Ijtihad in the Dynamics of Its Use

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Info Articles	Abstract
	Ijtihad is a fundamental instrument in Islamic law that functions to explore and formulate laws from the Qur'an and Sunnah when a problem is not explicitly regulated in both. The urgency of ijtihad is increasing along with the development of the era that presents various new legal challenges that require solutions in accordance with sharia principles. Therefore, the study of ijtihad, starting from the definition, legal basis, law of conducting ijtihad, to its methods and steps, is very important in ensuring the flexibility of Islamic law in responding to the dynamics of life. This study aims to analyze the concept of ijtihad comprehensively by highlighting key aspects, such as the qualifications of mujtahid, the levels of mujtahid, and the methods used in the ijtihad process. This study uses a qualitative method with a descriptive analytical approach to examine the sources of Islamic law and related literature. The results of the study show that ijtihad has a crucial role in maintaining the relevance of Islamic law and must be carried out by individuals who meet certain requirements. Various methods in ijtihad, such as tarjih and istinbath law, are key to harmonizing seemingly contradictory arguments. In conclusion, ijtihad is the primary means of ensuring that Islamic law remains contextual and applicable throughout time.

I. INTRODUCTION

Ijtihad is an intellectual process in Islam that aims to understand, formulate and determine the law when a problem is not explicitly regulated in the Qur'an and Sunnah.(Qadriani Arifuddin and MH 2025). In the history of the development of Islamic law, ijtihad plays a very important role, especially in ensuring that Islamic law remains relevant and applicable to the people in various conditions and times. Since the time of the Prophet Muhammad SAW, the process of determining the law was based on revelation, but after his death, his companions and the generations of scholars after him used ijtihad to answer legal problems that continued to develop. Over time, the method of ijtihad developed through various approaches in the science of ushul fiqh, which allowed mujtahids to explore the meaning of law from the main sources of Islam(Malda et al. 2025).

In the modern era, ijtihad has become increasingly crucial considering the complexity of social, political, economic, and cultural life that continues to change. Various contemporary issues, such as sharia economics, bioethics, human rights in Islam, and the dynamics of global

politics, require answers that adhere to sharia principles but remain relevant to the conditions of the times. Therefore, Muslim scholars and intellectuals continue to strive to develop ijtihad methods in order to face new challenges without losing the essence of Islamic law. However, the ijtihad process is not something simple, because it requires a deep understanding of Islamic sciences, Arabic, maqashid sharia, and complex rules of ushul fiqh(Shihab 2006).

One of the biggest challenges in the ijtihad process is the phenomenon of ta'arud adillah, namely the existence of arguments that appear to contradict each other. In some cases, the verses of the Qur'an or the hadiths of the Prophet SAW can show different meanings or even seem to contradict each other in a certain legal context.(Karyana, Ulinnuha, and Haq 2025). This phenomenon is not only a challenge for ulama in formulating laws, but also demands their ability to balance and harmonize existing postulates. Therefore, various methods were developed to deal with ta'arudadillah, such as tarjih, which aims to determine stronger propositions based on certain criteria, as well as tawaqquf, which

postpones decision making when no clear point of alignment is found.

The urgency of discussion on ijtihad and ta'arud adillah is very important so that Islamic law remains dynamic and does not stagnate in facing the challenges of the times. The continuity of ijtihad ensures that Islamic teachings are not only understood textually, but also contextually, so that the resulting law remains relevant, fair, and does not conflict with the basic principles of sharia. In this study, the discussion on ijtihad is directed at its urgency in responding to various contemporary problems and how methods in ushul fiqh are used to handle seemingly contradictory arguments. Thus, this study seeks to show that ijtihad is the main key in maintaining the continuity of Islamic law, so that it remains a guideline for life that is in accordance with the needs of the people in every era.

II. RESEARCH METHODS

This research uses a qualitative method with a descriptive-analytical approach.(Muhaimin 2020). The primary data sources used are classical and contemporary literature in ushul fiqh, which include the main books of scholars on ijtihad and ta'arud adillah. Secondary data were obtained from scientific journals, papers, and articles discussing relevant topics. The data collection process was carried out through library research, by examining the works of scholars and Islamic legal experts who discuss the concept of ijtihad and methods of handling dalil conflicts.

Data analysis in this research was carried out by understanding, reviewing and interpreting Islamic legal texts critically. This research also explores how the principles of ushul fiqh are applied in completing ta'arudadillah, by providing concrete examples of legal problems that previous ulama have faced. Emphasis is also placed on the relevance of this concept in responding to the challenges of Islamic law in the modern era.

III. RESULTS AND DISCUSSION

A. Definition and Legal Basis of Ijtihad

Etymologically, the term ijtihad comes from the Arabic verb "jahada" (جهد), which means "to exert all one's ability" or "to try hard"(Suwandi 2024). Usul fiqh scholars explain that ijtihad linguistically refers to an effort or hard work that requires maximum effort and great endurance. This definition emphasizes the aspect of perseverance and seriousness in carrying out a task that is not easy, especially in the context of exploring sharia law.

Al-Amidi stated that ijtihad linguistically:(Surono and Anita 2022)

استفراغ الوسع في تحصيل أمر شاق

It means putting in serious effort to achieve something difficult.

This definition reflects the need for great intellectual and spiritual strength in the process of exploring Islamic law, which is different from light tasks or those that do not require extraordinary effort.

In the Qur'an the word "jahda" is mentioned in QS 16:3:

وَأَقْسَمُوْا بِاللّٰهِ جَهْدَ اَيْمَانِهِمْ لَا يَبْعَثُ اللّٰهُ مَنْ يَّمُوْتُۗ بَلٰى وَعْدًا عَلَيْهِ حَقًّا وَّلٰكِنَّ اَكْثَرَ النَّاسِ لَا يَعْلَمُوْنَ

And they swore by (the name of) Allah with a solemn oath, "Allah will not raise the dead." Not so (surely Allah will resurrect him), as it is a true promise from Him, but most people do not know.

Syarif al-Umari said that the word jahda in the verse means "Badzlu Al-Wus'i Wa Al-Thoqoti" (direction of all abilities and strength) or also means "Al-Mubalaghah fil al-yamin" (excessive in oath). Thus the meaning of ijtihad is the direction of all abilities and strength to obtain what is aimed for to its peak.(Suwandi 2024).

The definition of ijtihad in the view of ushul fiqh scholars generally refers to the maximum effort of a mujtahid in exploring sharia law from detailed evidence. According to Al-Ghazali in his book Al-Mustasfa, ijtihad is defined as:

ذل المجتهد وسعه في طلب العلم بأحكام الشرع

The sincere effort of a mujtahid to attain knowledge of the laws of the Shari'a).

Muhammad Abu Zahrah defines ijtihad:

بذل الجهد لاستنباط الأحكام الشرعية من أدلتها التفصيلية حتى لا يبقى في طاقة المجتهد مزيد من الجهد

Exerting all power and effort to understand Sharia law from its detailed postulates, so that there is no longer any ability left for the mujtahid in his efforts.

According to Ibn Taymiyah, ijtihad is:

استفراغ الوسع في طلب الأحكام الشرعية بما يقتضيه الدليل الشرعي

Maximum efforts to achieve truth in establishing sharia law, by considering all relevant evidence and applicable rules.

Fakhruddin Al-Razi defines ijtihad as:

بذل المجتهد وسعه في استنباط الأحكام الشرعية من الأدلة الشرعية الصحيحة

"Using all our power and efforts to understand the laws of sharia using the valid ushul method."

From the various definitions given by scholars of ushul fiqh, several conclusions can be drawn as follows:(Basri 2022)

1. Maximum and Serious Effort: Ijtihad is a process that requires the use of all intellectual abilities, where a mujtahid uses all his efforts and knowledge in understanding or exploring the sharia law from its detailed sources. This definition emphasizes the importance of serious and serious efforts.

2. Detailed Sources of Law: Scholars agree that ijtihad involves exploring the law from the primary evidence, namely the Qur'an, Sunnah, ijma', and qiyas. A mujtahid must be able to understand these sources in depth and have knowledge of the correct methods of interpretation.

3. Goals of Sharia Law: Some scholars, such as Al-Syatibi, emphasize that ijtihad must take into account maqasid al-shariah, namely the goals of sharia which aim to protect religion, soul, reason, lineage and property. This shows that ijtihad is not just a technical process, but must also understand the ethical and social objectives of Islamic law.

4. Context and Reality: Scholars such as Ibn Taymiyyah emphasized that ijtihad does not only look at the text literally, but also considers social reality. This emphasizes the need for flexibility in Islamic law to adapt to the changing conditions of the community.

From these various definitions, it can be concluded that ijtihad is a very important intellectual effort in Islam, because it aims to provide legal answers that are in accordance with the spirit of sharia and the needs of society. This process requires in-depth knowledge, valid methodology, and full sincerity. Thus, ijtihad allows Islamic law to remain dynamic and relevant throughout time, even though it is faced with the challenges of an ever-changing era.

B. The Law of Carrying Out Ijtihad

Amir Syarifuddin explained that the law of carrying out ijtihad is obligatory for someone who has competence and capability, because the command of Allah which is the basis of the law is limited and there is nothing new after the death of the Prophet SAW, while the problems of life continue to develop widely and quickly which require legal status, therefore ijtihad is obligatory based on the Qur'an, letter an-Nisa' verse 59(Nurhayati and Sinaga 2018).

Furthermore, the obligation to carry out ijtihad is very dependent on existing conditions, sometimes the law can be wajib 'ain, wajib kifayah, mandub/sunnah and can even be haram.

Ulama of Islamic jurisprudence agree that the law of ijtihad is fardhu kifayah(Has 2013). This means that the obligation of ijtihad is imposed on the ulama community: if there is a group of ulama who are capable of carrying out ijtihad and they do so, then this obligation is void for the others. However, if no one does it, then the Muslim community as a whole is guilty. This is in line with Imam Al-Ghazali's opinion, ijtihad is a collective obligation (fardhu kifayah) which becomes an individual obligation (fardhu 'ain) if the situation requires it.(Yasid 2018). Al-Ghazali also emphasized that a mujtahid must have certain qualifications, such as a deep understanding of the Qur'an, Sunnah, Arabic, and the rules of ushul fiqh.

If ijtihad is required in a particular situation and there is only one qualified scholar, then the obligation becomes fardhu 'ain (individual obligation) for that scholar. Ijtihad is also considered essential to ensure that Islamic law remains dynamic and relevant in various situations of human life.

If the question/fatwa requested from the mujtahid is about a problem that has not yet occurred but the people ask to face something that will happen, then the law of ijtihad for the mujtahid is sunnah.

Ijtihad can be forbidden by law if the law of the incident in question has been determined through clear and definite evidence (qath'iy al-tsubut wa qath'iy al-wurud) but the questioner wants to find a way out of the law for his own interests.(Khalaf 2015). Ijtihad is also forbidden if the one who carries out ijtihad is not a competent mujtahid.

C. Mujtahid and his Conditions

Mujtahid is someone who is able to carry out Ijtihad according to Sharia law and has fulfilled the requirements to become a Mujtahid.(Has 2013).

Usul fiqh scholars explain that a mujtahid is someone who exerts all his efforts to obtain the correct legal conclusions from the sources of sharia. Al-Amidi in Al-Ihkam fi Usul al-Ahkam states that a mujtahid is "a person who uses all his abilities to extract sharia law from its evidence until he has no more capacity to try any further."(Haries, S AG, and Maisyarah Rahmi 2021). This emphasizes that the mujtahid must have intellectual perseverance and adequate knowledge to conclude the law.

In line with the mujtahid's credibility as a person who is considered capable of exploring Sharia law, it is appropriate for him to know (master) Arabic. Among the ulama there is agreement on the need for mujtahids to master Arabic from various aspects. The argument for the importance of mastering Arabic for a mujtahid according to the ulama is because the Qur'an and Hadith are sharia books delivered in Arabic. In fact, according to them, several verses of the Qur'an and the Hadith themselves show that the verses of the Qur'an were revealed in Arabic. Ibnu al-Humam, one of the Ushul Fiqh Hanafy scholars, explained that knowing the Koran and Sunnah is an absolute requirement that a mujtahid must have. Meanwhile, Imam al-Shafi'I, a mujtahid, must be able to memorize the Koran.

In line with Ali Hasaballah, Wahhab Khallaf explained that what is meant by the necessity of knowing the Qur'an for a mujtahid is his ability to understand the Shari'ah, know the legal verses and how to interpret them so that if he is faced with a legal incident, the mujtahid will not have difficulty conveying the legal verses relating to the incident.(Faith 2004). As for knowledge of the sunnah, according to Wahbah Zuhaili, as is the case with the Koran, mujtahids must know the sunnah, both the language and the legal content, but do not have to memorize all the hadiths. It's just that he must be able to refer to the hadith which is used as a reference when carrying out legal istinbath, namely by knowing the location of the hadith through a hadith dictionary.

According to Muhammad Rasyid Ridla, the Sunnah as an explanation of the Qur'an must be obeyed so as not to deviate from it.(Faith 2004). As a source of law, hadith must be positioned by mujtahids as the basis of law after the Qur'an and it is not permissible to place fiqh before the position of hadith. In his messages delivered to the reformist group (mujtahid), Ridla emphasized to Islamic thinkers (mujtahids, legal explorers) to be able to master Hadith both in terms of the quality of sanad, dilalat, ta'arudl and tarjib. In the case of Hadith whose quality is ahad, Ridla does not allow mujtahids to use it as a source of law.

According to Abu Hamid Muhammad bin Muhammad Al Ghazali, there are two requirements to become a mujtahid. First, knowing the existing sharia and matters related to it, so that one can prioritize what should be prioritized and end what should be ended. Second, being just and not committing sins that can damage one's justice.(Faith 2004).

In more detail, the requirements for a mujtahid are explained by Fakhir al Din Muhammad bin Umar bin Husain, namely:(S. Nasution 2020)
1. Mukallaf, because only mukallaf can make legal determinations.
2. Knowing the meanings of the words and their secrets
3. Knowing the condition of Mukhatab which is the first cause of the prohibition order.
4. Knowing the condition of the lafadz; whether it has a qarimah or not.
5. Understanding the objectives of sharia (maqashid al syariah), namely the dlaruriyat which includes maintaining religion, maintaining the soul, maintaining the mind, maintaining descendants and maintaining property.
6. Able to make legal determinations
7. Understand Arabic and the sciences related to it.
8. Good morals.

Apart from the conditions stated above, there are also other conditions for mujtahids, both those agreed upon by ushul scholars and those that have been disputed. Sayyid Muhammad Musa has systematically grouped the requirements of ijtihad into the following pain points below:(S. Nasution 2020)
1. General requirements (asy-syuruth al-'Ammah), which include the requirements of being mature, having sound mind, having strong reasoning ability, and being a believer or mukrnin.
2. basic requirements (ash-syuruth al-Asasiyat), which are the basic requirements that pressure mujtahids to have competent abilities in the fields of knowing the Qur'an, understanding the sunnah, understanding the meanings of sharia law and knowing the general rules (al-qawaid al-Kulliyat) of Islamic law.
3. important requirements (asy-Syuruth al-Hammat), are important requirements that must be possessed by a mujtahid. The requirements in question are mastering Arabic, knowing the science of ushul Fiqh; knowing the science of mathematics or logic, and knowing the original law (al-Baraat al-Ashliyyat).
4. complementary requirements (asy-Syuruth al-Takmiliyyat). This requirement stipulates that the mujtahid does not conduct ijtihad on issues for which there is already a qath'i evidence, to

determine the position of khilqfryyat, and to maintain piety and piety.

The requirements of ijtihad stated above, seem to be able to elevate a person to the predicate of mujtahid when all the requirements are mastered in depth. This is acknowledged by scholars of ushul that only with such requirements can a person hold the title of mujtahid. However, in the category of scholars of ushul, in terms of their ranking within a mujtahid there are differences from the lowest to the highest.

D. Levels of Mujtahid

Ibn Qayyim al-Jauziyyat divides the ranks of mujtahid into four parts;(S. Nasution 2020)

1. First, a person who knows the book of Allah, the sunnah of His Messenger and the sayings of his companions so that he is able to provide legal solutions to events that challenge him in the midst of society. Mujtahid at this level - although still bound by the opinions of his predecessors - does not mean that he loses his position as a mujtahid because he is still considered capable of digging up law from its sources. Al-Syafi'i on the one hand followed 'Atha in the matter of hajj but his status is still considered a mujtahid not a muqallid.

2. secondly, mujqyyad mujtahids are mujtahids who are limited within the imam's school of thought that they follow. He knows the fatwas, sayings, sources and methods of ijtihad of the imam he adheres to. He is even able to make ijtihad regarding new events for which the imam he adheres to has not yet found a legal solution, making it possible for him not to follow the ijtihad of his imam. However, he still followed the clan pattern of giving fatwas based on his imam's method of ijtihad.

3. the third Mujtahid fl al-madzhab (in one madzhab), where he linked himself to that madzhab. Mujtahids at this level are very familiar with the propositions and fatwas of their imams. He did not want to escape from what his priest had outlined. Therefore, he did not need to know the Koran, the Sunnah and the Arabic language constellations, because in his case he was satisfied with what had been outlined by his imam.

4. Fourth, a human community that unites itself in one madhhab, knows the fatwas in

that madhhab and feels stable and comfortable being a muqal!id. If the community explains the problem using the Qur'an and Sunnah, it is only to obtain blessings, not as legal evidence. Likewise, if they were shown a fatwa from their friends, such as Abu Bakr, Umar, Uthman, Ali and other friends which contradicted their imam's fatwa, they would still stick to their imam's fatwa because, in their view, the imam knew more about a problem than the friends.

Apart from the opinion above, Wahbah Zuhaili put forward the levels of mujtahid according to as-Suyuthi, ibn ash-Shalah and an-Nawawi who divided them into five levels;

1. First, al-Mujtahid al-Mustaqil, namely a mujtahid who establishes fiqh based on the method and rules that he himself determines. Or with another formulation, he is a mujtahid who already has his own ushul fiqh and fiqh, which is not the same as the ushul fiqh and fiqh built by other mujtahids. The four Imams are examples of mujtahids who fall into this category.

2. Second, al-Mujtahid al-Muthlaq Chair al-Mustaqil, is a mujtahid who includes the criteria (requirements) for ijtihad but the methods he uses are tied to the imam he adheres to. A mujtahid of this level, even though he is attached to one madhhab's method of carrying out ijtihad, is not influenced by the Imam of that madzhab. In other words, he is the level of mujtahid who has his own fiqh, but does not have ushul fiqh. Examples of mujtahid' at this level include Abu Yusuf (113-183 H), Muhammad (132-189 H), the Zufar clan (110-157 H), followers of Abu Hanifah; Ibn al-Qasim (d. 191 H) clan Ashhab (140-204 H) from Malik's followers, al-Buwaethi (d. 231 H), az-Za'farani (d. 306 H), al-Muzani (175-264 H) from among as-Shafi'i followers.

3. Third, al-Mttjtahid al-Muqqyyad or al-Mujtahid at-Takhrij, namely someone who has fulfilled the criteria for ijtihad and is able to explore the law from its source. Even though he was a mujtahikl who did not want to move away from the rules and views of his imam, he still tried to adhere to his laws. Mujtahid in this category may also be called mttjtahid fl al-Madzhab. Among the mujtahids who fall into this rank are; Hasan ibn Ziyad (d. 240 AH),

alKarkhi (260-340 AH), as-Sarakhsi (d. 418 AH) from the Hanafi madzhab; alAbhari (d. 395 H.) clan Ibn Abi Zaid (d. 386 H.) from the Maliki sect; Abu Ishak as-Syirazi (d. 476 H.) and al-Marwazi (d. 462 H.) from the Syafi'i Madzhab.

4. Fourth, Mujtahid at-Taryib, namely a fiqh expert who truly defends his imam's madhhab by knowing the constellation of his imam's views, and is able to express strong opinions from the imam and the opinions contained in his madhhab.

5. Fifth, Mujtahid al-Fatwa is a fiqh expert who tries to maintain his madhhab, develop it and know its ins and outs and is able to give fatwas within the existing corridors. determined by the Imam of his Madzhab, but was unable to perform Istidlal

The division of mujtahid ranks was also put forward by Abu Zahrah as a contemporary Islamic figure. According to him, there are four ranks of mujtahid, namely;

1. First, al-Mujtahid fi al-Syar'i or also called al-Mujtahid al-Mustaqil, namely mujtahid whose ability is not in doubt because they fulfill the requirements and methods of ijtihad independently. In other words, they are authorized to use all the istidlal methods that they take as a guideline, not following other mujtahids; they formulate their own ijtihad methods and apply them to furu' problems. Their opinions are then disseminated among the community.

2. Second, al-Mujtahid al-Muntasib, namely a mujtahid whose requirements have been met to perform ijtihad. It's just that in doing ijtihad he still refers to the theory of ushul fiqh initiated by the Imam of Madzhab. However, he has a different opinion on the issue of branches, although in general his ijtihad produces conclusions that are almost the same as the results of the ijtihad obtained by his imam.

3. Third, al-Mujtahid fl al-Madzhab, namely the mujtahid who responsibly follows his imam both in Ushul and in furu'. Their role is limited to carrying out istinbat on matters that have not been determined by their imam. Their task in ijtihad is to apply the 'illat-'illat fiqh that has been explored by their predecessors to problems that have not been encountered in the past. Mujtahids at this level do not have the right to carry out ijtihad on issues that

have been stipulated in their madhhab, except within a limited scope.

4. Fourth, al-Mujtahid al-Murajjib, namely a mujtahid who is seen as having the ability to confirm the strongest opinion narrated by his imam using the taryib method. He did not carry out ijtihad regarding furu' laws that had not been established by previous scholars.

E. Division of Ijtihad

In the context of ushul fiqh, ijtihad is divided into two main categories, namely fardi ijtihad and jama'i ijtihad. This division is based on who performs ijtihad and how it is implemented in society. Here is an explanation of both:

1. Individual Ijtihad

Ijtihad fardi or individual ijtihad is an effort made by a mujtahid to independently explore and determine Islamic law based on the propositions contained in the Al-Qur'an, Sunnah, ijma', and qiyas.(Has 2013). This ijtihad allows mujtahid to provide legal opinions based on his understanding of Islamic legal texts. Each mujtahid can produce different opinions because they rely on their personal interpretation of legal texts.

Al-Ghazali explains fardi ijtihad as:

لاجتهاد هو بذل الوسع في طلب الحكم الشرعي من الأدلة التفصيلية، ويشترط فيه أن يكون المجتهد عالماً بما يكفيه لإدراك الحكم الشرعي في المسائل المستجدة التي لا نص فيها

Ijtihad fardi is an individual effort to understand and explore laws that have not been stipulated in the texts, based on the understanding possessed by the mujtahid of the sharia texts. In this case, each mujtahid is expected to work alone in finding a solution, and the results can differ between one mujtahid and another.

Wahbah al-Amidi explains a more concrete definition of fardi ijtihad as follows:

الاجتهاد الفردي هو اجتهاد يُبذل من شخص واحد له أهلية علمية خاصة، ويكون قادراً على استنباط الأحكام الشرعية من أدلتها التفصيلية

Ijtihad fardi is an effort made by an individual who has certain scientific qualifications, and is able to derive (excavate) sharia laws from the detailed evidence that exists.

Wahbah al-Zuhaily explains fardi ijtihad as follows:(NAFI 2024)

الاجتهاد الفردي هو بذل الجهد من شخص واحد في فهم النصوص الشرعية وتطبيقها على الواقعات المستجدة، وتفسيرها بناءً على فقهه

Ijtihad fardi is an effort made by an individual to understand the texts of the Shari'a and apply

them to new events, as well as interpret them based on his understanding of the fiqh.

Al-Ghazali explains the basic principles in carrying out ijtihad, and emphasizes the importance of intellectual freedom in carrying out fardi ijtihad.(Hajiannor 2015). Characteristics of Fardi Ijtihad (1) carried out by an individual who has the capacity to explore sharia law. (2) The mujtahid personally tries to understand the law from existing sources. (3) Can produce different legal opinions between other mujtahids, because fardi ijtihad relies on personal interpretation of legal texts.

Great scholars such as Imam Abu Hanifah, Imam Malik, Imam Syafi'i, and Imam Ahmad bin Hanbal, each of whom carried out fardi ijtihad in the field of fiqh, produced different opinions on several legal issues. Al-Shatibi stated that ijtihad fardi gives a mujtahid the freedom to try to understand sharia law in depth based on his intellectual abilities.

2. Collective Ijtihad

Ijtihad jama'i is a form of ijtihad carried out collectively by a group of ulama or fiqh experts(Al Munawar 2020). In ijtihad jama'i, mujtahids work together to explore Islamic law from the sources of sharia, considering various opinions and social contexts, and produce a mutually agreed solution. This type of ijtihad is often applied to major or newly emerging problems in society.

Al-Ghazali explained Jama'i's ijtihad as follows:

وأما الاجتهاد الجماعي فهو الذي يختص بحل القضايا الكبرى التي تستدعي مشاركة أكثر من مجتهد ليصلوا إلى رأي جماعي في المسائل المعقدة

As for collective ijtihad, it is ijtihad that is specifically for resolving major problems that require the participation of more than one mujtahid, so that they can reach a common opinion on complex problems.

Al-Amidi explains the importance of ijtihad jama'i, which allows several mujtahids to synergize in facing problems that require a collective approach and comprehensive solutions.

Al-Zuhayli stated that jama'i ijtihad is a more modern form of ijtihad and can be applied in addressing complex social, economic and technological problems, where the opinions of various mujtahids are combined to produce a comprehensive solution.

The characteristics of Jama'i Ijtihad include: (1) It is carried out by a group of mujtahids who have expertise in various fields of science. (2) The results are a joint consensus of scholars or fiqh experts. (3) This ijtihad leads to solutions that are accepted by the scientific community and implemented in society.

Example: During the time of Caliph Umar bin Khattab, collective ijtihad was carried out to resolve various new issues that were not found in the Qur'an and Sunnah. In modern times, collective ijtihad is often carried out in international conferences of scholars who issue fatwas on contemporary issues such as bioethics, economics, and technology.

Other examples are international ulama conferences or fatwa councils that issue joint fatwas on modern issues such as biotechnology, Islamic economics, or international law.

The main differences between Ijtihad Fardi and Ijtihad Jama'I can be seen in several things, including:(Al Munawar 2020)

a) Number of Actors. Ijtihad fardi is carried out by an individual who has the capacity to explore the law, while ijtihad jama'i involves a group of mujtahids who have various expertise in the science of fiqh and ushul fiqh.

b) Context and Application. Fardi ijtihad tends to be more personal and can result in differences of opinion between mujtahids, while jama'i ijtihad focuses on a common consensus accepted by the wider community.

c) Problems Faced. Ijtihad fardi is used in more specific and detailed fiqh problems, while ijtihad jama'i is used to address large and complex problems that require cooperation between several scholars to produce a comprehensive solution.

Ijtihad fardi and ijtihad jama'i each have an important place in Islamic law. Ijtihad fardi provides space for individuals to provide legal opinions according to their understanding, while ijtihad jama'i provides collective solutions that reflect the consensus of various parties in dealing with major and contemporary issues. This division reflects the flexibility and dynamics of Islamic law in responding to the development of the times and the needs of the people.

Furthermore, ijtihad can also be distinguished from the perspective of mujtahid in ijtihad, so ijtihad is divided into istinbathi ijtihad and tathbiqi ijtihad. Here is the explanation:

1. Ijtihad Istinbati

*Ijtihad istinbatii*is the process of extracting or extracting sharia laws from the sources of Islamic law, namely the Qur'an and Sunnah. Istinbathi comes from the word istinbath, which means

"digging" or "taking out" something hidden(MSA Nasution and Nasution 2020). In the context of Islamic law, ijtihad istinbathi refers to the efforts of a mujtahid to understand and interpret a text that contains an implied legal meaning, and to apply the principles of ushul fiqh to produce new laws that are not found explicitly in the text.

Example of deriving a ruling on the use of modern technology such as organ transplantation, where there is no direct textual evidence in the Qur'an and Sunnah. A mujtahid uses the method of ijtihad istinbathi to understand the general principles of the Shari'ah and determine the related ruling.

   2. Ijtihad Tathbiqi

Ijtihad in the sense of reason is the application of existing or previously discovered laws to new cases that arise in society.(Faith 2004). This ijtihad focuses more on the application of law rather than the discovery of new law. A mujtahid or judge uses ijtihad tathbiqi to ensure that Islamic law can be applied effectively and relevantly in a particular context.

Examples of the application of sharia law relating to buying and selling in modern transactions such as e-commerce. Existing transaction laws are applied by adjusting the context and conditions of electronic transactions.

F. Methods and Steps of Ijtihad

In principle, there is no difference in the method of ijtihad between mutaakhirin ulama and madhhab imams(Kamaludin 2013). It's just that the sectarian scholars have illuminated the way by establishing dhawabith in understanding the propositions and based on that, formulating the steps that will be taken by today's mujtahids.

The method and steps of ijtihad according to the scholars of usul fiqh are a systematic process that aims to explore Islamic law from its sources when there is no nash (text) that directly provides an answer to a problem. The scholars of usul fiqh emphasize the importance of a structured methodology so that the results of ijtihad remain in accordance with sharia principles. The following is a detailed explanation of the method and steps of ijtihad:

1. Use of Valid Arguments: Ulama of Islamic jurisprudence stipulate that ijtihad must be based on valid arguments, namely the Qur'an, Sunnah, Ijma' (consensus of scholars), and Qiyas (analogy). Ijtihad is carried out only in cases that do not have direct provisions from the text.

2. Deep Understanding of Naskh and Mansukh: A mujtahid must understand the verses or hadiths that have been nasakh (removed from the law) and which are still valid. This is important to avoid using arguments that are no longer relevant in a legal context.

3. Understanding the Context and Objectives of Sharia (Maqashid Sharia): Ijtihad must consider the objectives of sharia, namely preserving religion, life, reason, lineage, and property. The resulting law must be in line with the principles of maslahat (public good) and prevent mafsadat (damage).

The steps of Ijtihad can be detailed as follows:

1. Identify the Problem at Hand: The first step is to identify the specific problem that requires ijtihad. This problem must be clear and there is no direct legal provision from the Qur'an or Sunnah.

2. Collecting Related Evidence: The Mujtahid collects all evidence from the Qur'an, Sunnah, and other sources related to the issue. The Mujtahid must examine the relevant verses and hadiths and consider their context.

3. Analysis of the Evidence: The evidence that has been collected is analyzed carefully. This includes checking the authenticity of the hadith, understanding the meaning of the text, and ensuring that there are no contradictions between the evidence.

4. Application of Ushul Fiqh Rules: Mujtahids use Ushul Fiqh rules, such as Qiyas (analogy), Istihsan (legal preferences), Maslahah Murlah (consideration of benefit), and Urf (customs or customs). This process is carried out to reach legal conclusions that are in accordance with sharia principles.

5. Referring to Ijma': If there is an agreement (ijma') from the previous scholars regarding a similar issue, the mujtahid must pay attention to it. However, if there is no ijma', ijtihad can be continued with other methods.

6. Applying the Qiyas Method: If there is no direct evidence and no ijma' is found, then the mujtahid uses Qiyas, namely making an analogy between a new problem and a case that already has a law, based on the similarity of legal causes.

7. Taking Legal Decisions (Istinbath Hukum): After analyzing all aspects, the mujtahid determines the law that is considered most appropriate. The results of this ijtihad must be formulated by considering the interests of the people and avoiding mafsadat.

8. Evaluation and Revision (If Necessary): Ijtihad is dynamic, meaning it can be evaluated and revised if there is new evidence or significant changes in conditions. Scholars emphasize the importance of flexibility in Islamic law to meet the needs of an ever-evolving society.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Ijtihad is an intellectual effort in Islam to explore and formulate laws from primary sources, namely the Qur'an and Sunnah, when a problem is not explicitly regulated in both. The legal basis of ijtihad is rooted in the command to use reason in understanding the sharia, as reflected in various verses of the Qur'an and the hadith of the Prophet SAW which encourage Muslims to think and conduct ijtihad in determining the law. In Islam, the law of conducting ijtihad is considered an obligation for those who have adequate scientific capacity, especially when there is no text that explicitly regulates a legal issue.

Ijtihad can only be carried out by a mujtahid, namely an individual who meets certain requirements, such as mastery of the science of the Qur'an, Sunnah, ushul fiqh, maqashid sharia, and Arabic. Mujtahids are categorized into several levels based on their knowledge and authority in determining the law, starting from absolute mujtahids to mujtahids in certain schools. Based on its scope, ijtihad is divided into several types, including ijtihad intiqa'i and ijtihad insya'i. The ijtihad process is carried out through systematic methods and steps, such as understanding the evidence, carrying out tarjih if there is evidence that seems contradictory, and paying attention to maqashid sharia. This entire process shows that ijtihad is an important instrument in maintaining the relevance of Islamic law in the lives of humanity throughout the ages.

B. Suggestion

After outlining the discussion and conclusions of this paper, here are some of the author's suggestions to readers and academics and practitioners of Islamic law.

1. Strengthening Understanding of Ijtihad and the Role of Mujtahid. Given the importance of ijtihad in addressing contemporary issues, it is recommended that academics, scholars, and students of Islamic law deepen their understanding of the methodology of ijtihad and the requirements that a mujtahid must possess. A comprehensive understanding will help in applying Islamic law in a more relevant manner to the dynamics of modern society.

2. Application of the Concept of Ta'arud Adillah in a Contemporary Context. Further research is needed on how the principles of ta'arud adillah settlement can be applied in contemporary legal cases, such as in the fields of economics, technology, and family law. Such research can help clarify how Islamic law adapts and provides solutions to modern challenges.

3. Literature Development and Scientific Discussion. It is recommended to enrich the literature on ijtihad and ta'arud adillah with more empirical studies and concrete case studies. In addition, scientific discussion forums involving Islamic scholars, academics, and practitioners of Islamic law can be held periodically to discuss current issues and conflicting arguments that arise in society.

4. Increasing the Capacity of Today's Mujtahids. Today's mujtahids are expected to continue to increase their intellectual and spiritual capacity, and to keep up with the times without neglecting the principles of sharia. Therefore, Islamic educational institutions need to provide adequate training programs to produce qualified mujtahids who are able to provide appropriate and relevant fatwas.

5. Encouraging an Interdisciplinary Approach. The next suggestion is to encourage the use of an interdisciplinary approach in understanding ijtihad and completing ta'arud adalah. Combining the science of ulus fiqh with other scientific disciplines such as sociology, politics and economics can produce legal solutions that are more comprehensive and applicable.

6. Critical Review of Settlement Methods. It is important to continue to review and critique existing ta'arud adillah

settlement methods, such as tarjih, taufiq, and naskh, to ensure that these methods remain effective and in accordance with the needs of society. This critical review can open up space for innovation in the ijtihad method and provide new insights for the development of Islamic law.

With these suggestions, it is hoped that papers on ijtihad, mujtahid, and ta'arudadillah can make a significant contribution to the development of the study of Islamic law and its application in everyday life.

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