

Partial Disputes Observed In The Science Of Fiqh

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Annotation. If the science of jurisprudence has passed through several stages from its previous development to the present day, there have certainly been disagreements and disagreements among jurists or sects in these stages of development. Of course, there are reasons and circumstances that require it. This article talks about some cases of conflict in the science of jurisprudence.

Key words: Jurisprudence, jurisprudence, madhhab, Hanafi, khilaf, disagreement, jurisprudence.

According to Aqeedah, the imams of the fiqh schools, which are the major representatives of the Ahl al-Sunnah and Jama'a madhhabs, each made their own jurisprudential ijtiḥad and other reasons mentioned below, led to diversity in the fiqh madhhabs. Some people think that this is "personal differences that harm religion" and criticize it in their own way. From time to time, those who deny religious sects and call for non-sectarianism also come out. They will always be a very small minority and belong to a certain category. Such people are mostly ignorant of jurisprudence, people who have just stepped on the threshold of knowledge, or people who have become disenchanted with real knowledge. They find faults and defects in jurisprudential sects in their own way, and in order to prove their point of view, they even go so far as to insult the great sectarian imams. Dr. Ahmad Muhammad Muqri writes about this in one of his articles: "From time to time, we hear criticism against the scholars, even mujtahid imams who have enriched Islamic jurisprudence with their ijtiḥad and knowledge. Usually, such criticisms are made by people who are just beginning to learn, who are not able to even look at their schools, methods and rules, let alone criticize the scholars."

All scholars support this opinion. Both before and now, zealous scholars have given refutations to the categories and individuals who deny the jurisprudence. For example, the famous Syrian scientist Muhammad Sa'id Ramazan Buti considers those who call for non-sectarianism to be "the most dangerous heresy in Islam", he called non-sectarianism "a bridge leading to irreligion". Other scholars also hold similar views.

Those who deny the Madhhab: "Shall we not follow the Qur'an and the Sunnah and do what Abu Hanifa said?" - they say.

They also said, "Sects did not exist at the time of the Messenger of God, may God bless him and grant him peace." So, it is heresy, so it is not necessary to follow it," they say. And they say: "Sects cause discord, so we deny them" and so on..

In their turn, supporters of the sect also hit the opponents hard. They are accused of various crimes. As a result, there will be disagreements, wars and quarrels. Such cases occur even now. In fact, such conflicts can be prevented or eliminated through scientific approaches. First of all, adhering to fiqh schools does not mean "abandoning the Qur'an and Sunnah and following what someone like us says." Perhaps it is to follow the Qur'an itself. Because in the Holy Qur'an, Allah Almighty blesses as follows:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

... **If you do not know, ask the people of knowledge¹!**

According to this verse, it is obligatory for all Muslims who have not reached the rank of ijtiḥad to follow mujtahids. Because Allah Ta'ala orders Muslims who don't know to learn by asking those who know.

The leaders of our jurisprudential schools are prominent scholars of the Ahl al-Sunnah and Jama'a schools of thought. They have not made any difference in the Aqeedah, nor can they do so. Therefore, it is completely illogical for such great scholars to invite people to their opinions without following the Qur'an and Sunnah.

The imams of the fiqh school are great scholars who explained the Qur'an and Sunnah to people easily and explained the ways to follow them to Muslims in their own unique style. They never claimed for themselves excessive deification or any kind of superiority. Perhaps they are those who have earned the respect of Muslims with their work, knowledge, manners and piety..

¹ Surah Nahl, Verse 43.

Our scholars explain the imams of the fiqh school and their work with the following example: To live well and pass well from this world is like climbing to the top of a mountain safely. The Qur'an and the Sunnah are the map and guide to that summit. The Imams of the Madhhab are the people who found the easiest and safest way to reach the top using these and made it easier by marking them. Those who deny the religious sects are like a person who comes to the foot of the mountain, takes a map and a guide and tries to find a new way to the top. There is a possibility that he will reach the top if his knowledge and strength are available. If not, it's convenient. The knowledge, power, and opportunity that can help to reach the top are at least equal to or more than the ability of the sectarian.

The objections that madhhabs did not exist during the time of the Messenger of God, may God bless him and grant him peace, are similar. It is correct to say this in aqeedah, in the chapter of prayer. But this statement is not correct in terms of style, understanding, and presentation. At that time, the Qur'an was not in the form of a book. Also, sciences such as tafsir, hadith, books related to them and many other things did not exist at the initial stage.

As for sectarian differences, this is a separate issue. As we mentioned at the beginning, there is no difference in the Aqeedah. Therefore, this matter is fully explained in the Qur'an and Sunnah. Also, there is no contradiction in the original pillars of our religion. Because the Qur'an and Sunnah also explain these things. No one can do ijtiḥad or disagreement. No one has said that the five daily prayers should be four or six, or moving the Hajj to a month other than Dhul-Hijjah and not even thinking of making Waqf at any place other than Arafat. The issues that we call "jurisprudential differences" change with the change of era, society, lifestyle, and mainly only in some formal things, and it is natural that these things have different ambiguities. Disagreement in this matter does more good than harm.

The world consists of fixed and changing things. It thrives on the stability of fixed things and the change of changing things. Let's take the globe where we live. It has large, well-known and famous oceans, land, seas and high mountains. They stand still. It is not considered good to be changeable, the order of the world will be broken.

Along with these things, there are streams and rivers, small groves, land areas, etc. They change. Because that's what life itself requires. The world is prosperous with their change.

Likewise, there are fixed things in religion. They cannot be mutable. For example, matters of belief. Believing in God today or in other things in which faith is obligatory cannot be changed later. Also, the things that are the pillars and foundations of religion will be fixed. Allah himself explained these issues in detail and did not allow human intervention.

He left open the issues that change with the change of life and opened the way for Muslims to do ijtiḥad using their minds. Scholars of jurisprudence mainly make ijtiḥad on the same issues. The results of their ijtiḥad differ depending on the level of their understanding of documents and evidence, and the methods of solving the problem. And we call it "disagreement".

Our great mujtahids worked on the basis of the Noble Qur'an and Prophetic Sunnah, while strictly following the rules of the Sharia, taking into account the ideas, goals, possibilities and needs of the people of Islam, which have potential in every time and place. Let's give a couple of examples to confirm this point:

1) When issuing a fatwa, our scholars took into account the conditions of the country and society in which they live.

2) The scientific debates of the imams, similar to the rules of the Arabic language, and the different understandings of our jurists based on the signs of the letters, also caused different judgments.

3) Conviction based on additional supporting evidence.

4) The fact that some narrations reached one mujtahid and did not reach another caused the difference..

5) The different rules of usulul fiqh also caused the different fiqh rulings. Therefore, due to these and similar reasons, the uniqueness and diversity of fiqh madhhabs have arisen. Scholars considered this to be a normal situation. However, it is a pity that the ignorant people caused quarrels and disagreements in these cases and caused great harm to Muslims. Seeing this, the representatives of the third category called to abandon jurisprudence altogether.

However, jurisprudence continued to develop as a vital necessity. As long as life is changing, as long as life is structured like this, Muslims will always have to deal with jurists. This, in turn, invites jurists to scientific research and debate.

Thus, rules were developed based on the Qur'an, Sunnah, and Sharia laws. Countless books have been written. Various jurisprudential dictionaries were created. As a result, the Muslim community has the largest and richest scientific heritage in the history of mankind. There are places where jurisprudence scholars have solved the issues that may happen in addition to the issues that have happened in life.

This great legacy left by our jurists has been praised by everyone. Foreign nations also used Islamic jurisprudence in their legislation. They all praised our jurists with one voice. Those who know themselves are still doing it. Therefore, we Muslims, who are the owners of Islamic jurisprudence, should respect, study and use this great heritage. It is our duty to always respect our great jurists, who are the founders and teachers of this science, and pray for them.

Today, the differences are mainly due to the non-recognition of sects. Many people are displeased by the words and actions of those who deny the sect. If it is said to them: "We don't have enough knowledge to judge directly from the Qur'an and Sunnah, as you say, what should we do?", they say, "Come to me, I will explain," or they say, "Go to my so-and-so teacher." . And so-and-so disagrees unknowingly. As a result, it is necessary to start a new path. That's why our scholars say: "People who have not reached the level of ijihad should follow a certain madhhab." By doing so, conflict is avoided.

Other sects and those who follow them should be treated with respect. It is not right to follow another sect in one matter and another sect in another matter. Scholars call this "talfiq"..

In order not to go astray in religion, it is necessary to choose a certain sect and follow it. Our scholars say: "Even a person who has reached a high level of knowledge and has reached the level of comparing the evidences of the schools of thought and determining the strongest one should not incite others to slander or issue a fatwa, but it is permissible for him to act personally." All these are measures taken to avoid discord among Muslims.

In the past, there were no such things as transfusion of one's blood to another person, transplanting of one person's organ to another person, or taking a man's sperm, putting it in a special tube, and then implanting it in a woman's uterus. Therefore, even if we leaf through all the old fiqh books one by one, we will not be able to find answers to these questions. And life requires answering these questions. So we need fiqh again.

Conclusion. That is why there is one Academy of Islamic Jurisprudence under the Organization of Islamic Countries and under the "Robitatil Olamil Islami" organization. They have representatives from every Islamic country. New issues are first presented to the members of the Academy for separate study. Then, at the annual meeting of the Academy, these issues will be discussed and fatwas will be issued with the participation of relevant experts. If some members have special opinions, it will be pointed out.

In this way, the issues are being resolved without conflicts and quarrels. So, if the jurisprudential schools of thought of Ahl al-Sunnah and Jama'a avoid any differences. For this, of course, it is necessary to be a person with a broad heart, understanding and a sufficient scientific level.

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