

## FIQH PERSPECTIVE ON KHILAFIAH AND THE IMPLICATIONS IN COMMUNITY LIFE

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### Abstract

This study aims to examine the case in society, especially the Muslim community that there are differences in schools of thought (opinions) among scholars. This research is a research library with a qualitative approach. The data used are sourced from books and journals, while the data analysis uses the mile and Huberman models. The data collection technique uses the documentation method, and the data is in the form of notes, documents, transcripts, books, magazines. The results of this study are fiqh law is the result of ijtihad and it is not true if fiqh law is considered the mastermind of division among Muslims because the cause of differences of opinion among the ulama is ignorance/ignorance.

**Keywords:** Fiqh Law, Khilafiyah, Ikhtilaf

### INTRODUCTION

The motivation behind and causing this title to be raised in this paper is to examine the case in society, especially the Muslim community, in this case there are two basic things, first, there are expressions from several Islamic leaders that the law of fiqh which is well known in the community is the law of the school of thought (opinion). For example, according to the Shafi'i school of thought, someone's wudu' is invalidated because of contact with an ajnabiyah woman, whereas according to the Hanafi Mahab, it is not invalidated (Al-Jaziri, 2001). Even within one sect there are often differences of opinion. For example, in the Shafi'i school, it is obligatory to die in Muzdalifah, as well as in Mina, while according to one opinion, death in both places is circumcision. Khilafiyah/Ikhtilaf (differences) can be divided into two, First, ikhtilaful qulub (differences and disagreements of the heart) which are included in the category of tafarruq (division) and therefore it is rejected and not tolerated (Yusuf, 2015). This situation often results in disliking one another, due to different understandings and opinions, each of which does not have a valid reason and does not even have a reference, which eventually leads to hostility and can become divisions among Muslims. -Qur'an at the funeral home.

The second basis is that every ustad looks for reasons to strengthen his understanding to be conveyed to his followers. As is the case with Westerners seeking knowledge and busy making modern weapons. As a result, Muslims became colonized people. There are others who say that the teachings of Islam should be the teachings of unity, because it comes from one God and was conveyed by Jibril to be conveyed to Muhammad, namely the Qur'an. Al-Qur'an is one and Muhammad is also one (Husayn, 1997). In other words, there is no need for differences of opinion or ikhtilaf.

This character and treatment is one of the causes of fiqh law in society that does not develop. Although some of them can establish a state, the law of that country is Western law. Likewise,

fikh law is Islamic law which is different from Islamic law in the category of shari'ah. Fiqh is the result of the ijtehad of the mujtahids. The results of ijtehad characterize differences of opinion, because ijtehad is influenced by the level of breadth of knowledge, by differences in environmental conditions, and by different views on the intended benefit.

The Qur'an contains the verse:

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ هُدًى لِّلنَّاسِ وَبَيِّنَاتٍ  
مِّنَ الْهُدَىٰ وَالْفُرْقَانِ ۚ فَمَن شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ ۖ  
وَمَن كَانَ مَرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ ۗ يُرِيدُ  
اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ وَلِتُكْمِلُوا الْعِدَّةَ  
وَلِتُكَبِّرُوا اللَّهَ عَلَىٰ مَا هَدَاكُم وَلِعَلَّكُمْ تَشْكُرُونَ

Meaning: "( the specified days are) the month of Ramadan, the month in which the Qur'an was sent down (beginning) as a guide for mankind and explanations of that guidance and a distinction (between the right and the false). Therefore, whoever of you is present (in the land where he lives) in that month, then let him fast in that month, and whoever is sick or on a journey (then he breaks his fast), then (it is obligatory for him to fast), as much as the days he has left. , on other days. Allah wants ease for you, and does not want difficulty for you. And you should suffice the number and let you glorify Allah for His guidance which is given to you, so that you may be grateful." (al-Baqarah/2:185).

#### **Likewise the hadith confirms:**

"Make it easy and do not make it difficult " (Narrated by Al-Bukhari and Muslim from Abi Hurairah)."In another hadith it is also mentioned"

"difference of opinion brings mercy" (HRal-Baihaqi from Ibn Umar). The opinion of the famous Egyptian scholar Sheikh Muhammad Abduh " Islam is closed by the behavior (attitude) of Muslims themselves " The famous saying among scientists " humans are hostile to what they do not know".

After being analyzed from the explanation of the verses of the Qur'an and the Hadith of the Prophet Muhammad as well as the opinion of scholars that this discussion is very interesting to study and study which provides an explanation that difficulties and limitations in principle must be removed in line with the affirmations in the texts of the Qur'an and the hadith of the Prophet Muhammad. Allah wants ease for you and does not want difficulty for you, especially

in carrying out religious teachings. The above hadith also hints to mankind to follow whichever school of thought is considered to be stronger in its argumentation, except for ordinary people who cannot yet distinguish which argument is the strongest and which is not. The hadith of the difference of opinion of my Ummah is a mercy.

The scholars in legal istimbat. mercy for all mankind does not cause division, the division of the law is unlawful. And it is precisely to answer the challenges of today as a solution to the problems at hand. Of course not all actual problems can be solved if you only stick to one school of thought or only stick to one system and one kind of legal method that creates difficulties and limitations. understand the verses and hadiths as well as the opinions of scholars, complete data can be obtained as an analysis of the theoretical basis in this paper.

## **METHOD**

This research is library research (library research).

Whose object is searched with various library information such as books, scientific journals, magazines, newspapers, and documents with a qualitative approach. The data uses primary data sources, namely data that is the main source of library research by searching for various literatures (books) and as secondary data are journals related to this research. The data collection technique uses the documentation method, namely studying and searching for data in the form of notes, documents, transcripts, books, magazines, and so on. The data analysis technique uses data analysis of the Miles and Huberman (2014) model in data analysis techniques .

## **DISCUSSION**

In this discussion the author wants to explain about the understanding that if you hold on to an opinion, he will not change it and persist in his understanding as if that opinion is the right one. Therefore, in a problem there are often differences of opinion. For example, there are those who think that the law is haram and there are those who think that the law is halal, and each put forward the arguments and aspects of the arguments according to their respective istimbat rules. Once upon a time, there were three differences of opinion. Even up to six opinions. An example is the legal problem for a woman who has reached the age of puberty to marry herself directly, without a guardian. In this case, some say it's not legal, some say it's legal, some say it's legal if there is a guardian's permission, some say it's legal if the guardian's blessing, some say it's legal if the woman is a widow, some say it's legal if the man is sekufu. . This difference of opinion is a reflection of differences of opinion that have occurred, as the source, namely, at the time of the companions of the Prophet.

The divisions that occur among Muslims are not solely the mastermind behind fikh law but are the result of ignorance or misunderstanding and bigotry in certain understandings, as well as interest in the world. In this case, it can be emphasized that the fiqh law is not true which causes division among Muslims. This is in line with the hadith of the Prophet Muhammad. Differences

of opinion bring mercy to the people. The Qur'an explains that it is contained in the letter al-Baqarah verse: 185. Surah al-Hajayat: 22.

اللَّهُ بِكُمْ يُسِّرُ وَلَا يُعَسِّرُ

Meaning: "Allah wants ease for you, and does not want difficulty for you".

In QS al-Haj/22: 78.

هُوَ اجْتَبَاكُمْ وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ

Meaning: "And he has not made for you in religion a narrowness".

Likewise the hadith of the Prophet asserts: "Make it easy and do not make it difficult".

In another hadith it is also mentioned "

" Dissent brings. grace"

The above verse and hadith explain that Allah provides convenience in the implementation of religious teachings for certain conditions so that the law of fiqh appears in responding to the challenges faced by a person in the fiqh rules, it is stated that the difficulty of bringing up convenience, for example in the implementation of hajj when performing thawaf, invalidates ablution if in contact with a non-mahram according to opinion. which says it is void, if this understanding is used it will cause difficulties for people who make pilgrimages. So it appears that the fiqh rule of harm must be removed because there is an understanding that says it is not invalidated, so it is permissible to take an opinion that is not invalidated because of the conditions of difficulty. This also shows that fiqh law is different from shari'a law as explained, namely shari'a law must be followed by anyone and in an atmosphere at any time, while fiqh law follows the atmosphere and demands for benefit. Herein lies the grace of fiqh law as intended by these hadiths and verses. If the shari'ah law closes the door of adultery tightly, the fiqh law opens the door to marriage as wide as possible. This can be seen if we pay attention to the existence of six opinions from the priests of the madhhab on the issue of marriage. Because they do not know this difference, the law of fiqh is considered the same as sharia law. Thus, it is natural for fanaticism to arise which results in division, while the legal division is unlawful.

Obviously, fiqh law is not binding. However, it is the individual who binds himself to an understanding or school of thought by looking for reasons to maintain worldly positions and interests, namely guarding followers. If the kyai is not a fanatic, ordinary people are free to choose the opinion of the Hanafi school about wuduk not being invalidated by touching an ajnabiyah woman or choosing to cancel according to the Shafi'i school. But the kyai made the common people to have certain sects. If you have chosen a school, you are not allowed to move to another school, even if you move in part, for example in a problem known as talfiq, namely doing charity in a problem consisting of two or more schools. Meanwhile, the levels of fiqh

scholars are divided into two groups (Muhtadin, 2019), **First**, mujtahidin scholars who are famous for their mutaqaddin scholars, namely companion scholars and tabi'it tabi'in scholars. In the group of mutaqaddin scholars, although at the tabi'it tabi'in level, there are priests of the four schools of thought. The attitude of the mutaqaddimin scholars was very persistent in their efforts to make Muslims adhere directly to the Qur'an and Sunnah, and forbid taqlid to them, because they wanted their followers to do ijthihad, following in their footsteps. **Second**, the ulema group who supports the mujtahid imams at the first level. But unfortunately this group of scholars is still reluctant to directly ijthihad themselves. They prefer to expand the writings of mutaqaddin scholars or summarize the broadest of their essays. Finally, it was as if the muta'akhirin ulama had closed the door to ijthihad. The period of muta'akhirin ended with the appearance of Imam Nawawi and Imam Rafi'i. Likewise, muta'akhhirin scholars outside the Shafi'i school, there are several scholars who have been strengthened. Thus the end of the muta'akhirin period and after that period the scholars who supported the muta'akhirin scholars emerged.

Ulama who support muta'akhirin ulema keep the door to ijthihad tightly closed. They set standards; for example, in the Shafi'i school only adhere to the patwa agreed upon by Imam Nawawi and Imam Rafi'i. If there is a difference of opinion between the two priests, then what is used as a guide is the fatwa of Imam Nawawi; and they arrange for the next. Finally, Islamic law is no longer returned to the Qur'an and as-Sunnah but is returned to the qaul of Imam Nawawi and Imam Rafi'i (who wants to explore what is stated in this can be seen, among others, in the book Syatha (2005) and the book of Majamu'as-Saba'ah al-Kutub al-Mufidah. As is well known, although there are some muta'akhirin scholars view that the door of ijthihad is still open, but no one has dared to enter the door. Therefore, we can consider it the door ijthihad is closed, even though mutaqaddin scholars recommend that we follow them using ijthihad. Therefore, supporters of muta'akhirin scholars take the attitude of closing the door to ijthihad with the understanding that what has been determined by mutaqaddin scholars or muta'akhirin scholars is not appropriate for us to examine or change. and it is natural, in fact we must bind ourselves to one of the four schools of thought. When we have chosen one of the four schools of thought, we become bound and cannot er changing schools as a whole, or even though in part, namely with regard to a problem known as the term "Talfiq". <sup>1</sup>It should be clearly noted that the issue of having to choose one of the schools of thought and the issue of not having talfiq because it is part of the caliphate among muta'akhhirin scholars. As a result, they closed the door of ijthihad which in the end they closed the door of ijthihad which in the end the supporters followed the schools of opinion of their role models, as a result they only adhered to the qaul of the ulama because they were not able to ijthihad directly taking the law from the Qur'an and Sunnah.

By leaving the Qur'an and as-Sunnah and by placing the fatwas of certain scholars as described above, the development of fiqh law becomes stagnant and fikh law is no longer attributed directly to the Qur'an and as-Sunnah. So Sheikh Muhammad Abduh is rightly saying that 'Islam is covered by the behavior (attitude) of the Muslims themselves. Finally, the kyai or ustaz

emerged as a figure who was considered a great scholar even though he did not master the science of comparative fiqh. Ironically, fiqh law is accused of being the mastermind behind the division and decline of Muslims.

Yusuf Qardawi (1997) explains that Allah swt. Have entrusted the nature of flexibility, flexibility and amazing breadth, so as to make Islamic Shari'a can be felt as a blessing for its adherents, people who study Shari'ah and fiqh will feel the breadth of forgiveness space (manthiqah al-afw) or an intentional empty space by texts. The religious texts are left that way, as a space for mujtahids to be filled with things that are best for the people, according to the times and conditions, by always paying attention to the general objectives (maqasid) of the Shari'ah. So that Islam is suitable for all times and places.

### **Differences of Opinion (Ikhtilaf) And Its Implications In Community Life**

Differences of opinion (Khilafiyah) in Islamic law are a treasure for people who do not understand the character of fiqh books which contain many disputed legal issues. Islamic law (fiqh) is the result of ijtihad Ulama and its source is the Qur'an and Hadith as a result of ijtihad containing a variety of opinions from the scholars of the school of thought but remain consistent and tolerant of the principles of the word of Allah SWT which means "O you who believe, obey Allah. and obey the Messenger (his), and ulil amri among you. Then if you disagree about something, then return it to Allah (the Quran) and the Messenger (its sunnah), if you truly believe in Allah and the Last Day. That is more important (for you) and better as a result." In addition, differences of opinion are allowed to sharpen the brain and expand the horizon of thinking and provide opportunities for the interlocutor or other parties who have different opinions. From the Islamic point of view, the difference of opinion is to make it easier in terms of responding to conditions, from the political side, the form of democracy develops into hostility, from the cultural aspect, it requires one opinion.

There are differences of opinion in establishing Islamic law. Apart from being caused by human factors, other factors are also due to the special aspects related to religion. The causal factors have developed along the growth of the law in the next generation. More and more developed throughout the history of Islamic law, so that sometimes it creates strong opposition, especially among ordinary people. But in the current era of scientific and technological progress, the problem of khilafiyah is no longer a question, if this ikhtilaf is only in the case of furur'iyah which occurs because of differences in ijtihad.

Every mujtahid strives to devote his energy and thoughts to finding God's law in dealing with and resolving problems that require explanation and confirmation of the law. The basis and the main source of their taking is the same, namely the Qur'an and Sunnah. But sometimes the findings are different from each other and each does charity according to the results of his ijtihad, which according to his strong suspicion is true and correct.

Differences in assessing the authenticity of the text. For example, regarding the position of the Mursal Hadith narrated by the companions of the Prophet, according to Haanafi, the Mursal Hadith of the first and second periods is valid and may be used as a legal argument, while Syafi'i is of the opinion that it should not be used as a legal argument, unless supported by

another well-known verse or hadith. Likewise, the difference between the narrators of the hadith and whether or not the hadith is sent to a scholar; For example, the hadith narrated by Bukhari from A'isha "A man divorces his wife with three divorces (bain), then the woman marries another man, then divorces him. The Messenger of Allah (saw) was asked: Is it lawful for a woman to be remarried by her first husband? The Messenger of Allah answered no! Unless the second husband had intercourse with the woman."

To understand the above Hadith, scholars have different opinions, that a woman who has been divorced three times is not lawful (permissible) to marry her first husband before she marries another man and has sexual relations with him. Meanwhile the hadith did not reach Said Ibn al-Musayyid, so that He is of the opinion that a woman who has been divorced three times is lawful (permissible) to be remarried by her first husband, with only a marriage contract with another man, even though she is not sexually active, and then divorced. This opinion is based on the Qur'an surah al-Baqarah (2): 230.

**a. Differences in understanding the nas syara' (text of the Qur'an and hadith)**

For example, regarding verses that are zanni al-dalalah, which have more than one meaning, such as the word quru' QS, al-Baqarah (2): 228, which may mean menstruation or holy. Likewise the word marriage in QS. Al-Nisa (4): 22, can mean a marriage contract or sexual intercourse or the word lamasa in QS. al-Maidah (5):6, can mean touching and intercourse.

**b. The difference in compromising and tarjih nas.**

For example QS. al-Muzammil (73): 20, what Abu Hanifah understood that reading the fatihah in prayer was not fard and that he was required to only read the verses of the Qur'an, of course it could be different from fatihah. This is different from Malik, Syafi'i and Ahmad bin Hanbal, who argue that reading the fatihah in prayer is a must because HR. Bukhari and Muslim from 'Ubadah Ibn Shamit, the Prophet said: "The prayer is not valid for one who does not recite the fatihah in it.

**c. Differences in understanding the qaidah-qaidah ushul (principles of Islamic law).**

For example, amar (command) should be understood as obligatory or circumcision. Likewise nahi (prohibition) whether it should be understood as haram or makruh, and others.

Example: HR. Bukhari and Muslim: "O youths! Whoever among you is able to marry, "let him marry." Circumcision (recommended) is not mandatory (mandatory). While the Zahir school views it as a necessity (mandatory).

**d. Differences in determining the syara' arguments.**

For example, the Hanafi, Maliki, Shafi'i and Hanbali qiyas and schools of friends are used as legal arguments, while Zahir rejects them. Istihsan was used by Hanafi, but was rejected by Shafi'i. Likewise, the benefits used by Maliki were rejected by Shafi'i.

Example: A husband whose news is not known, and it is not known whether he is still alive or dead, According to Syafi'i and Hanafi, his wife may not marry before it is certain that her husband has died (Imam, 2012). Meanwhile, according to Malakiyah and some Hanafiah, his

wife may marry after waiting four years, and the case is brought to court. After the court has decided, then he will die (4 months and 10 days), then he can marry another man.

**e. The difference in determining the 'Uruf (tradition).**

For example, some scholars justify someone taking a salary to teach the Qur'an, because in their place of residence there is no one who specializes in teaching the Qur'an, while some other scholars do not allow it, because the teachers of the Qur'an in their area who worked for it without pay. Likewise the 'Uruf (ijma') of Ahl Madinah, where Imam Malik made it a legal proposition, while others such as Abu Hanifah, Shafi'i and Ahmad bin Hanbal rejected it. Example: Imam Malik is of the opinion that the takbir in the "Eid" prayer is seven times, including the takbiratul Ihram in the first raka'at before reading the fatihah. And six times including takbir rising from prostration in the second rak'ah, because according to him the people of Medina did so, while other scholars, in general, such as Shafi'i argue that takbir is seven times in the first raka and five times in the first cycle. Second, it does not include takbiratul ihram and takbir from prostration.

**The Wisdom of Ikhtilaf and Its Implications in Community Life**

Khilafiyah in Islamic law is a treasure. For people who do not understand the nature of fiqh books which contain many legal issues with which the law is disputed, they often think that fiqh is a personal opinion transferred to religion. In fact, if they want to study in depth, they will surely find that the provisions of Islamic law are sourced from the Book of Allah and the Sunnah of the Messenger of Allah.

The diversity of opinions in the various furu', is actually the fruit of various kinds from a tree, namely the Kitabullaah and the Sunnah of the Prophet, not the fruit of various kinds from various trees as some people think. The trunk of the tree is the Qur'an and Sunnah, the branches are the syara' arguments and various analytical methods, while the fruit is fiqh law with all its features (Imam, 2012).

Fiqh, as a result of ijtihad scholars and cannot be separated from its source (al-Qur'an and Sunnah), will automatically contain the diversity of the results of that ijtihad. However, it can be seen in the identity of the mazhab scholars that they are sporty and tolerant when faced with this phenomenon, and remain consistent with the principles of God's word, namely:

Ikhtilaf that follows the provisions will provide benefits, if it is based on the following points (Tahido, 1997)

1. His intention is honest and aware of shared responsibility. This can be used as one of the arguments of the many models of theorems.
2. Ikhtilaf is used to sharpen the brain and to expand the horizons of thinking
3. Provide the opportunity to speak to the interlocutor or other parties who have different opinions and collaborate with other humans regarding the life around them.

The benefits or benefits of ikhtilaf can be obtained if the ikhtilaf is based on the provisions and etiquette contained therein. However, if the provisions and limitations are violated, it will



certainly cause division. This will give birth to difficulties and evil, so that it can interfere with people's lives. If that is the case, then ikhtilaf will turn into an arena of destruction.

Differences of opinion in determining part of the law on the furu' issue is a must. People who want to unite the Muslims in one opinion about the law of worship, mu'amalah and other branches of religion, let him know and realize that they actually want something that is nothing. Their efforts to abolish these differences (khilafiyah fihiyah) will not produce anything, apart from increasing differences and disputes themselves. this is a necessity (emergency) and cannot be avoided. Furthermore, he stated several factors for the necessity of the above as follows:

### **1. Religious Character**

Allah swt. wills that among his laws there are those that are explicitly stated (manshush 'alaih) and those that are implicitly (maskut 'anhu). Among those that are explicitly stated there are things that are qath'iyah (definite) and zhannah (uncertain) as well as sharih (clear) and mua'awal (possibility of interpretation). With regard to things that allow ijihad and istinbat, then we are required to do it. As for matters that do not allow ijihad and istinbat, then it is done to do so. As for things that are not possible, we are required to accept and believe in it (ta'abbudi). If Allah had willed the consensus of the Muslims in all matters, He would surely have sent down His book in the form of texts which are all muhkamah and clearly indicated (dalalah), so that there will be no difference in understanding and interpretation. But Allah wills in His Book that there is wisdom and there is mutasyabihat. These mutasyabihat parts, apart from being a test, are also a motivation for the mind to perform analysis to the fullest (ijihad).

### **2. Language Character**

The Qur'an is a divine revelation that is applied in the form of language texts and pronunciations. Likewise, most of the Sunnah in understanding the texts of the Qur'an and Sunnah, must follow the rules of the language. In the language of the Qur'an there are pronunciations that have multiple meanings (musytarak) which contain more than one meaning, majaz (figurative meaning), 'am (general) and Khash (specific), muthlaq and muqayyad.

### **3. Human nature.**

God created humans in various forms. Every human being has a different face shape, voice pressure, fingerprints and so on. Likewise thoughts, personality, attitudes, professions, tendencies and views on something. Differences in human character and psychological tendencies will result in their differences in judging something from various aspects, both fihiyyah or politics and so on. In connection with the problem above regarding people who practice one of the two opinions can not be denied or avoided, as well as people who practice one of the two opinions, then the person who has seen which is more accurate, may act according to it, but if not, then he may follow some of the scholars who can be trusted in explaining certain social conditions and environments.

Yusuf Qardawi (1997) explained that Allah swt. Has entrusted the nature of flexibility, flexibility and amazing breadth, so as to make Islamic Shari'a can be felt as a blessing for its adherents, people who study Shari'ah and fiqh will feel the breadth of forgiveness space (manthiqah al-afw) or deliberate empty space by texts. The religious texts are left that way, as a space for mujtahids to be filled with things that are best for the people, according to the times and conditions, by always paying attention to the general objectives (maqasid) of the Shari'ah.

In connection with the wisdom or benefits of this ikhtilaf, a scholar and jurist (faqih) Medina al-Munawarah) at the time of the tabi'in Iman al-Qasim bin Muhammad, said, "God has benefited by ikhtilaf in deeds. The companions of the Prophet. there is no person who does good deeds following the practice of one of them, but he thinks that he is in breadth, and thinks that it is a good thing that he has done.

In addition, "Umar bin Abd Aziz said "I am not happy if the companions of the Messenger of Allah. do not differ in opinion (ikhtilaf), because if they only have one opinion, then humans will be in a narrow position, while they are priests who are used as role models, if a Muslim follows the opinion of one of the companions, then he is in broad .

Knowing the causes of differences of opinion between the Imams of the schools and the scholars of fiqh is very important to help us, to get out of blind taqlid, because we will know the arguments they use and their way of thinking in determining the law of a problem. Thus, it will open the possibility to deepen the study of the matter in dispute, examine systems and methods that are better and more appropriate in enforcing the law, can also develop abilities in fiqh law, and even the possibility of becoming a mujtahid will be open. In addition, if it is known that the reasons that gave rise to the difference are not appropriate to be used as reasons, efforts will be made to place them in the right proportions. As it is known, that some of the basis they use is hadith. Meanwhile, the hadiths at that time had not been recorded, so it is possible that there were still many hadiths that were not accepted by them and there were hadiths that they had obtained, but they rejected them, because they were doubtful about their authenticity from the Prophet. After their generation, the science of hadith has been arranged, so that it can be known which hadith are authentic and which are weak. So if it turns out that there is a fatwa of friends or generations of friends that is based on ra'yu alone because there is no hadith found in a problem, then with the existence of authentic hadith related to the problem, of course the law that they have set may be reviewed and there is no need to search for it. the reason to defend their reasons, because they themselves agree, that as long as there are hadiths (nash) especially those that are authentic, then ra'yu must be ruled out.

## CONCLUSION

1. Differences of opinion are a blessing for mankind. It is not true that fikh law is the mastermind behind the division among Muslims, the mastermind is ignorance/ignorance.
2. Fiqh law is the result of ijtihadi following the atmosphere, conditions and following the benefits.
3. Fiqh law does not develop in society due to bigotry towards certain understandings.

4. Differences of opinion in the view of Islam to make it easier, from the political aspect of the form of democracy from the cultural aspect requires one opinion.

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