; ,<, '1),r!1 i'j,s-"?J eJI)~ :.~UII) ,WI.w 'd.L- ..l.,,-l1),;1

4 His complete name is Muh}ammad Sa'id ibn Mulla Ramaan ibn 'Umar al-Biitizi, Al-But! was born in Buman (Turkey) in 1929. Al-Butl was dead because suicide bomb attack when he gived the ***Tafslr*** lesson in Irnan Mosque, Damascus, Syria on Thursday, March 21 2013. This attack was happened after two years conflict between Assad regime and his opposition. Al-Biiti passed away in 84 years oil al-Biitl became a lecture in *Shari'ah* faculty in Damascus University since 1961. The last he worked as Professor ofIslamic *Fiqh* in Damascus University. He preaches very often and is highly respected by many of the leading scholars in the Muslims worki He has significance influence from his position as a central figure in the Muslims scholarly establishment, writing close to 50 books that have garnered considerable critical acclaim. His books discussed *aboutfiqh* and its *ustil,* Philosophy, Education, Literature, and science of al-Qur'an, See Indah Wulandari, et aL *Al-Buthi Gugur Saat Mengajar Tafsir.* Republika (Indonesian newspaper). Saturday, March 232013. p. 1, and See also John Esposito, et aL *The The 500 Most Influential Muslims,* First Edition. (Washington D.C.: Georgetown University: The Royal Islamic Strategic Studies Centre, 2009). p. 66.

5 It means *'Anti-Madhhabism,* the dangerous heresy threats Islamic law'.

6 It means 'Salafi, the blessed period, not a school of Islamic law'.

7 See the explanation of Azis Anwar Fachrudin, the translator of al-Biimi's book to Indonesia. Sa'id Ramaan al-Biiti, *Menampar Propaganda "Kembali Kepada* ***Our'an****":* First Edition. (Jogjakarta: Pustaka Pesantren, 2013), p. 11-14

different of place and time) for showing the same definition," Al-Buti said:

9 ~ rlAl ~.io ~~:Jl ~J ~ f rY Ji if Wl ~ 0\ ~ ~iil"

" . .r=-T Jl..l.>-l) *cr"* J~..}\$- -" ~ ..1.>-1) r)1 ~l-""""

This definitions can be meant as the practice of person or *who doesn't reach* ijtihad *degree that folLows* madhhab *of* imam mujtahid *either by keeping one opinion consistently* or *changing* to *one another (depending* on *the condition happened then).* This *definition has the* similar meaning *with common meaning as toLd* in *chapter two. ALthough a~Buil gave additionaL condition by teLLing this practice is done consistently depending* on *one* imam or *not.*

Another book that used the term of *Madhhabiyah* is belonging to Mani' ibn Hammad al-juhni, who wrote in *a~Mausu""ah a~Muyassarah,* he defined *Madhhabiyah* as:

10 rlAl ~.io ,~,:, *Jyi* J5' cj .:.~:Jl ~ *J* ~ f <,.>lJl ~l ~ .Ji

~ ~~ .Ji .J)..Io! .r=-T Jl~,i. rY J~ ..}\$-)i ..1.>-1) ~l-""" ~

.~..,i....,...\;5" *if*

There is no different definition between al-Burui's and Mani"s (Marini' just added 'without asking the argumentation from al-Al-Qur'an or *sunnah').* It can be concluded that *rnadhhabiyah* according to them has also same meaning with *tarnadhhub* which means to follow individual who has ability to *ijtihid* either by holding on him forever or sometimes change to other opinion.

в The example of it also can be found in *Bidiiyatul Mujtahid* of Ibn Rushdi who has own terminology for showing some terms such as he used *al-Hadlth Thabit* for *Haditii ~a~i~,* that is derived from Bukhari-Muslim while majority of scholars used *muttafaq 'alaih.* Many different terms were used by Ibn Rushdi while not commonly used by majority of scholars. See the explanation of translator in Introduction of Ibn Rushdi, *Biddyatul Mujtahid,* (Translated into Indonesian by Imam Ghazali Sa'id etal) Third Edition. (Jakarta: Pustaka Amani, 2007), vol I, p. lviii-Ix

9 :d.;)Y) .~l::ll ~l .;""")1...'11 ~rJl ~J.i, ~~)..>-i ~.i.')I.ll (Joy,ll *0L,a.,.)* ~

IV • *o"* ,(r .. o (<Jl} ..•. H ~

10 :",\;)\) .6.:ll::l1 ~l ".r"WI ylr\tl J ':'4.:.\t1 ~ • .rJl ~y}1 ,~l ~\..'- J. ~Lo

'0,\ .c.f ,J}J,I Ml ,(., t, *1* 't'jyJl j'p^{i} j ~~

~WI.j..wl)~

When the Muslim is obligated to leave *madhhab?*

It is not absolute for every Muslim to follow *rnadhhab.* There are two conditions for the followers of *rnadhhab* to leave the opinion of their *imam* and not to follow it. Al-Buti stated:

a. First condition: When a person achieves the understanding of the problem (of several problems) with rational understanding and has enough argumentations and the ability for summarizing the law of the problems. This person must follow his own opinion *(ijtiluld)* rather than follow his *imam's* opinion."

b. Second condition: If he sees an Prophetic *h}adith* that is on the contrary with the opinion of *imam rnadhhab* who he follow and he is sure with the validity of that *1)adith* and its evidence of the law. So he must follow the valid *1)adTth*[12] than *rnadhhab* opinion. This is because all Imams of four schools had commanded their friends and pupils to make a move to valid *1)adTth* if it is difference from their opinions. Therefore the moving to valid *1)adTth* is the core of *madhhab* of four Imams. 13

Clarification of Shafi'! statement: If the *H{adith* is true so that is my *madhhab*

There was agreement reached from every famous Imam of scholar that their opinion must follow the valid *1)adith.* As Imam Shafi'i said his famous statement,

~.L ~ ~J.,ll ~ bl

"If the H{adlth is *true* so *that* is *my* madhhab.'?'

11 , "le..><> opcit ~.J:!ll

12 We know it by ***Hadfth ~a~i1].*** There are several levels ofthe validity of ***Hadith.*** The *Hadiths* that can be used to be evidence of law came from the first and second level of the highest They are *Hadlth ~ahTl]* and ***Hadith*** *Hasan.*

13 , , '11,)0<> *ibid* ~~l

14 This is the famous wording that was claimed coming from Shaft). However there were several wording versions of Shafi'I's statement about the topic above, the nearest statement in which similar with it is narrated from Abu Wand Musa ibn Abl al-Jarud who said: Shaft) said:

On the other way, not every Muslim has authority to note *1;tadfth* that seems having a contradiction with the *ijtiluld* of his *imam* and then it must be followed. There is requirement (as stated above) for every researcher to be understood carefully to result the right conclusion of law. [15]

In this point, al-Buti narrated Imam Nawawi' statement from his *bookA~Majmu'which* gives clarification about Shafi'l's statement as follow:

[16] JIj ~ \!:~ (51) ~I JS' 01 0W... ~ ~L.::jl .J1j ("S.lll I..LA. j ...
L) .)~'jl ~.J .J ~ I..LA. til j ,o.,rl>~ ~ j ~L.::jl ~.i.. I..LA.
0i .cl. J>- ~ 0i .t.k.,,;. j ~ ~))i ~ J" i"u; L- J>- ~..ul
til I.u) ,~ ~ t)i ~JJ,..I I..LA. J>- ~ t 1\ ~.J ~L.::jl
) -.:.;. 0!J.:.:. .)1 ~ \.;....pi ~ J" 1A..i) 415"' ~L::JI y£ 4.J\,b... 0 ~
0~ t;.?~ L- I.,bpl til) ,~ ~ J" Ji ~..b.,.;. \.u j ,~r L-
iU ~ ,~ -' 1AT) eftS' ~.)\;..i f~ J.-.II !J; 1\ ~.J ~L::JI
, . ..!.U~ ..i)i ~jt-)i ~ } ~)i ~ .rb ~ o~ J)..u\

A person who has competence to decide whether a *1;tadlth* can be practiced is he who has *Mujtahid* degree. And this is difficult requirement which not every person can attain it. ShafCl also told that he left many */:tadith* that he know because there were conditions made leaving them is permissible (such as the *1).adzth* is *ma~ukh* or specialized not to be used). [17]

Jm J J~ J- e"1) \.ji..4 (~~ ..::..W ,~ J ~ ..tl J.-P ..tl Jr-) J- ~.JJ-I ~ I~!
J.; ~ (~I ~l5:J1 ~ J. Js- ~I <Jl.:r-..ul r.? ~\£ ~ j.ol5:J1 0l,,,.11).;I".dl~
"-- *y)* ,~ ~ i)~ ~.)I.>-l c.r" J .o.A.h-,~*i..* ~ ~.JJ-I ~ I~I ~I rL.)'1
. A" .<J" ,(d.;... ~ *,4.,b)*

[15] \ 'I 'uP .Opcit
[16] .!\ :('sJI.PJ t.~1 0" ~ *yt..* H· 'uP ,~L.JI ~)I '.?.r.J1
[17] ..... 10)\ ,,,,,,10)\) i~\rl w\rl *if* r)U1 *c!J* 'W u. iU1 J..,r- U. r+J-1 J..,r- u. ..l.i"-t
n .<J" '(4\ t If (,)W,J¥I J oy..ul J <~~I J ~1":"~loJb)' ...,.WI

The core of *1;tadfth* is more essential than its explicit meaning *(zahir h}adit),* and only *mujtahid* has the competence to see its core.

Al-Buti added Ibn Taimiyah's statement that there are ten requirements for leaving *Imam madhhab* to *zhahir 1;tadith.* Besides that, it is permissible to the scholar to leave the practice of *1;tadlth* if it is not reconnoitered yet because the understanding of Islamic knowledge is wide. [18]

Al-Buti argued that is the valid evidence from Islam for the permissible of *taqlfd* or following *madhhab* for who doesn' have *mujtahid* degree. This is the proof that the follower are permitted to choose certain *madhhab* that he trusted. [19]

There is no prohibition for doing *taqlid* because it is allowed in Islam *(mashrii~* according to the consensus of Muslim scholars

There are two words usually used in defining the word 'follow' in Arabic; *ittiba-'* and *taqlzd.* Al-Btiti had a notion that there is no different meaning among them.P It is based on Qur'anic verse explaining about *ittiba'* that expresses the meaning *taqlZd,* Allah said:

~/ 01-iJ1 1 1/' 1'/:1 -:.:Ul: 1 ~I -: .:Ul ~/ ~ ~I
L:{ ~ i ;~ : ~S}' t:J ~i ~ j~ Cr.-;JT J~j ~ ~(...: ~T
~ J h=-:'L~ r- r-r--I ,:';I ~r~ ~..f.. ..w,£ t... j ~ J~ r.
e~IJ~ ~~

"And they should consider [that] when those who have been followed disassociate themselves from those who followed [them], and they [all] see the punishment, and cut off from them are the ties [of relationship. Those who followed will

[18] i~\rl W\rl cl' i~1 c!J 'W J.I :J j.-tS:J1 JI"JI).;1 ., 'I'.UP .~WI ~)I ,.?."ll . \",0-,\ .<J"

[19] \ .,. \ _. r , 'U"" Opcit

[20] This is on contradiction with Salafi group statement that *ittibd'* is different with *taqlld* as explained before. The writer agrees with al-Bumi's statement Because of that, all words derived from *itiibd'* and *taqlid* just translated by same word: follow, and who do this action just called by follower.

say, "If only we had another turn [at worldly life] so *we could disassociate ourselves from them as they have disassociated themselves from us." Thus wilL Allah show them their deeds as regrets upon them. And they are never* to *emerge from the Fire. "*[21]

By these verse al-Biiti concluded that the meaning of *ittiba'is* same with taqfrd.[22] According to al-Bufl, *taqlrd* is following one's opinion without knowing its argumentation behind. Sometimes the follower has known the reason why he follows the certain *mujtahid* scholar, but he doesn't know the reason why the *mujtahid* follow certain evidence.23

According to al-Ashqari, *taqlrd* can be defined as taking one's opinion without knowing its argumentation or to return to one's opinion in which doesn't have argumentation behind. The doer of *taqlrd* made his *imam's* opinion as his argument absolutely whether it is appropriated with *sunnah* or wrong by the verses or *J:tadrths* that are contradiction with it.[24]

Opposite with al-Bumi's opinion, al-Ashqari sees that the inviting for *taqLrd* is danger invitation. It can invite Muslim to the stagnancy of Islamic thinking. It makes people stupid without any effort to understand Islamic law. 25

Al-Buti gave three reasons why *taqLrd* or following one's opinion is allowed in Islam, especially for who doesn't have ability to do ijtihtld.

a. . t}.rSl reason.
a. First reason:

Allah said in al-Qur' an :

And We *sent* not *before you except* men to *w* om we *revea* *led [0* *ur message].* So *ask the People of the messa'f* ge 1 *you* o *not now.* [26]

The common scholars hav e agree that this verse lS command for who does not know the law or its argumentatlOn to o ow w o

[21] Al-Baqarah: 166-167
220pcit
230pcit
24 l.i~ e:-l>.- (\ y'..Jr :Lr.,A.i).l ,)\;.j .r j.;; \ Y t .*if* . .y,WI C--)I .. r',,:.','l l.it....,L .r.£.

iAY /r :JI,;JJ ~I) Hi/r :~I

2S opcit
26 An-Nab]: 43

knows about it. The scholars of *u~ul* made this verse as first support that *a~'ami* must follow *mujtahid* who has knowledge."

The similar verse discussed about this argumentation can be seen in at-Taubah. 122 as follow:

And it is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious.

In fact, Allah has forbidden humans to go to the field of war and *jihad* entirely. There must be one of them who stay and learn the knowledge until when they come home they found who is able to show them about their religion and Allah's law, and teach them whether the thing is forbidden or allowed. 28

Another scholar discusses about the concept of *taqlrd,* Taqi Uthmani, He showed other Qur' anic verses related to the cornman of *taqlid* as follow:

1) Al-Nisa': 59
"0 you who believe! Follow Allah; follow the Messenger and those of authority (Amr) amongst yoU."29
2) Al-Nisa': 83
"And when there comes to them a matter concerning (public) safety or fear, they relay it. If they had only referred it to the Messenger and to those of authority (Amr), those who can investigate and extract (information) among them would know (the rumor's validity) .... "30

Those verses show that Allah commanded Muslims to follow, obey and entrust their matter to Him, His prophet and their leader, not to be individual and make own way and separate from their leader. (Al-Butl also gave the evidence from prophetic *J:tad1.th* that shows every Muslim must follow their *imam* in order to be safe from the

27 o..v.uP' Ibid ,c}>."Jl
28 r 0,t) '\' 0,r/ A :0T~\ r~\I t:"\.:l.,.\ ~ *if* Jz W o,A *'uP* cOpcir
29 Taqi Uthmani, *Taqleed's Position in Islam,* Translated from Turkey by Mohammed Amin Kholwadia, pdfversion, Lombard: Darul Qasirn, 1998), p. 11 .. 12
30 *Ibid* p. 13

badness. It's narrated from Bukhari and Muslim by link of Hudaidah ibn al-Yaman that he said:

> The people asked The Prophet about goodness and I asked him about the badness, because of fear that it will suffer me. I asked: "0 .. the Prophet of Allah, we were in *jahiliyah* and bad life, then Allah give LIS this goodness (Islam). Will after this goodness come badness (again)?" The Prophet said: "Yes." I asked, "Will after the badness come the goodness?" He said, "Yes, but there will be *dakhan*[31] in it." I asked, "What is *dakhan* in it?" He answer, "A group of people who doesn't use my guidance, you will know about them and refuse." I asked again, "Will after this goodness come the badness?" He answered, "Yes, there are people who invite to the doors of *jahanam.* The people who accept their invitation will they plunge into it." I said, "Please, tell their characteristics for us, 0 the Prophet of Allah!" He said, "They are from our group and speak with our language." I asked, "What will you order to us if it bear down upon us?" He said, "Hold on the *jama'ah* (community) of Muslims and their imam."31

This *l-Jadlth* show that every Muslim must follow his Irruim and holds on the community of Muslims. It means forbidden to make own *ijtihad* without following *1111lim* especially if he has not capability to be *Mujtahid.* This is on contradiction with Salafi's opinion that every Muslim must make own *ijtihad* and following *1111lim's* opinion is heresy.

h. Second reason:

It comes from ijrrui'33 of the Prophet's Companions. It is truly that the understanding of Islam belonging to Prophet's Companions was different one another. And not everyone of them are *Ahlu Fatwii* or able to give *fatwii.* This was Ibn Khaldun said: There was no religion (understanding) taken from all of them."

31 *Dakhan* -as explained by Ibn Hajar al-Asqalani in *Fathul Bari-* has several meaning: malice, calumny and broken in heart Other said it is same with dukhan (smoke) that connotatively means chaotic that covers as smoke that becomes pollution. See the translator note in Al-Bouty. *Menampar Propaganda "Kembali Kepada Our'an". op.cit:* p. 196.

32 \yy_ \ y,,\ .Opcit .p.

33 Consensus of opinion

34 Opcit P, 98

While it was *mujtahid* in their circle but the number of them were little. It's different with the number of followers who need *fatwii* who were in great quantities. The *mufti*[35] in this era did not teach the law with explaining the argumentation behind to the *mustafti*[36]• The Prophet (peace be upon him) his self sent the *faqih* from his companions to the place where its people didn't know about Islam, its *'aqidah* and the conviction of its pillars. So this people follow everything what *fdqih* delivered from acts, worships, relationships and transaction, *haliil* and *hariim.* Sometimes he found the problem which is not explained in al-Qur' an and *Sunnah,* then he made the *ijtihiid* and gave it to them and they followed it.

Al-Buti narrated al-Ghazali's writing in his book *a~Mustacfd* in the chapter *Taqlid and Istiftii* that the obligation of *al-'iimi* is to follow *(taqlid)* the *ijtihiid.* The reason of it is ijrrui' of the Prophet's Companions. They gave the *fatwii* to lay Muslims and didn't command them to attain the *ijtihiid* degree."

Al-Buti also gave al-Amidi's statement on his book *a~Ihkiim (3/* 171) that said:

> "It had been ijma' that common people in the Companions and *Tabi'un* era -before the emerging people who are dispute in opinions- always asked *fatwa* to *mujtahids* and follow them in laws of *shar'i.* The scholars immediately answered their question without telling its argumentation. Nobody denied it. Then, this matter became ijma' that common people are allowed to follow *mujtahid."38*

The famous companions who were trusted to give *fatwii* in this era were *a~Khulafa al-Arba'ah* (Abu Bakr, 'Urnar, Uthman and 'Ali) , Abdullah Ibn Mas'ud, Abu Musa al-Ash'ari, Muadh ibn Jabal, Ubay ibn Ka'b, Zaid ibn Thabit. The area of *ijtihiid* had been extended in the *ta'biun* period. Each of the Muslims followed the *ijtihiid* of Prophet's Companions. Despite of it, the *ijtihiid* pattern on this period sourced to two major schools: *Madhhab Ahlu a~Ra'yi* and *Madhhab Ahlu al-$adith.* Every *madhhab* has own scholars and sometimes discussion between these

35 Who gives *fatwa*

36 Who seeks the *fatwa*

37 *il\O/or* :JljJJ ~I *cr"* ~y't.. .'\'\ *·uP* 'E'")I u--<'

38 Ibid

scholars culminated in conflict. Eventhough, the lay Muslims who follow their opinion didn't feel this conflict without denying one another. [39]

c. Third reason:

Al-Buti stated the rational reason can be seen in what al-'Allamah Abdullah Darraz.

> " ... the rational argument is if an individual who doesn't have ability to *madhhab* faces with *far'iyah* case, (there are two possibilities will be done), sometimes gives its law without any foundation at all. And this is wrong according to ijrnd'j and sometimes gives its law based on researching the evidence that explained its law or by *raqLfd.* The first (researching his self) is forbidden because in that case this man -have broken his right (who doesn't have ability to *madhhab)* and other right- was never able research the evidences of many cases. He is busy with his livelihood, (research the evidences of many cases) can make him leaving his profession and work, breaking the world because of ignoring work field and his inherit, and the principal, leaving his self from *taqLfd.* That is very difficult (to be happened) ... That's why the enough action is *raqlzd* and that must be done to do the obligation."[40]

It means if a Muslim doesn't have ability to *ijtihad* and there happens the incident which is categorized as *far'iyah'* or branch matter (not principal matter, and includes the dispute matter among consensus of scholars). And the process of concluding the law is difficult for him, then the last choice he cannot do but *taqLtd.*

There is no prohibition for Muslims to follow certain *madhhab*

Al-Buti reaffirmed that the obligation of lay Muslims who don't have knowledge about *ijtihad* is *taqlid* or to follow *mujtahid's* opinion. This command clearly has been stated in Al-Qur' an :

> And We *sent not before you,* [0 *Muhammad], except* men to *wlwm* We *revealed [the message],* so *ask the people of the message if you do not know.* [41]

39 \ ▪▪ _ 0, 0, Opcit P.

40 ~ 'I' 'I' / t :~t.::JJ .::JIMI)I Js- jly 11 .A.,Y pI d' jA; • , • ,-, • • .*if'* Ibid

. ~I L? JI)JI) J,...~I db L? .u}

41 AI-Anbiya: 7

A *non-mujtahid* Muslim is obligated to follow *mujtahid* in everything he doesn't understand about its basic argumentation. This command is obligated without any requirement among these: the obligation to change the *Imam* or to keep one *Imam* forever.f

As addition of that, Taqi Uthmani narrated what Ibn Khaldun wrote in his book about *taqLtd,* he said:

> "The *taqlfd* of four Imams became popular throughout Muslim cities and the *raqlzd* of other scholars was forsaken. The doors of diverse opinions were closed were closed because so many academic terms were being used to denote so many different concepts and because it had become so difficult to reach the stage of a *mujrahid.* There was the apprehension that the title of *mujrahid* be attributed to one who was not worthy, or someone who is inauthentic (and cannot be trusted) in his opinion and in his religious practice. Scholars declared that attaining the stage of a *mujrahid* was not possible and restricted people to follow a particular imam. They prevented people from following imams alternately as this was tantamount to playing (with Islam)."[43]

The forbidden *tamadhhub* to be done

For discussing what *Tamadhhub* that is forbidden to be done by Muslims, al-Buti had explained there were three undisputed principles *(umur* lti *khiltif Jiha)* by the consensus of *'ulama* (Muslims scholars) and had been written in their books. The statements of *Imam* ibn al-Qavyim, 'Izzudin ibn 'Abd al-Salam, Shah al-Dahlawi and other scholars about *taqlid* and *ijtihtid* ranged about these three matters. From these matter, every Muslim is able to understand whether *tamadhhub* act that is forbidden or not. These agreed principles can be stated as follow:

a. First: that an individual who follow certain *madhhab (muqallid)* is not obligated by *shar'i* to follow that *madhhab* continuously. No prohibition for *muqallid* (follower) to change to other *madhhab.* Muslim community have agreed that *muqallid* is allowed to follow *Mujtahid* he want, if he is able to understand *madhhab* and its opinions.

42 Opcit P .. , • ₸•

43 Taqi Uthrnani, *op.cit.,* p. 39. See also Ibn Khakifin, *Muqaddimah,* First Edition, [Darul Kutub al-'I1miyah: 2009). p. 355

MuqaHid is also allowed to follow one of the four Irruims of *madhhab* forever. If there is statement that changing *taqlfd* from one *madhhab* to another is something bad, this is kind of bad fanaticism that deviates from Muslims agreement.t' This kind is forbidden *Tamadhhub* to be done.

b. Second: When an individual is able to understand the problem deeply and its argumentations from al-Qur' an, *sunnah* and *ijtihiid* methods, he must leave from *taqlid.* This person who his quality of science has filled the requirement and has ability to *ijtihiid,* is forbidden to *taqlid.* This principle had been agreed either by scholars or Irruims of *madhhab.* And of course, this person is not allowed to propose *Imam's* opinion as superior than his *ijtihiid* in that case (which he has seriously researched its argumentation and method. If there are group who denied from this agreement, this is blemished fanaticism phenomena that must be avoided by Muslims. That's kind of forbidden *tamadhhub.*

c. Third: All four *Imams* are true. It means if they feel unsure with the truth of *ijtihiid* laws that Allah wants to His-servants, their *ijtihiid* are tolerandy accepted by Allah. Then there is no way for each *Imam* but to follow his *ijtihiid* product. Therefore, when *muqallid* follow certain *Imam* of *madhhab* he want, is same with follow the right path. If he chooses one *Imam* of *madhhab,* he is not allowed to blame another *madhhab.* Because of that, Muslims scholars have made agreement that the followers of Hanafi school are allowed to pray behind Shafi'i or Maliki school, or its opposite."

Al-Ashqar also has written the negative side of *tamadhhub* such as many disputes, division, impairment among Muslims because some followers of *madhhab* who saw that their *madhhab* is the true one than others."

44 t".~ .Ibid 'Jo.,)1

45 01-° -- Opcit P.

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This is what happened today. Many Muslims become blind fanatics I i II consider that praying on congregation between different *madhhabs* is not allowed in Islam! Then they make a number of groups of praying for different *madhhab* and so on in many similar cases." This invites division and hostility between Muslims community and make them hard to be united whereas the other problem like the attack of non-Islam who want to destroy the foundation of Islam was very much. This *tamadhhub* fanaticism is forbidden in Islam. There is no foundation can be found in *shar'i.* Every Muslim is obligated to avoid these actions.

Al-Buti also stated that *Imam* Al-Dhahabl forbid the followers of *madhhab* to be not fanatics for their *Imams* and believe that *madhhab* they follow is the right one. He said:

> "Don't believe that your *madhhab* is the main *madhhab* and the most beloved by Allah. You never have any argumentation about that. And
> so the people who oppose you. Eventhough all *Im.ams* are best. Two rewards for their true opinion of case, and one reward for the false.

For solving this problem, a contemporary scholar Y usuf Al-Qarawi gives suggestions in order to unite every Muslims in one movement, they are: 49

1. Seing the statement, not who states it.
2. Admitting self default and recanting opinion bravely and unreservedly.
3. Not embittering about other critics.
4. Self introspection and reevaluation.
5. Asking advice and valuation from other.
6. Recanting self opinion which is included branch matter to hold the unity of Muslims community.
7. Taking benefit (science, good act, result of research) from other.

47 IbidJ>,r.l1

48 rW' Ji- j ,~.iJ1 0W? 0! ..••.•.. i 0!1 ~ 11 -¥' 0!1 <f-..ul ~)2;1 ''''''if .Ibid
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49 Syaikh Akram Kassab, *Metode Dakwah Yusuf.AI-Qaradhawi,* Translated by Muhyidin Mas Rida to Indonesian, First edition, (Jakarta, Pustaka AI-Kautsar: 2010), p. 286

Conclusion

According to al-Buti *tamadhhub* is something allowed by *ijma'* (consensus of Muslims scholars). It is because not every Muslim is able to make his own *ijtihad* for every problem he faced. Thus, this can be entrusted to the qualified *imam* who has the authority to take essence of law from that problem. So there is no obligation for him except follow *imam's* opinion.

Al-Buti also emphasizes that the essence of problematic matter of *tamadhhub* had been solved by scholars and *imams* of *madhhab.* They had built the standard foundation till every Muslim only needs to develop this building to be relevant and contextual with the condition in this era. Many contemporary problems were faced by Muslims over the world must be solved immediately. And the scholars and *imams* of *madhhab* had given the guideline to solve these problems.

Al-Buti stated that the dangerous problems come to the Muslims community in this modern era are: the thought of atheism, moral decadency, and secularism of religion (from its foundation). Every Muslims should think about these matters seriously.

The implementation of al-Buti's view about *ijithad* must be taken place judiciously and proportionally. The contextualizing of it must be based on the social condition of Muslims community that being difference one another according to their place live in. This is in order to avoid from crash and division that emerge because group fanaticism that views rigidly different opinion came from other group. *Walla.u a 'lam.*

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