

## IJTIHAD AS A SOURCE OF DYNAMICS ESTABLISHMENT OF ISLAMIC CULTURE

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### Abstract

Ijtihad is the third pillar of Islam, after the Qur'an and Sunnah. The literal meaning of ijtihad is, that it comes from the word *ijtahada*, which means to devote energy, squeeze the mind, try hard, and work as much as possible. The message of Islam is a blessing for all nature, and a blessing for humans, how Islam guides human life which includes spiritual and physical aspects according to its message. In the worldly life of Muslims, it is necessary to formulate and enforce an Islamic cultural system that can create goodness for all human beings. A cultural system that must experience continuous development and progress as the nature of culture itself, which is always in tune with the spirit and demands of the times, but still with the breath of Islam. So, to face the changing life and answer every challenge of the times, Islam puts down a doctrine of free thought called ijtihad. If the Qur'an and Sunnah are the two basic sources of Islamic teachings, then ijtihad functions as a driving force.

**Keywords:** Ijtihad, Dynamics, Islamic Culture.

### PRELIMINARY

The Islamic Shari'a which is conveyed in the Qur'an and Al-Sunnah comprehensively requires serious and continuous scientific study and assessment. In both, there are *Am-khash*, *muthlaq-muqayyad*, *nasikh-mansukh*, and *muhkam-mutasyabih* words, which still require explanation. Meanwhile, the texts of the Qur'an and Sunnah have stopped, even though time continues to run with several events and problems that come and go, therefore, serious efforts are needed to solve problems that are not explicitly indicated by the *texts*.

*Ijtihad* is not an easy job, but it is still necessary because various problems always arise according to the needs, demands of place, and time. The absence of *ijtihad* can create a legal vacuum. legal issues arise without boundaries of place and time, while the text there is very limited.

*Ijtihad* is a discussion about the formation and development of law and is closely related to the social changes that take place in people's lives. In general, *ijtihad* can be said as an effort to think optimally in exploring Islamic law from its source to obtain answers to problems that arise in society.

Between the efforts of *ijtihad* on the one hand and the demands for social and cultural change, on the other hand, there is an interaction and it is realized that social and cultural change must be directed by law so that the benefit of mankind is realized, therefore the law in the position above is required to be able to play a dual role. very important, namely:

1. Law can be used as a tool of social engineering to realize the benefit as the ultimate goal of the law itself.
2. Law can be used as a means of social control over the changes that are taking place. (Soerjono Soekanto, 1980, 115)

As a legal system based on revelation, Islamic law has the goal of realizing the benefit of humans, whose realization is largely determined by the harmonization of the relationship between humans, both individually and collectively, as well as the relationship between humans and nature and the relationship between humans as creatures and Allah as *Khaliq*. To realize the harmonization of the above relationships, Allah guides the form of legal rules, which consist of the *texts* of the Qur'an and Hadith. Among these *texts*, there are *qat'iy texts*, which are *texts* that have strong binding power and validity, and there are also *zanniy texts*, which are *texts* that have the opportunity to be interpreted. Starting from the outline above, humans with the potential for reason are given "freedom" to seek alternative solutions to problems, both social and cultural that surround them.

From the perspective of Islamic legal thought, Usul Fiqh scholars apply various methods of conducting *ijtihad*, in providing direction for the ever-changing cultural journey of society. Therefore, the regulation of most social and cultural problems is by *texts* in the form of the main points, so these problems become a fairly broad field for *ijtihad* both in the legal, social, and cultural fields.

## THEORETICAL STUDY

### Understanding and Legal Basis of *Ijtihad*

Historically, the term *ijtihad* was originally used to express an effort to reason and think deeply about a problem that requires legal resolution. *Ijtihad* is still understood to be limited to fair wise considerations or the opinion of an expert and has not been defined and formulated in certain methods.

According to Ibn Manzur (103) *ijtihad* etymologically means serious or trying hard. The word *ijtihad* in Arabic follows *wazan ifti'al* which shows the meaning of *mubalagah* in an action or deed (Yusuf al-Qardhawi, 1987, 1). The word "*ijtihad*" comes from the word *al-juhd* or *al-jahd*. Which means *al-masyaqaat* (difficulty and distress) and *ath-thaqaat* (ability and ability). (Rachmat Syafei, 1999, 97).

In the Qur'an surah an-Nahl verse 38, an-Nur 53, and Fathir verse 42 all of them contain the meaning of *badzl al-wusi wa thaqati* (exertion of all abilities and strength) Therefore, *ijtihad* means hard work or exertion of effort. The word *ijtihad* is not used except in matters that are indeed heavy and difficult, both *hissiy* (physical) and *ma'nawiy* (non-physical). (Salah al-Din Maqbul Ahmad, 1982, 7).

*Ijtihad* efforts cover various aspects of Islamic teachings in a broad sense and the broad object of *ijtihad* seems to be drawn from the cues of the Al-Qur'an and Hadith as sources of teachings that contain various aspects of life.

1. According to Muhammad Abu Zahrah (379), *ijtihad* in terms is:

بذل الفقيه وسعه في استنباط الأحكام العملية من أدلتها التفصيلية.

Meaning: The efforts of a fiqh expert with his ability to realize amaliah laws taken from detailed arguments.

2. According to Al-Amidi quoted by Wahbah al-Zuhaili (1978, 480) :

استفرغ الوسع في طلب الظن من الأحكام الشرعية.

Meaning: The mobilization of all abilities to determine something that is *zhanni* from the laws of syara`.

3. Subhi Mahmassani defines *ijtihad* as the outpouring of *himmah* and sincerity to obtain legal provisions from their main sources. (Subhi Mahmassan I, 1981, 143).

From the above definition, it can be concluded that *ijtihad* is an earnest effort carried out by a mujtahid imam by mobilizing all his abilities, to establish a law, which law is not explicitly contained in the Qur'an and hadith.

*Ijtihad* only applies to the field of fiqh, the field of law relating to human deeds, not the field of thought. Therefore, according to fiqh scholars, *ijtihad* does not exist in the sciences of kalam and tasawuf. In addition, *ijtihad deals with the zhanny* argument, while the science of kalam uses the *qath`i argument*. However, Harun Nasution explained that the notion of *ijtihad* only in the field of fiqh is *ijtihad in a narrow sense*. In a broad sense, according to him, *ijtihad* also applies in the fields of politics, faith, Sufism, and philosophy.

After the Prophet died and left the perfect *Islamic treatise*, the obligation to preach passed to the companions. They carry out this obligation by expanding the territory of Islam with various wars. As a result of the expansion of the region, there was acculturation of the nation and culture so that new problems emerged that needed solutions. Circumstances like this encourage the companions to perform *ijtihad*.

*Ijtihad* is a renewal of Islamic law and must refer to aspects of renewal of problems that have never been mentioned by previous scholars, while problems that have been *ijtihadi* in the past do not need to be renewed because it is feared that it will make a futile activity. whose *ijtihad* results are the same as the old *ijtihad*. However, not all the results of *ijtihad* are renewals for the old *ijtihad*, because sometimes the results of the new *ijtihad* are the same as the old *ijtihad*, even though the results of the new *ijtihad* are different, they cannot change the status of the old *ijtihad*, this is in line with the consensus of the *fiqhiyyah rules* that " *al -Ijtihad la yangqudhu bi al-ijtihad* " ( *ijtihad* cannot be canceled with other *ijtihad* ).

The legal basis for *ijtihad* is quite a lot, both based on the verses of the Qur'an and Sunnah as well as the arguments of aqli. Among the verses of the Qur'an that indicate/order *ijtihad* is surah *an-Nisa* verse 59:

يأيتها الذين آمنوا أطيعوا الله وأطيعوا الرسول وأولي الأمر منكم فإن تنازعتم في شئ فردوه إلى الله والرسول إن كنتم تؤمنون بالله واليوم الآخر ذلك خير وأحسن تأويلاً. (النساء : 59)

Meaning: "O you who believe, obey Allah. and obey the Messenger of Allah. (His), and ulul amri among you. If you disagree about something, then return it to Allah (the Qur'an) and the Messenger (His Sunnah), if you truly believe in Allah and the Last Day. That is better (for you) and better as a result. "

The command to return something different to the Qur'an and Sunnah is a warning so that people do not follow their desires, and the obligation to return to Allah and His Messenger by way of *ijtihad* in discussing the content of a verse or hadith which may not be easy to understand. be reached for granted, or perform *ijtihad* by applying general principles deduced from the Qur'an and the Sunnah of the Prophet, such as equating the law of something that is not confirmed by law with something that is mentioned in the Qur'an because of the similarity of *illat* as in practice. *qiyas* (analogy) or by examining the wisdom of the Shari'ah. Doing *ijtihad* like this is what is meant by returning something to Allah and His Messenger as referred to in this verse.

Surah *an-Nisa* verse 105 which reads:

إنا انزلنا إليك الكتاب بالحق لتحكم بين الناس بما أراك الله ولا تكن للخائنين خصيما

Meaning: "Indeed, We have sent down the Book (Al-Qur'an) to you (Muhammad) bringing the truth so that you may judge among mankind with what Allah has taught you and do not be a dissident (innocent people), because (defending ) a traitor."

Among the Sunnah that indicate it is permissible to *ijtihad* is the hadith which reads:

إذا حكم الحاكم فاجتهد ثم أصاب فله أجران وإذا حكم فاجتهد ثم أخطأ فله أجر. رواه البخارى ومسلم.

Meaning: "If a judge decides a matter by way of *ijtihad* and then it is right then he gets two rewards and if he decides by way of *ijtihad* and then gets it wrong, then he only gets one reward." (Muslim, 1978, 62).

From the point of view of the *aqli argument*, it is stated as follows:

Human life is getting more advanced and more complex, so that new cases appear, while the legal stipulation is not found explicitly in the Qur'an or the Hadith. If *ijtihad* is not allowed, of course, there are too many cases that do not get legal resolution and we believe that Islamic law does not allow its adherents to silence these cases.

*Ijtihad* is carried out when faced with a problem that requires the determination of *syara' law* while in the verses of the Qur'an and Sunnah there is no clear determination of the law, as well as *ijma'* friends, have not discussed it.

The scholars who may even be obliged to carry out *ijtihad* are those who are experts, as in the time of the fourth Imam *mujtahid*. The opinions they put forward are both in the form of *qiyas*, including *ijtihad*. Likewise, opinions that are not included in *qiyas* such as *istihsan* used by Imam Hanafi or *maslahat mursalah* by Imam Maliki and his followers are included in *ijtihad*. The *mujtahid* Imams carry out *ijtihad* to guide the people within the limits set by *sharia law*.

It can be concluded that *ijtihad* has a very important position in Islamic law. Furthermore, it can be understood that *ijtihad* functions to bring about peace for the people because the problems they face are resolved based on that *ijtihad*.

### ***Ijtihad* Field**

Usul Fiqh scholars have agreed that *ijtihad* is no longer needed in verses and hadiths that explain the law firmly and definitely ( *qathì* ), Wahbah az-Zuhaili emphasized that it is not permissible to *ijtihad* on laws that have a clear explanation and certainly in the Qur'an and Sunnah. For example, the obligation to perform the five daily prayers, the obligation to fast, zakat, hajj, the prohibition of adultery, killing, and the level of distribution of inheritance which has been confirmed in the Qur'an and Sunnah. The things that are an eighth of *ijtihad*, as stated by Abdul Wahhab Khallaf, are uncertain problems (*zhanni*) both in terms of coming from the Prophet or in terms of understanding, which can be categorized into three kinds, namely Hadith Sunday, pronunciations Al-Qur'an and Hadith which show the meaning of *zhanni* (not firm), and problems for which there is no verse or hadith text and there is no *ijma`* which explains the law. (Satria Effendi, M. Zein, 2005, 250).

Starting from the definition of *ijtihad* stated above, it is known that the field of *ijtihad* is extracting *syara'* laws from *texts*, therefore the direct object is *zanniy texts*. Legal issues determined with *qat'iy. arguments al-subut* (definite delivery) and *qat'iy al-dilalah* (definitely show the content) are not included in the field of *ijtihad*.

If the categorization of the *texts* that become the starting point for the boundaries of *ijtihad*, which are identified into two major areas of Islamic law (worship and mu'amalah), it is seen that most of the problems indicated by the *zanniy texts* are problems that fall within the field of mu'amalah, while issues that are included in the field of worship are regulated with *qat'iy* and detailed texts, both in the Qur'an and in the Hadith.

In contrast to *the texts* in the field of worship, *the texts in the field of mu'amalah* are mostly in the form of general principles identified with *zanniy*. Its existence in the form of *zanniy* is intended to be developed by humans according to the needs and benefits, which cannot be separated from changes and demands of place and time. If worship is seen as something that cannot be reached by reason about its benefit, then mu'amalah is something that is *ma'qul al-ma'na* (human reason can reach and explore) about the benefits it contains. The necessity of the involvement of human thought in the field of mu'amalah was emphasized by the Prophet in one of his hadiths :

أنتم أعلم بأمور دنياكم

Meaning: "You know more about your world's affairs." (Muslim, 1978, 160).

The object of *ijtihad* is a matter of *syara'* law which does not have a *qat'iy argument*. If there are *texts* whose existence is *zanniy like the* hadith of *ahad*, then the field of *ijtihad* in this case is to examine how the *sanad* is, the degree of the narrators, and others. When there are *texts that have zanniy instructions*, then what becomes the field of *ijtihad* is how the *texts mean* by using Arabic rules, *'am rules, typical*, and others. About the problem of *syara'* for which there is no *text*, then what becomes the field of *ijtihad* is the intricacies of the problem as a whole. (Rahmat Syafe'i, 1999, 107) .

Every Muslim is required to give *jtihad* in all areas of sharia law, as long as he has the criteria and requirements as a *mujtahid*. The scholars differ in determining the conditions that must be possessed by a *mujtaid*. *Mujtahid* is a person who can perform *ijtihad* through *istinbath*

(removing the law from the source of shari'a law) and *tathbiq* (applying the law). A *mujtahid* cleric must meet the following requirements:

1. Knowing the intricacies of Arabic in all its aspects, namely *nahu*, *nerves*, *bayan*, *ma'ani*, and *badi'*; can know the pronunciation of *zahir*, *sarih*, *mujmal*, *haqiqat*, *majaz*, *'am*, *typical*, *muhkam*, *mutasyabih*, *mutlaq* and *muqayyad* pronunciations.
2. Have a fairly good knowledge of the Qur'an; which lafaz are *mantuq*, *understanding*, *mutlaq*, *muqayyad*, *sarih*, *kinayah*, *nasikh-mansukh*, knowing the cause of *nuzul*, and others.
3. Have extensive knowledge of the sunnah; namely knowing which hadiths are *mutawatir*, *ahad*, *valid* meaning *haqiqat*, *majaz*, and others.
4. Have extensive knowledge of *ijma'* and *qiyas*.
5. State the intent of *syara'* in establishing the law.
6. Have extensive knowledge of the origin of fiqh. Al-Razi said, "The science of fiqh is the most important knowledge for every *mujtahid*." (Satria Effendi, M. Zein, 2005, 251).

## DISCUSSION

### Islamic Law *Istinbath* Method

As the third source of *tasyri'*, the object of *ijtihad* is everything that is not explicitly regulated in the *texts* as well as problems that have absolutely no *textual basis*. Starting from the object of *ijtihad*, there are three types of methods of *ijtihad*, namely:

- a. The *Bayani method* is the *istinbath* method of Islamic law in which the way to solve cases/problems is directly extracted from the Qur'an and As-Sunnah. The task of the *mujtahid* here is to explain, describe and analyze the contents of the two sources, so that legal products can be issued. The *Bayani method* assumes that all problems that occur in humans have been included in these two sources, so there is no longer any argument except for the two.
- b. The *ta'liliy* method (*qiyasi method*), namely the *istinbath* method of Islamic law in which the method of solving cases/problems is not directly referred to from the Qur'an and As-Sunnah, but based on the similarity of motives (*illat*). Because the law being solved does not yet have a legal basis, it can make an analogy with the legal basis of other

cases/problems based on the similarity of motives (*illat*). The *qiyasi method* assumes that not all problems that occur in humans have been covered in these two sources, so it is necessary to look for similar arguments because of the *illat equation*. The task of the *mujtahid* here is to find the *illat* hidden in the *texts* so that certain legal products can be issued based on the similarity of *illat*.

*Ijtihad ta'liliy* includes *qiyas* which is an attempt to connect an event for which there is no *text about* the law with an event that has a legal *text*, because there are similarities in '*illat*', (Abd al-Wahhab Khallaf, 1968, 52), and also including *istihsan* which is the transition of a *mujtahid's thoughts* from the provisions of *qiyas jaliy* (clear) to *qiyas khafiy* (less clear). (Abd al-Wahhab Khalaf, 1968, 79).

Efforts to solve legal problems using various *ijtihad methods*, including *qiyas*, must start from a basic study of the '*illat - illat* contained in the *syara texts*'. The development of the law with the *qiyas method* must go through the example of *zahir illat in the text of h*. In this case, Ibn al-Qayyim stated that the process of *qiyas* must be by the commands and prohibitions of the *shara*'. (Ibn al-Qayyim, 1977, 52).

In terms of *istihsan*, according to al-Syatibiy, it must always be oriented towards efforts to realize *maqasid al-syari'ah* and take into account the positive and negative impacts of the application of the law. (Al-Syatibiy, 194).

- c. *Istislahiy* method, namely the *istinbath* method of Islamic law in which the method of solving cases/problems is not directly referred to from the Qur'an and as-Sunnah, but based on considerations of benefit taken from the basic principles of the two sources. The case that was solved did not have a reference to the argument, so it only took the wisdom or philosophy of law contained in the *text* and then applied it to solving the case. The *istislahiy method* assumes that not all problems that occur to humans have been covered in these two sources, but in principle the Qur'an and As-Sunnah have provided basic principles in Islamic law *istinbath* that aim for the benefit of humans. The task of the *mujtahid* here is to look for the basic principles of the argument to be then applied in Islamic law so that Muslims can gain benefit based on the law. (Muhammad Mustafa as -Shalabi, 1981, 14).

*Ijtihad istislahiy* includes al- *masalih al-mursalah*, which is a benefit for which no *text is indicated*, in the sense that it does not receive special legality from *the text regarding its* validity and invalidity. (Husein Hamid Hasan, 1971, 17), Also included in *istislahiy ijtihad* is

*al-zari'ah*, which is a way that conveys something or a way that leads to necessity or lawfulness. (Muhammad Abu Zahrah, 221).

### **Today's Demands for Ijtihad.**

*Ijtihad* efforts are certainly different from past *ijtihad* efforts, due to the complexity of the problems that arise. The solution requires an approach that is not only from a legal aspect but also requires studies from various disciplines, such as health sciences, psychology, culture, economics, and politics.

Today the general scientific disciplines as a whole cannot be controlled by one person alone, and Islamic scientific disciplines cannot be controlled by one person. Deepening and specialization are done by each person.

Given the above facts, a form of *ijtihad jama'iy* (collective *ijtihad*) is needed, not *ijtihad fardiy* (individual *ijtihad*). *Fardiy ijtihad* is *ijtihad* that is carried out independently, without the mujtahid's agreement on a problem. *Ijtihad jama'iy* is *ijtihad* on a problem carried out by experts from various disciplines. (Ali Hasballah, 1976, 107).

Thoughts that are the product of cooperation from various scientific points of view are closer to truth and justice and are stronger than the result of thinking alone with only one point of view. Collective *ijtihad* has a double impact, namely, it can broaden the scientific horizons of Islamic jurists and can provide a more complete and comprehensive content of legal provisions and decisions.

Harun Nasution stated that the collective *ijtihad* that is more needed is a national one, not an international one, because the religious problems that arise in the current era of scientific and technological progress are not the same, in addition to the various interpretations and practices of religion in Islamic countries. (Harun Nasution, 1991, 115).

### ***Ijtihad* Source of the Dynamics of the Formation of Islamic Culture.**

*Ijtihad* is the third pillar of Islam, after the Qur'an and Sunnah. The message of Islam is a blessing for all nature, and a blessing for humans, how Islam guides human life which includes spiritual and physical aspects according to its message. In worldly life, Muslims need to formulate and enforce an Islamic cultural system that can create goodness for all human beings. A cultural system that must experience continuous development and progress as the nature of culture itself, which is always in tune with the spirit and demands of the times, but still with the breath of Islam. So to face the changing life and answer every challenge of the times, Islam puts down a doctrine of free thought called *ijtihad*.

*Ijtihad* is the ability of Muslim logic to explore the truth from the Qur'an and Sunnah, so the results and fruits of *ijtihad* are of course different according to space and time and according to the intellectual level of the *mujtahid*. So the results of previous *ijtihad* or the results of *ijtihad* from other areas can also be the object of *ijtihad* for a mujtahid, and so on from a result of *ijtihad* that is *ijtihad* again. As a consequence of the fire of *ijtihad* that never goes out, Islamic culture is always modern.



Humans are creatures of Allah SWT, who were created in the world as caliphs (Surah Al-Anàm: 165 and QS. Fathir: 39) humans are born, live, and develop in the world, so they are also called worldly creatures. As worldly creatures, of course, we struggle and struggle with the world, against all aspects of its problems and challenges, by using our mind and spirit and using all their abilities, both creative, taste and intention. This shows that the human relationship with the world is not always manifested in a passive attitude, surrendering and adapting to the demands of the environment. But instead, it must be manifested in an active nature, utilizing its environment for the benefit of life and living. From this active relationship, culture grows.

Selo Soemardjan and Soelaiman Soemardi (113) explained that culture is all the creations, tastes, and creations of the community. The work of the community produces technology and *material culture* that is needed by humans to control the surrounding nature so that its strengths and results can be immortalized for the needs of society. Thus, culture is the result of human works, tastes, and ideals. The sense that includes the human soul embodies all the social rules and values that are necessary to regulate social problems in a broad sense. Religion, ideology, mysticism, and art which are the results of the expression of the human soul who lives as members of society are included in it. Copyright is a mental ability, the ability to think of people who live in a society that, among other things, produces philosophy and science. All works, tastes, and creativity, are controlled by the initiative of people who determine their use to suit the interests of most or all of society.

Humans have two aspects or sides of life: the material side and the spiritual side. The material side contains works, namely the human ability to produce objects or other material things. The spiritual side of man contains creativity that produces knowledge, the intention that produces rules of belief, morality, decency, law, and taste that produces beauty. Humans try to gain knowledge through logic, harmonize behavior with rules through ethics, and get beauty through aesthetics. These are all cultures that can be used as a benchmark for analysis. (Atang Abd. Hakim and Jaih Mubarak, 2007, 33).

Culture has a very large influence on humans and society, various forces faced by humans such as natural forces and other forces, the work of society gives birth to technology or material culture that has a main use in protecting society. Community initiative embodies norms and values that are very necessary for order in social interactions.

Islam has encouraged its adherents to create a culture with various aspects, this encouragement can be studied from its basic teachings as follows:

- 1) Islam respects human reason, puts the human mind in an honorable place, and commands humans to use their minds to examine and think about the state of nature, in addition to the remembrance of Allah the creator. This can be understood from the word of God in QS. Ali Imran 190-191.

- 2) Islam obliges each of its adherents, both men and women to seek and seek knowledge, as can be understood from the word of Allah SWT. QS. Al-Mujadilah: 11 and the Hadith of the Prophet. "Seeking knowledge is obligatory for every Muslim."
- 3) Islam forbids its people to follow blind faith, to accept something without being examined first, even by parents and ancestors. As the word of Allah SWT. in QS. Al-Isra` : 36.
- 4) Islam also encourages and encourages its adherents to always explore new things or procure things that do not yet exist, pioneering unexplored paths and making initiatives in worldly matters that benefit society. This can be understood from the word of Allah SWT. QS. Al-Insyirah 7-8 and the hadith of the Prophet. "Whoever takes the initiative or starts a good worldly way, then for him the reward is as much as the reward for those who immediately carry it out until the Day of Resurrection."
- 5) Islam also commands its adherents to seek the pleasure of Allah SWT. in all the blessings he has received and ordered to use his rights over the world in the leadership and rules of religion. As the word of God in QS. Al-Qashash: 77.
- 6) Islam also encourages its adherents to leave their hometowns, travel to regions/countries to establish friendships or communication with other nations or groups, and exchange ideas, knowledge, and views. As can be understood from the word of Allah SWT. in QS. Al-Hajj: 46.
- 7) Islam also tells its adherents to check and accept the truth from where and from whom it comes, with a note that they must go through a selection process so that they can find ideas, ideas, theories, or views that are by His instructions. As can be understood from the word of Allah SWT. in QS. Al- Zumar verses 17-18. (Muhamimin, Jusuf Mudzakkir, Abdul Mujib, 2005, 337).

Today, Muslims are faced with several contemporary events that involve various aspects of life. These events require careful resolution, especially for cases that are not explicitly indicated by the *texts*. Behind that, said Roter Garaudy, quoted by Jalaluddin Rahmat, the challenges of the people of today are of two kinds, taqlid to the west and taqlid to the past. The first model of *taklid* arises because of the inability to distinguish between modernization and the western way of life, while the second model of *taklid* arises because of the inability to distinguish between shari'a which is a revelation, and the views of past jurists about shari'a. (Ulama's *ijtihad*). (Atang Abd. Hakim and Jaih Mubarak, 2007, 107) .

Seeing the problems above, Muslims are required to get out of the chaos, namely by doing *ijtihad*, therefore, *ijtihad* becomes very important even though it cannot be done by everyone. The importance is due to the following:

1. The distance between us and the time of *tasyri`* (law formation) is getting farther and farther. This long-distance allows the oblivion of several texts, especially in the Sunnah, namely the entry of false traditions and a change in understanding of the *texts*. Therefore, mujtahids are required to seriously explore the true teachings of Islam through *ijtihad work*.
2. Shari'a is conveyed in the Qur'an and Sunnah comprehensively, requiring serious study and study. In it, there are *m* and *distinctive*, *muthlaq* and *muqayyad*, *muhkam* and *mutasyabih*, *nasikh* and *mansukh*, as well as others that require explanations from mujtahids.

Judging from its function, *ijtihad* acts as a channel for personal or group creativity in responding to the events they face according to their experiences. In addition, *ijtihad* also reinterprets legislation that is incidental by the conditions prevailing at the time without violating general principles, *kully arguments*, and *maqashid al-syari'at* which are guiding rules in life.

*Ijtihad* also acts as *an interpreter* of the arguments that are *zhanni al-wurud* or *zhani ad-dalalah*. The explanation of these arguments is the work of *ijtihad* to solve the problems of human life which are constantly changing in the nuances of development. *Ijtihad* is needed to regenerate a dynamic Islamic spirit breaking through stagnation and rigidity, obtaining the maximum benefit from Islamic teachings, and seeking Islamic solutions to the problems of contemporary life. *Ijtihad* is also a witness to the superiority of Islam over other religions (*ya`lu wa la yu`la laih*).

*Ijtihad* is what characterizes humans, a feature that distinguishes and favors humans from other creatures in this world. *Ijtihad*, which is human creativity, must be used as a force in life and life on earth. So with *ijtihad*, humans can learn, analyze and exploit the secrets of nature, create all kinds of equipment for the convenience and perfection of their lives, and foster high civilization and culture, so that humans become powerful creatures in this world, fulfilling their functions as *caliphs fil ardhi* (ruler of the earth). Therefore, *ijtihad* must be kept alive, it is the principle of the dynamics of Islamic society, it awakens and encourages the progress of the times and stimulates the soul and mind of the Muslim ummah to always live a modern life. As a result, *ijtihad* is the spirit of Islamic rationality in the context of modern life and life. Because the spirit of the rationality of the Muslims in the past has succeeded in building a beacon of civilization and culture for the world.

## CONCLUSION

*Ijtihad* is a necessity that cannot be separated from the social and cultural life and development of Muslims, to fulfill the needs of Islamic law among Muslims themselves. *Ijtihad* is

the third pillar of Islam, after the Qur'an and Sunnah. The message of Islam is a blessing for all nature, and a blessing for humans, how Islam guides human life which includes spiritual and physical aspects according to its message. In worldly life, Muslims need to formulate and enforce an Islamic cultural system that can create goodness for all human beings. A cultural system that must experience continuous development and progress as the nature of culture itself, which is always in tune with the spirit and demands of the times, but still with the breath of Islam. So to face the changing life and answer every challenge of the times, Islam puts down a doctrine of free thought called *ijtihad*.

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