

The Concept of Ijtihad as a Method of Renewing Ibn Taimiyah's Islamic Law

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ABSTRACT

Islamic law is a law based on the Qur'an, hadith, qiyat and ijma'. In essence, Islamic law is used as the basis of life and solutions to human problems. However, at present, the diversity of problems faced by humans makes Islamic law seem rigid and too binding. This paper will explain the concept of Ijtihad by Ibn Taimiyah in the context of reforming Islamic law. This research is in the form of library research through content analysis techniques. The main sources used by Ibn Taimiyah in performing ijthihad are the Qur'an and hadiths. He never put reason as a basis for thinking because for him reason is weak and weakens belief in the religion of Allah. In addition, he carried out Ijtihad by providing comparisons between existing schools and trying not to influence anyone because the method of ijthihad he did was ijthihad independently. The results of ijthihad produced by Ibn Taimiyah which are currently used are the requirements for the implementation of prostration and recitation as well as the exchange of unproductive waqf assets.

Keywords: Islamic Law; Ibnu Taimiyah; Ijtihad

INTRODUCTION

Islam is an open, dynamic and flexible religion which conceptually contains sharia principles¹. Among the various principles referred to, they have the aim of upholding justice, maslahah and are not difficult and assist in reducing the burden through the implementation of Islamic law². Islamic law is defined as law that is normative in nature and is based on the main sources of Islam, namely the Qur'an and the sunnah of the prophet. In addition to these two sources, Islamic law also needs to be understood in the historical context that underlies the emergence of norms contained both in terms of social, religious and cultural aspects³. However, in the current context, Islamic law should be able to answer all the problems of human

¹ Arba'iyah Yusuf, 'Pembaruan Pemikiran Hukum Islam Di Indonesia', Adl Islamic Economic, 2.1 (2005), 89-102

² Jazuli Amrullah, 'Metode Ijtihad Dalam Hukum Islam', Al-Mazahib, 2.2 (2014), 301.

³ Budiarti, 'Studi Metode Ijtihad Double Movement Fazlur Rahman Terhadap Pembaruan Hukum Islam', Zawiyah Jurnal Pemikiran Islam, 3.1 (2017), 20-35

life⁴. Islamic law should also be understood as a rule that does not close itself and is responsive to problems along with the current development in a society⁵.

The main sources of law in Islam are the Qur'an, hadith, ijihad and ijma'. These four sources are used to resolve disputes or problems in the community. If the problem cannot be solved by relying on the Qur'an, then the hadith is used as a reference. When the hadith and the Qur'an are also unable to resolve the dispute, the next step will be carried out is through ijihad⁶. Empirically, ijihad is understood as a method of reforming Islamic law by conducting in-depth studies and discussions at the level of scholars. Usually, problems that are solved through this ijihad method are new problems that arise in society that are not explained thoroughly in the Qur'an and Hadith⁷. Seeing this, in every process of applying Islamic law, there will be an understanding, interpretation, and new thoughts through ijihad as a logical consequence. The difference in interpretation arises because the methodology of ijihad carried out by the scholars is different.

Legal reform through the ijihad process is carried out so that Muslims are prevented from a narrow understanding of an issue. This becomes very important because not all problems of human life are regulated and explained in detail in the Qur'an and Sunnah as well as from the consensus of scholars⁸. In the current context, ijihad is an indispensable method in solving contemporary problems which are not only a necessity but also a collective obligation of religious communities in the midst of the swift currents of globalization⁹.

Ijihad will help Muslims to remain guided by the sources of Islamic law in regulating all aspects of their lives¹⁰. Methodologically, the room for ijihad is focused on understanding the sources of Islamic law that provide a global scope of problems and has a position as a development rule and allows every law in Islam to be accommodative and elastic. Basically every Islamic law that is produced is always based on revelation, even though the ijihad method used is not the same but will result in an agreement that does not deviate from religious rules¹¹.

⁴ Husein Alyafie, 'Fazlur Rahman dan Metode Ijtihadnya : Telaah Sekitar Pembaruan Hukum Islam', *Jurnal Hunafa*, 6.1 (2009), 29-52.

⁵ Fasiha, 'Pemikiran Ekonomi Ibnu Taimiyah', *Al-Amwal : Journal Of Islamic Economic Law*, 2.2 (2017), 111-27.

⁶ Dahyul Daipon, 'Metode Ijtihad Ormas Islam', *Al-Hurriyah*, 10.2 (2009), 39-52.

⁷ Amrullah, Jazuli 'Metode Ijtihad Dalam Hukum Islam', *Al-Mazahib*, 2.2 (2014), 301.

⁸ Akmaludin Sya'bani, 'Maqasid Al-Syariah Sebagai Metode Ijtihad', *El-Hikam*, 8.1 (2015), 127-42.

⁹ Irma Suryani, 'Metode Fatwa Majelis Ulama Indonesia', *JURIS (Jurnal Ilmiah Syariah)*, 9.2 (2010), 175-87.

¹⁰ Budiarti, 'Studi Metode Ijtihad Double Movement Fazlur Rahman Terhadap Pembaruan Hukum Islam', *Zawiyah Jurnal Pemikiran Islam*, 3.1 (2017), 20-35

¹¹ Daipon, 'Metode Ijtihad Ormas Islam', *Al-Hurriyah*, 10.2 (2009), 39-52.

One of the Muslim scholars who made efforts to reform Islamic law was Ibn Taimiyah al-Harani. He was intrigued by seeing the dark side that covered the Muslims at that time due to the narrow thinking of the existing Islamic law. In addition, Ibn Taimiyah's motivation was due to his enthusiasm to continue to criticize and reveal the weaknesses of the schools of fiqh that had developed earlier and then updated the provisions that were considered no longer in accordance with the actual situation¹². Of all the updates made by severe figures, including Ibn Taimiyah, it is not always approved by the companions. This is because there are groups who think that the legal reform will change the style of Islam and diversify and experience reinterpretation of what has been taught by the Prophet¹³.

However, Ibn Taimiyah's efforts to reform Islamic law did not subside. This is based on the opinion of Ibn Taimiyah who considered that the Muslims at the time of the Apostle still respected and were very respectful and really glorify the Qur'an, but nowadays the understanding of Muslims towards the Qur'an is getting weaker and makes people let go of the source of the teachings as a way of life. Ibn Taimiyah concluded that the task of scholars and ulama should be to imprison and ensure that every Muslim refocuses on the Qur'an and Sunnah by using old understandings and integrating them with contemporary life problems and providing comparative explanations of fiqh thinkers from time to time¹⁴. Ibn Taimiyah hopes that through this reform, Muslims can avoid stagnation and fanaticism as a result of understanding ancient ideologies in a blind faith. He also called for the ijtiḥad system to become a methodology that could be used to make a broader understanding. That's what makes the fanaticism scholars strongly oppose what Ibn Taimiyah was doing at that time¹⁵.

Departing from Ibn Taimiyah's strong will to make Muslims return to all the basics of Islamic sharia, namely the Qur'an and Sunnah and put the Messenger of Allah as *ûlî al-amr* who must always be obeyed through the process of purification of Islamic law. Ibn Taimiyah always used the ijtiḥad method as the system most believed to be bringing a middle ground between contemporary issues and problems¹⁶. This paper will reveal the methods and systems of Ijtihad used by Ibn

¹² Sucipto, 'Pembaharuan Hukum Islam (Studi Terhadap Pemikiran Hukum Ibnu Taimiyah)', *ASAS*, 3.1 (2011), 50-64.

¹³ Mahdi Abdullah Syihab, 'Pemikiran Hukum Islam (Studi Pembaruan Hukum Islam Asy-Syatibi & Ibnu Taimiyah)', *Jurnal Syari'ah Jurisprudensi*, 4.1 (2017), 48-60.

¹⁴ Muhammad Syaikhon, 'Pemikiran Hukum Islam Ibnu Taimiyyah', *Jurnal Lisan Al-Hal*, 9.2 (2015), 339-57.

¹⁵ Abu Tholib Khalik, 'Pemimpin Non-Muslim dalam Perspektif Ibnu Taimiyah', *Analisis: Jurnal Studi Keislaman*, 14.1 (2014), 59-90.

¹⁶ Zainal Abidin, 'Corak Pemikiran Dan Metode Ijtihad Ibn Taymiyyah', *Millah*, ed.khus (2010), 31-53 <<https://doi.org/10.20885/millah.ed.khus.art2>>.

Taimiyah in reforming Islamic law and describe the sources of Ijtihad and examples of Ijtihad products produced by Ibn Taimiyah.

METHOD

This research is categorized as a qualitative research using content analysis method in the form of library research. Literature research can be done by collecting various data with the main sources of books and other reading materials that are related to the topic of the problem to be discussed¹⁷. While descriptive analysis is a research method that aims to describe or describe the problem objectively¹⁸. This research was conducted to find, analyze, interpret, and generalize from facts, thoughts, and ideas that have been written by thinkers and experts, namely Ibn Taimiyah in terms of reforming Islamic law through the ijthihad method.

RESULT AND DISCUSSION

1. Biography of Ibn Taimiyah

Ibn Taimiyah's complete name is Taqiyyudin Ahmad bin Abdu Halim who lived in a small town in the northern part of Turkish Mesopotamia, namely the city of Harran. He was born on Monday, January 22, 1263 A.D. or 10 Rabiul Awal 661 A.D.¹⁹. Among the scholars there was a debate about Ibn Taimiyah's attribution, some groups say that Ibn Taimiyah's grandfather once made a pilgrimage which on the way he met a child named Taimiyah so when he returned he suggested to his son who at that time had just given birth to a son to name him Ibn Taimiyah. On the other hand, it says that Taimiyah comes from the mother of his grandfather, namely Taimiyah²⁰. As a child, Ibn Taimiyah had studied with various teachers who have the status of leading scholars today. The total number of teachers is estimated to be close to 200 people, among them are Yahya bin al-Shairafi, al-Kamal bin Abd Majid, Syamsudin al-Maqdisi, Ibn al-Yusr, Ahmad bin Abu al-Khair and many more. This made Ibn Taimiyah a scholar who is expert in the field of hadith, tafsir, fiqh, philosophy and mathematics when he was just at a dozen years old²¹.

When Ibn Taimiyah was 17 years old, one of his teachers trusted him, namely Syamsuddin Al-Maqdisi, to issue a fatwa. It was then that he began his career as a teacher to practice the knowledge he had acquired. The glory and depth of

¹⁷ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif Dan R & D*, VI (Bandung: Alfabeta, 2009).

¹⁸ M Hadi, *Metodologi Research* (Yogyakarta: Gema Press Insani, 1989).

¹⁹ M Khoirur Rofiq, 'Pemikiran Ekonomi Islam Ibnu Taimiyah', *An-Nawa, Jurnal Hukum Islam*, XXII.1 (2018), 28-60.

²⁰ Mul Irawan, 'Mekanisme Pasar Islami dalam Konteks Idealita dan Realita (Studi Analisis Pemikiran Al-Ghazali Dan Ibnu Taimiyah)', *Jebis*, 1.1 (2015), 67-78 <<https://e-journal.unair.ac.id/JEBIS/article/view/1434>>.

²¹ Syarial Dedi, 'Ekonomi Dan Penguasa (Pemikiran Ibn Taimiyah Tentang Mekanisme Pasar)', *AL-FALAH : Journal of Islamic Economics*, 3.1 (2018), 73 <<https://doi.org/10.29240/jie.v3i1.442>>.

knowledge possessed by Ibn Taimiyah led him to become a respected scholar and received various awards, one of which was from the government which offered him the position of head of the judiciary, but he firmly rejected the offer²².

This figure of Islamic law reformer is also recorded to have many scientific works that are so remarkable. He has works in economics, law, philosophy and various other fields. In the field of economics, for example, Ibn Taimiyah wrote in two of his books, namely *al-Siyasah al Syar'iyah fi Ishlah al Ra'i wa al Ra'iyah* (public and private law in Islam) and *al-Hisbah fi al Islam* (institution of hisbah in Islam)²³. As for the product of Islamic legal thought, it is expressed in fatwas in the book *Majmu 'al-Fatâwa Ibn Taimiyah* collected by ' Abd. Al-Rahmân ibn Muhammad ibn Qâsim al-simiy al-Najdiy al-Hanbaliy. The book consists of 37 volumes and is a collection of fatwas and opinions of Ibn Taimiyah from various books²⁴. The history of Ibn Taimiyah's life is not only in constant contact with literature and words. When conditions required him, he did not hesitate to plunge into the world of politics to spread justice and oppose government authority. In addition, Ibn Taimiyah is also known as a brave war leader.

2. The Form of Ibn Taimiyah's Ijtihad

The dynamics of society that is currently developing very rapidly as a result of the advancement of science and technological sophistication has caused Islamic law to be impressed as a rule that is rigid and static by some circles. In fact, Islamic law should be created to provide clear guidelines and inaccessible to the development of the times. That is, Islam as a religion has provided all solutions to the problems faced by human beings from time to time by still relying on the main principles of Islam, namely the Qur'an and Hadith. Therefore, it seems that there is an inconsistency on what should be achieved with the actual situation that leads to the ineffectiveness of Islamic law as it should be²⁵. In order for this not to continue and give more space to Islamic law to regulate human life, it is necessary to hold an update on Islamic law itself. These updates are expected to provide a newer legal product and in line with

²² Fasiha. 'Pemikiran Ekonomi Ibnu Taimiyah', *Al-Amwal : Journal Of Islamic Economic Law*, 2.2 (2017), 111-27.

²³ Muhammad Aidi Matriani, 'Pemikiran Ibnu Taimiyyah Tentang Mekanisme Pasar Dalam Ekonomi Islam', *Jurnal Hukum Islam*, 2.1 (2008), 1-18.

²⁴ Sucipto. 'Metode Ijtihad Ormas Islam', *Al-Hurriyah*, 10.2 (2009), 39-52.

²⁴Dewy Anita, 'Relevansi Pemikiran Ibnu Taimiyah Terhadap Regulasi Harga Di Indonesia', *Jurnal Pemikiran Islam*, 3.1 (2019), 39-64.

²⁵ Imam Mustofa, 'Optimalisasi Perangkat dan Metode Ijtihad Sebagai Upaya Modernisasi Hukum Islam (Studi Pemikiran Hassan Hanafi Dalam Kitab *Min an-Nash Ilâ Al-Wâqi'*)', *Jurnal Hukum Islam*, 9.2 (2011), 291-302.

current issues but do not take over the understanding of fiqh as a whole²⁶. This movement is done through tajdid efforts or reforming the existing understanding of fiqh, which one of them is through deep thinking in the process of ijthihad.

Ijthihad can technically be defined as an activity of reasoning the law independently in order to provide answers to questions faced when the Qur'an and Hadith do not provide answers. In other words, ijthihad contains the mobilization of all the abilities of fawqih in interpreting the law to make a new law or fatwa that is more flexible through dalalil syara'²⁷. Harun Nasution argues that if the meaning of ijthihad as stated earlier only contains a broad meaning, ijthihad can also be interpreted in relation to other than Islamic law, for example Ibn Taimiyah who explained that ijthihad is also used in the field of Sufism, he said "actually the Sufis are mujtahids in the issue of obedience, as other mujtahids ", and in fact the Sufis in Basrah in matters of worship and this matter are mujtahids, as is the case with their challenges in Kufa who are also mujtahids in regards to law, politics, Sufism, philosophy , and governance²⁸.

In the framework of an istinbath, which is to issue sharia laws, Ibn Taimiyah strongly insisted that the methodology is based on only two sources of evidence, namely the Qur'an and the new hadith after using ijma 'and qiyas²⁹. The method of the Qur'an and the sunnah that Ibn Taimiyah wanted, the interpretation is as follows: 1) Explain the Qur'an according to what is conveyed by the companions; 2) Explain the Qur'an with the method of qawl tabi'in; 3) Explain the Qur'an with the Qur'an; in this case, a verse that is mujmal (concise and difficult to understand), is the meaning explained by another verse; 4) If a verse does not find its explanation in another verse, then the verse in question is sought for explanation in the sunnah³⁰. In general, the method of Ijthihad used by Ibn Taimiyah has four elements including:³¹

- a. Ibn Taimiyah did not rely on reason and thought as the main source of thought in making a legal product. According to him, such a thing is contrary to the

²⁶ Suansar Khatib, 'The Legal Istimbâth Of Ibnu Qayyim Al-Jauziyah', *Madania*, 24.2 (2020), 233-46.

²⁷ Umi Kulsum, 'Reformulasi Ijthihad dalam Perspektif Yusuf Al-Qardhawi dan Fazlur Rahman', *Jurnal Al-Ahwal*, 8.3 (2008), 20-38.

²⁸ Fauzi, 'The Principles For Ijthâd In Response To The Contemporary Problems', *Miqot*, 52.2 (2018), 281-99.

²⁹ Fauzi. 'The Principles For Ijthâd In Response To The Contemporary Problems', *Miqot*, 52.2 (2018), 281-99.

³⁰ Meriyati, 'Pemikiran Tokoh Muslim: Ibnu Taimiyah', *Islamic Banking: Jurnal Pemikiran Dan Pengembangan Perbankan Syariah*, 2.1 (2016), 23-34

³¹ Muhammad Syaikhon, 'Pemikiran Hukum Islam Ibnu Taimiyah', *Jurnal Lisan Al-Hal*, 7.2 (2015), 331-48.

position of the intellect, which should prioritize a clear source of teaching, namely the Qur'an.

- b. Ibn Taimiyah never sided with one scholar's opinion alone. He believes that if no one has the absolute truth but must be based on the source of law, namely the Qur'an, sunnah and fatwas of Salaf scholars who consistently follow the teachings of the Prophet SAW. Ibn Taimiyah stated that if there are Salafi scholars who really follow and practice the Qur'an, hadith and atsar then we need to follow its teachings and vice versa.
- c. Ibn Taimiyah has the view that the only source of sharia that can be preferred is the Qur'an which has been taught and practiced by the Prophet to the companions at that time. Therefore, according to Ibn Taimiyah, whoever follows the prophet through the interpretation, delivery and explanation of the companions, then they are the ones who actually follow the law of God, both the companions, tabi'in and scholars who get the delivery and understanding from the Prophet Muhammad SAW.
- d. Ibn Taimiyah is not a characteristic of a person who is very fanatical about his own thoughts. Ibn Taimiyah tried to release everything that bound him and potentially influenced his way of thinking except the Qur'an, sunnah and astar salaf. Although Ibn Taimiyah belonged to the Hambali sect, yet he was able to control himself, so that he could deepen and study various other sects. He sought to create legal products sourced from various sects.

3. The Stages of Ibn Taimiyah's Ijtihad

Ibn Taimiyah practiced the salafi method with ijtihad as a way to reform Islamic law. Ibn Taimiyah believed that the teachings of the Prophet and those who followed him and received direct explanations of the Prophet are the most trusted people who can be followed³². The salaf method used by Ibn Taimiyah also puts forward the friends or salafi who are good at interpreting the language of the Qur'an whose interpretation is considered still vague³³. The rules of the Salafi method with ijtihad performed by Ibn Taimiyah are as follows:

- a. Always prioritize syara' over human reason. Ibn Taimiyah argued that when it comes to problems related to the nature and words of Allah, it is necessary to prioritize the Qur'an and the new hasists and then follow the teachings of the companions who understand and know the release of revelation. Such

³² M Nasri Hamang, 'Sistem Ijtihad dalam Hukum Islam (Metodologi Pembaruan Ibnu Taimiyah)', *Jurnal Hukum Diktum*, 8.1 (2010), 37-46.

³³ Ahmad Munif Suratmaputra, 'Pembaharuan Hukum Islam Dan Lapangan Ijtihad', *MISYKAT: Jurnal Ilmu-Ilmu Al-Quran, Hadist, Syari'ah Dan Tarbiyah*, 1.1 (2018), 19 <<https://doi.org/10.33511/misykat.v1n1.19>>.

companions are believed to be more familiar with the recitations of the Qur'an compared to the scholars who lived after him. Therefore, the path of Salafus Shalih is the path that will subdue the mind on nash³⁴.

- b. Rejecting Takwil Theology. As explained earlier, if the characteristic of Ibn Taimiyah in doing ijihad is not to prioritize the intellect but to prioritize the Qur'an and hadith. He also does not require the interpretation of nash on the thinking of the human mind because Salafus Salih is stated not to do that. Salafus Salih always submits a rational understanding to the verses and interpretations that are believed to be true³⁵. The intellect in fact will not be able to understand the realities of religion because the intellect is weak and debilitating while religion is something that is close to God Almighty who knows everything.
- c. Prioritize the verses of the Qur'an as evidence. The main evidence for Ibn Taimiyah is the rational verses in the Qur'an. Because the Qur'an is a proof of Syar'I which was directly revealed by Allah SWT to the Prophet. The Qur'an has fully explained the beginning of the formation of the earth until the picture on the Day of Judgment. Therefore, there is nothing that cannot be found in the Qur'an³⁶.

Meanwhile, the stage of ijihad performed by Ibn Taimiyah is divided into several stages, namely:³⁷

- a. Deepen the teachings of the sect, especially the Hambali sect that he followed. In addition, he studied the teachings of fiqh and found the weaknesses and legal strengths of the provisions of fiqh.
- b. Make comparisons to all sects to see which opinion is stronger (arjah). Then Ibn Taimiyah will choose from the strong opinions that is the closest to the teachings in the Qur'an and hadith.
- c. The last step that is done is ijihad independently by prioritizing the understanding of the texts in the Qur'an and hadith, but he still paid attention to the main purpose of the Shari'ah (maqâsid al-sharî'ah al-âmmah). At this stage Ibn Taimiyah would position himself as a salaf who is neutral from the existing sects, no exception to the Hambali sect. He also tried not to influence others just because of fame and power. At this last stage, Ibn Taimiyah often

³⁴ syahria Murni, 'Kedudukan Hukum Talak Bidah (Studi Terhadap Pemikiran Ibnu Taimiyah)', *Jurist-Diction*, 2.1 (2018), 87-102.

³⁵ Mahmuddin, 'Pemikiran Politik Ibnu Taimiyah', *Tahdis*, 6.2 (2015), 63-72.

³⁶ Suratmaputra. Pembaharuan Hukum Islam Dan Lapangan Ijtihad', *MISYKAT: Jurnal Ilmu-Ilmu Al-Quran, Hadist, Syari'ah Dan Tarbiyah*, 1.1 (2018), 19 <<https://doi.org/10.33511/misykat.v1n1.19>>

³⁷ Yasin Jetta, 'Pemikiran Hukum Islam Ibnu Taimiyah', *Jurnal Ilmiah Al-Syir'ah*, 8.2 (2010), 437-58 <<https://doi.org/10.30984/as.v8i2.19>>.

delivered his fatwas that differed from the opinions of famous imams, even by some Islamic scholars was declared out of the *ijmâ'* of Muslims³⁸.

4. The sample of Ibn Taimiyah's Ijtihad result

Ibn Taimiyah became a Muslim scholar who had a great spirit to make changes on Islamic laws that were considered to be no longer in accordance with the situation. Although he experienced much rejection and received many criticisms from other scholars, his motivation did not diminish to make Islamic law the only law that is comprehensively able to regulate and solve the problems of the Muslim followers. The following are examples of fatwas produced by Ibn Taimiyah through the process of *ijtihadh* that he did:

a. Prostration of Recitation (*sujood* at *tilawah*)

Ibn Taimiyah issued some facts in the field of worship, one of which is prostration of recitation. Prostration of recitation is generally defined as prostration that is usually performed by Muslims when they hear the verses of prayer either during or after the prayer³⁹. Most *fiqh* scholars associate prostration of recitation with prayer, and therefore they equate the requirements of prostration with the requirements that apply to prayer such as having to face the *Qibla*, cover the *aurat*, and be pure from *hadas*⁴⁰.

However, Ibn Taimiyah had another opinion. According to him, the condition of prostration of recitation must not follow the rules of prayer because in fact prostration of recitation is not part of prayer. Therefore, Ibn Taimiyah did not require the performance of prostration of recitation in accordance with the state of prayer such as having to perform *ablution*, facing the *Qibla* and covering the *aurat*.

b. There is no provision of time and distance in the implementation of *qashar* prayers and the time of breaking fast for travelers.

According to Imam Malik, Syafi'i, Ahmad bin Hanbal, and other scholars, *qashar* and *ifthar* prayers for travelers should not be performed except on a journey with a distance of at least 2 (two) *marhalah*, which is a journey that takes two days or a day and night. Meanwhile, according to Abu Hanifah, the minimum allowable limit for *ifthar* and *qashar* for travelers is three *marhalah*, which is three days of travel⁴¹.

³⁸ Abidin. 'Corak Pemikiran Dan Metode Ijtihad Ibn Taymiyyah', *Millah*, ed.khus (2010), 31-53 <<https://doi.org/10.20885/millah.ed.khus.art2>>.

³⁹ Abidin. 'Corak Pemikiran Dan Metode Ijtihad Ibn Taymiyyah', *Millah*, ed.khus (2010), 31-53 <<https://doi.org/10.20885/millah.ed.khus.art2>>

⁴⁰ Sucipto. Pembaharuan Hukum Islam (Studi Terhadap Pemikiran Hukum Ibnu Taimiyah)', *ASAS*, 3.1 (2011), 50-64.

⁴¹ Sucipto. Pembaharuan Hukum Islam (Studi Terhadap Pemikiran Hukum Ibnu Taimiyah)', *ASAS*, 3.1 (2011), 50-64.

While Ibn Taimiyah adheres to the evidence in the Qur'an that discusses qashar and ifthar prayers for travelers in Surah al-Baqarah verse 184 and Surat al-Nisa' verse 101. These two verses do not provide an explanation of the rules of time and distance in implementation of qashar and ifthar prayers. Departing from that, Ibn Taimiyah asserted that if there is no rule for both time and distance in performing the worship.

c. Converting Waqf Property

Waqf is defined as one of the categories of worship in the form of a legal act of wakif who releases or gives his property to be used forever or for a certain period of time⁴². In some views, scholars prohibit the exchange of waqaf property even though the waqf is no longer functioning as it should. It is defined the same as withdrawing or selling.

However, according to Ibn Taimiyah, waqf property that can no longer be taken advantage of is better to be exchanged for other property that can be more productive. It is considered better than letting the waqf property settle and no longer be used⁴³. Especially regarding waqf objects in the form of mosques, in addition to Hanabilah scholars, the scholars have agreed not to allow the sale of mosques, even if the mosque is damaged. However, according to the Hanbali and Ibn Taimiyah sects, the mosque could be sold if such action was really needed⁴⁴.

CONCLUSION

Ibn Taimiyah is an Islamic scholar who was born on 10 Rabiul Awal 661 H. He is one of the reformers of Islamic law who wishes to always develop a more comprehensive and consistent Islamic law in accordance with the urgent needs faced in the Islamic world today. He considered this to be a necessity for reformers to reformulate using various systematic methodologies but still based on a solid basis of Islamic law including in conducting ijihad.

In the framework of istinbath, namely issuing sharia laws, Ibn Taymiyya strongly emphasized that his methodology was based on only two sources of evidence, namely the Qur'an and hadith and only after that was taken based on ijma' and qiyas. He never prioritized someone's reason or opinion because according to him it is the understanding of reasoning. He also did not try not to be tied to any school in the process of his ijihad. He is not fanatical about the teachings he follows nor is he influenced by the intervention of others based on his position and power.

⁴² Meriyati, 'Pemikiran Tokoh Ekonomi Islam : Ibnu Taimiyah', *Journal of Chemical Information and Modeling*, 53.9 (2013), 1689-99.

⁴³ Syaikhon, 'Pemikiran Hukum Islam Ibnu Taimiyyah'.

⁴⁴ Sucipto. Pembaharuan Hukum Islam (Studi Terhadap Pemikiran Hukum Ibnu Taimiyah)', *ASAS*, 3.1 (2011), 50-64.

Although the results of Ibn Taimiyah's *ijtihad* are not always accepted and often criticized by other scholars, some of his *ijtihad* products are used and are valid to this day. For example, the law of exchanging *waqf* assets that are no longer productive on the basis of not allowing those assets to be wasted.

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