



The Salaf Scholars' Response towards differences of Legal Opinion in Islamic Law

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Abstract

A Prophetic hadith states that the best of people were in my time, and then the time after that, and then the time after that. Of course, it is a question for Muslims or non-Muslims, why the Prophet stated it. The above statement can certainly be seen from the ethics and academic reasoning of the post-Prophet generation. Maturity in arguing and accepting criticism is seen in the legal opinion of Ulama, especially in scientific ethics when there are differences of opinion with mutual respect and respect and usually concluded with a sentence if it is right then it is my mazhab and if it is wrong please leave it.

Keywords: differences of legal opinion, Islamic law, mazhab, Salaf scholars

1. Introduction

God created man in different conditions in terms of his thinking potential. Therefore, the existence of differences and diversity in thought, including in matters of *fiqh*, is a sunnah of Allāh. This difference in *fiqh* is an unavoidable necessity. This is where differences of interpretation arise among scholars regarding various matters of possible understanding, including various opinions in responding to legal issues. As a result, there are different *ijtihad* rulings on various issues, and each of these discourses aims to find the truth.¹

¹ Suraji. "Ethics of the Salaf Scholars regarding differences of opinion", *Sharia Faculty Lecturer Discussion Forum UIN Saizu Purwokerto*. Purwokerto, 17 December 2022.

In the history of the development of Islamic law, differences of opinion regarding the ruling of legal issues had occurred among the Companions of the Prophet when the Prophet was still alive.² However, the difference of opinion was soon reconciled by returning to the Prophet. After he passed away, there often arose among the Companions differences of opinion in ruling on specific issues. Differences of opinion among the Companions of the Prophet were few because the problems that occurred then were less than those that arose in subsequent generations. Differences of opinion among the Companions and *Tābi'in*, did not address problems classified as the basics of religion. These include *mā min al-dīn bi al-ḍarūrah* [what is already known in religion without the need for proof] and the matters on consensus and which are shown by a text is *qat'i*. Furthermore, it is essential to know the causes of differences of opinion among the fuqahā' of the salaf; the generation of Muslims during the time of the Companions, *Tābi'in* and *Tābi'ut Tābi'in* among the Mujtahid Imams in matters of *fiqh* and their attitudes to differences of opinion on issues of *al-ikhtilāf al-fiqhiyyah*.

2. The causes of differences of opinion in Islamic law

The occurrence of differences of opinion in determining Islamic law occurred in the early days of Islam among the Companions of the Prophet, which was caused by human factors, as well as other factors due to particular aspects related to religion. This causative factor has evolved throughout the growth of Islamic law in the following generations.³

Mujtahid always strives to devote his energy and mind to finding the law of Allah in dealing with and resolving problems that require explanation and confirmation of the law.⁴ Their primary basis and retrieval source are the same: the Qur'an and Sunnah. However, sometimes their findings differed, and each acted according to the results of his *ijtihad*, which he thought was correct and appropriate. Scholars agree that the Qur'an and Sunnah are the primary sources of law. However, they differ on how to draw normative messages from the sharia

² Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought (IIIT), 2022).

³ Iffatin Nur and Muhammad Ngizzul Muttaqin, "Reformulating The Concept of *Maṣlaḥah*: From A Textual Confinement Towards A Logic Determination," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 17, no. 1 (2020): 73-91.

⁴ Wael B Hallaq, "Was the Gate of *Ijtihad* Closed?," *International Journal of Middle East Studies* 16, no. 1 (1984): 3-41.

texts [*al-nuṣūṣ al-shariah*] into a specific set of applicable legal rules. Thus the problem lies in something other than the status and position of the two primary sources, but instead in the differences in interpretation and how to apply them in life. Ahmad Amīn states that the difference is rooted in the different levels and degrees of rationality used in drawing legal conclusions from the sources.⁵

For the generation that lived long after the prophetic period, in addition to differences in approach to interpreting existing sources. Issues of authenticity and validity of information about the life of the Prophet also became a problem in itself, which deals with it gave birth to many perspectives, methods, and approaches so that it became a factor that also influenced the emergence of *ikhtilāf* (difference, diversity) among scholars.⁶

Much literature reveals the factors that cause *ikhtilāf* among scholars. Romli SA, in his book *Muqaranah Mazahib fil Ushul* identifies factors, both individually and together, which are the root of the differences in scholarly opinions in matters of Islamic law, which are summarized from various books.⁷ Some of the differences are:

- a. Differences of opinion regarding the meaning of specific vocabulary are found in Shari'ah texts. This is because, like other languages, Arabic also contains many *musytarak* words (homonyms), that is, words that simultaneously have more than one lexical meaning or a type of ambivalence in meaning in their other forms. The word *quru'*, for example, according to the scholars of Hijaz, means to be pure (not menstruating), while the scholars of Iraq interpret it with menstruation, each with their arguments. These differences have implications in understanding Q.S. al-Baqarah [2]: 228, which deals with the issue of 'iddah, a grace period during which a woman divorced by her husband can remarry someone else;
- b. Differences relating to hadith issues. These differences may occur due to: (1) The existence of a hadith report that reaches certain scholars but does not reach other scholars. (2) Differences in assessing the quality of a particular hadith such that some scholars consider it valid

⁵ Ahmad Amīn, *Duḥā Al-Islām*, ed. Maktabah an-Nahdah Al-Misriyyah (Cairo, 1990), 51.

⁶ Abī al-Faṭḥ al-Asmandī al-Samarqandī, *Thariqah Al-Khilāf Bain Al-Aslāf* (Beirut: Daar al-Kutub al-Ilmiyah, 1990), 21.

⁷ S A Romli and S A Romli, "Muqaranah Mazahib Fil Ushul," 2016.

and can be used as a legal basis while others consider it invalid; thus, a hadith is accepted as proof by certain scholars but rejected by others. (3) Different criteria determine which traditions can and cannot be practiced. This is because some scholars set certain conditions that are not required by other scholars so that even though they may agree on the validity of a hadith in terms of its narration, they differ on whether its meaning should be or can be applied in the present life or not.

- c. Differences in the use of language rules in understanding the text. For example, some scholars think that the word 'āmm implies a definite meaning *qaṭ'ī al-dalālah* in the absence of *takhṣīṣ*, while others believe that the word 'āmm is basically *ẓannī*.
- d. Differences in the conclusions reached in narrating contradictory arguments (*at-ta'arūḍ bain al-adillah*).
- e. Differences of opinion on using *qiyās* in drawing legal conclusions (*istinbāt*). This is a wide-ranging difference of opinion that occurs not only between those who approve of *qiyās* and those who reject it but also among scholars who approve of the use of *qiyās*, namely in the intensity, scope, and requirements of its use.⁸
- d. Differences in the use of legal sources outside the text (*dalīl naqlī*). In the study of Islamic law, there are two types of arguments of shari'a law, namely *dalīl naqlī* and *dalīl 'aqlī*. The definition of *naqlī* arguments is textual arguments contained in the Qur'an and Sunnah or textually conveyed arguments (*manṣūṣah*). In contrast, 'aqlī arguments are based on reasoning, often called *ijtihādiyyah* arguments.. Scholars differed on the use of 'aqlī arguments, as some accepted specific 'aqlī arguments while others did not. Among these 'aqlī arguments are *istiḥsān*, *al-maṣlahah al-mursalah*, *istiṣlāh*, *al-'urf*, *shar'u man qablanā*, *qaul aṣ-ṣaḥābī*, and *'amal ahl al-madīnah*.
- g. Different perceptions of the 'illat used in the application of the *qiyās* method.
- h. There is a difference of opinion on the issue of *nasakh*, which is the abrogation or replacement of a ruling with a new ruling that comes later. Some scholars think that there is *nasakh* in Shari'ah law, while

⁸ Mohammad Fadel, "Analogical Reasoning in Islamic Jurisprudence: A Study of the Juridical Principle of Qiyas.," *Journal of Law and Religion* 15 (2001): 359–62.

others reject the existence of nasakh. Among the scholars who accept it, there is also a difference of opinion on whether the nasakh is between a verse of the Qur'an, a hadith, a verse of the Qur'an, and a hadith or a hadith and a verse of the Qur'an. There is also a difference of opinion regarding applying the nasakh in detail to certain verses or traditions.

The points of the differences of opinion among the scholars above can be classified into four parts. First, differences in aspects related to sources or legal arguments; Second, differences in opinion due to linguistic factors of the Arabic language; Third, differences in environmental conditions and social developments in the domicile of each scholar; Fourth, intellectual differences or intelligence, character, and personality, as well as knowledge and social insight of the scholars.

3. The Ethics of *Ikhtilāf* among the Companions of the Prophet

Differences of opinion are common and natural, so the previous fuqahā' have determined healthy and wise attitudes towards the issue of *ikhtilāfiyyah*.⁹ At the time of the Prophet (peace be upon him), no difference of opinion led to division. It is because, at that time, the Companions always referred to the Prophet. They immediately submitted the matter to the Prophet if there was a dispute. Patiently and wisely, he explained the problem and opened the way to Allah's guidance.¹⁰

Ṭāhā Jābir Fayyāḍ al-'Ulwānī in his book *Adāb al-Ikhtilāf fī al-Islām* describes the attitude of the Companions in differing opinions during the prophetic era,¹¹ namely:

- a) The Companions tried as much as possible not to cause disagreement so that there were not many problems. They even neutralized something that happened following the instructions and guidance of the Prophet. It was done by not opening up opportunities for prolonged debate, which could lead to division;

⁹ Imran Habib, "Ethics of Disagreement in Sharī'ah and Its Value for Contemporary Pakistani Society," *Pakistan Social Sciences Review* 3, no. I (2019): 167–79, [https://doi.org/10.35484/pssr.2019\(3-i\)12](https://doi.org/10.35484/pssr.2019(3-i)12).

¹⁰ Habib.

¹¹ Ṭāhā Jābir Fayyāḍ al-'Ulwānī, *Adāb al-Ikhtilāf fī al-Islām* (Herndon-US: al-Ma'had al-'Ālamī li al-Fikr al-Islāmī the International Institute of Islamic Thought, 1987), 489.

- b) If there was any disagreement among the Companions, they quickly quelled it and brought the matter in dispute to the Kitāb of Allāh and the Messenger of Allāh;
- c) They firmly commit to their submission to the laws of Allah and the Prophet;
- d) Each of them realizes that a person's or his brother's opinion contains an understanding just as he also has his own understanding. Thus, they protect the honor of their brother and refrain from being fanatical about their own opinions
- e) They always adhere to piety and abstain from the control of lust. They were more concerned with what they were trying to achieve in their differences of opinion. Thus, there is no need to impose their will and cleverness of tongue because what they seek is the essence of the truth;
- f) They always require themselves to adhere to Islamic morals by maintaining good speech and abstaining from speech that hurts or injures the hearts of their interlocutors. In addition, they are willing to listen to the opinions and views expressed by others;
- g) They always try to purify their will and motivation with humility. Hence they can exercise will and earnestness in discussing a matter. They display a noble disposition and respect for others. They do not insist that others accept their opinion or that it is more appropriate.

After the death of the Prophet, the Companions experienced many differences of opinion on various issues. However, the *ikhtilāf* that occurs between them is accompanied by Islamic ethics. The existence of differences of opinion among the Companions in matters of fiqh has existed since the lifetime of the Prophet and was even given a rightful place and direction, as summed up in his phrase: *ikhtilāfu ummatī raḥmah* [differences among my people should be a blessing].¹²

For example, *ikhtilāf* during the Companions' time is what happened between 'Umar ibn al-Khattab and 'Abd Allāh ibn Mas'ud. 'Umar was known

¹² Muhammad Zuhdi, "Sikap Dan Etika Dalam Menghadapi Ikhtilaf Pendapat Mazhab Fiqih," *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 6, no. 2 (2019): 12–20.

by the Companions for his wisdom and genius.¹³ In his position as a mujtahid, according to Ibn Qayyim, ‘Umar ranked first among the seven Companions of the Prophet who gave many fatwas. ‘Abd Allāh ibn Mas’ud was one of the Companions with whom ‘Umar shared many activities. There was much agreement between ‘Abd Allāh ibn Mas’ud and ‘Umar in their ijtiḥād, but there were also many differences of opinion between them on various issues. Ibn Qayyim said the two men differed on approximately one hundred issues. Ibn Mas’ud thought that if a man says to his wife, “You are forbidden to me,” he should regard it as an oath of *ilā*’ (forbidding himself from having anything to do with her), whereas ‘Umar thought that one divorce should be granted. Another issue concerns a man who commits adultery with a woman and marries her. Ibn Mas’ud believed that the two people were always in a state of adultery even after the marriage contract, but ‘Umar was not of that opinion. According to ‘Umar, the first mixing (before the marriage contract) is adultery, while the mixing after the marriage is *halal*.¹⁴

Although the two Companions of the Prophet had many differences of opinion, their mutual humility and respect for one another were evident in their daily lives. Ibn Mas’ud once said, “Verily, ‘Umar knows the Kitāb of Allāh and His Shari’ah better than me.” On the contrary, one day, Ibn Mas’ud came to ‘Umar, who was sitting down. When ‘Umar saw Ibn Mas’ud from a distance, ‘Umar said, “Indeed he is preserved by his wisdom and knowledge.”¹⁵

We also find Ibn Mas’ud’s statement in one of his fatwas: “I say about this with my opinion (*ra’y*), if it is true it comes from Allah, but if it is false then it comes from me and Shaytaan. Allah and His Messenger are not responsible for it.” Similarly, to the addition of the sentence at the end of ‘Umar’s fatwa made by his secretary, it was said: “This is the decision of Allah and the opinion of ‘Umar,” ‘Umar then said: “Your words are the worst. Say that this is ‘Umar’s opinion; if it is right, it is from Allah, and if it is wrong, it is from ‘Umar.”

With attitudes like the above, it can be understood that the Companions are likelier to say an opinion (*fatwa*) as their personal opinion.¹⁷ Such a statement, in addition to illustrating the caution of the Companions not to say anything in the name of Allah and His Messenger, also implies that every opinion is bound

¹³ Anwar Sadat, “Ikhtilaf Di Kalangan Ulama Al-Mujtahidin,” *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, 2015, 181–91.

¹⁴ Al-‘Ulwānī, *Adāb al-Ikhtilāf*, 63.

¹⁵ Ibn Sa‘ad, *at-Tabaqāt al-Kubrā*, Jilid IV (Bairūt: Dār as-Sadir, 1985), 161.

by human relativity, which may be right and may be wrong. Seeing such a reality, one must be open to appreciating and respecting the opinions of others. The attitude of the Companions towards differences of opinion in fiqh matters (including their ijtiḥād tradition) was then used as an example by the succeeding generations scattered in various areas of Islamic rule at that time.

4. Ethics of *Ikhtilāf* among Fuqaha' during the Tabi'in period

The generation that inherited the knowledge and wisdom of the Companions were the Tābi'in. Most of them were used to doing ijtiḥād and issuing fatwas under the testimony of the Companions of the Prophet. They have also been educated under the tutelage of the Companions and educated in the manners and behavior of the Companions. They adhere to the method of the Companions in making legal decisions, so that they do not go outside the lines of the Companions' manners when they disagree. A remarkable example of the ethics of dissent during the time of the Tabi'in is seen in a scholarly letter sent by an Egyptian imam and faqīh, al-Lais ibn Sa'd to Imam Mālik. In the letter, al-Lais expressed his views in polite and subtle language on various issues on which he disagreed with Imam Mālik. Given the length of the letter, it is sufficient to quote some of the key passages relating to the ethics of dissent that have always been respected by the salaf scholars. As stated by al-Qaradhawī, the contents of Surah al-Lais are:

“May prosperity be upon you. Praise be to Allah, there is no God but He. Amma ba'd. May Allah forgive us and you, and reward you well, here and in the Hereafter. I have received your letter informing me that you are well. This pleases me very much and I hope that Allah will continue to grant you this prosperity and perfect it by giving you help to be grateful for it. Indeed, news has reached you that I have issued a fatwa to the people that contradicts what the people in your place follow. I fear for myself that people will rely on my fatwas, because most people follow ahl al-Madīnah, which we all know is the place of the hijrah and the revelation of the Qur'ān. What you have written about it is, inshā Allāh, correct and I appreciate it very much. I have not found a more disliked 'ālim than myself who gave an odd fatwa (against the majority) and the 'ulama of Madīnah who have passed are more worthy of respect than me, and their fatwas are more worthy of being followed than mine. Praise be

to Allah, the Lord of the universe, with whom there is no partner. Imam al-Lais then mentions some of the differences that occurred between him and Imam Mālik on several issues, such as, combining prayers when it rains at night, trial by one witness and oath, giving precedence to the prayer over the sermon in performing the *istisqā'* prayer, and many other issues of *ikhtilāf*. Then at the end of his letter he stated: "I have abandoned many of these things. I hope that Allah's guidance (*taufīq*) will continue to be bestowed upon you. I wish you a long life so that you can benefit mankind. I am not afraid of losing someone like you, although I always wanted to be with you until death. I am writing this letter with an open heart. Let us ask Allah to reward us and complete His favors."¹⁶

5. The Ethics of *Ikhtilāf* among the Four Imams of the School of Jurisprudence

Furthermore, in the history of the growth and development of Islamic law, there is a period referred to as the period of *ijtihād* and the golden age of Islamic *fiqh*. This period gave birth to the famous *mujtahid* imams, especially those known as *al-a'immah al-arba'ah*, namely Abu Hanifah ibn Nu'man (80-150 H/699-767 M), Malik ibn Anas (93-179 H/712-795 M), Muhammad ibn Idris asy-Syafi'i (150-204 H/767-820 M) dan Ahmad ibn Hanbal (164-241 H/780-855 M).

During this period of *ijtihād* and advancement of jurisprudence, the sportsmanship of the *mujtahids* was generally high and the attitudes of most of the adherents of each of the existing schools of jurisprudence also seemed to be relatively objective. Without each *mujtahid* acknowledged the strengths of the other and recognized his own shortcomings.

The Imams of the *madhhab* have differed on *ijtihaad* issues, just as the Companions and the *Tabi'in* before them differed. For example, ad-Dahlawi (1114-1176 AH/1702-1763 AD) in his book *al-Inṣāf fī Bayān Asbāb al-Ikhtilāf* recounts the attitude of the early scholars towards the issue of *ikhtilāf al-fiqhiyyah* as follows:

"Indeed, the *Sahaabah*, the *Tabi'in* and the scholars after them recited the *Basmalah* in prayer out loud and some recited it silently, and some recited the *Qunut* prayer at dawn and some did not recite it. Some perform

¹⁶ Yusuf Qardhowi, "Gerakan Islam, Antara Perbedaan Yang Dibolehkan Dan Perpecahan Yang Dilarang" (Diterjemahkan oleh Rafiq, Aunur. Jakarta: Robbani Press, 1995), 220.

ablution after they have had an ulcer, nosebleed, or vomited, while others do not repeat their ablution, and so on. Despite this, they still prayed in congregation together, one as imam and the other as ma'mum. For example, Abu Hanifah and his students, ash-Shāfi'i and his students, and others all prayed behind the Imams of Madīnah who were Mālikī, even though they did not recite the basmalah either openly or secretly. Imam ash-Shāfi'i once prayed the dawn prayer near the grave of Imam Abu Hanifah, but he did not recite the qunūt at dawn, so when asked by his students he replied: "I left the qunūt out of respect for the opinion of the teacher who said that it is not recommended to recite the qunūt at dawn, even though the teacher had passed away. Imam ash-Shāfi'i then said, "Perhaps I have inclined to the school of the people of Iraq." Caliph al-Manṣur during the time of the Banu 'Abbas once asked Imam Mālik for permission to copy the book of al-Muwaththa' (Imam Malik) in large numbers and to distribute it to several major cities so that people would not disagree on jurisprudence based on that book alone, but Imam Mālik refused and said, "O Amir al-Mu'minin, you should not do that, because the people have already acquired some opinions, have heard some traditions and received some narrations, and each people (group) has a different opinion, so let them each hold on to the opinions that they choose."¹⁷

Abu Hanifah considered knowledge of *ikhhtilāfāt al-fiqhiyyah* important, and he said:

"The one who is more knowledgeable is the one who knows more about the different opinions of the fuqaha', because knowing the different opinions of the scholars concerning the issues that they dispute will lead to the truth for the one who is able to analyze and research the various arguments and the methods that they use. Thus he will know which arguments are weak and which are strong."¹⁸

¹⁷ Aḥmad ibn 'Abd al-Raḥīm, *Al-Insāf Fī Bayān Asbāb Alkhtilāf* (Beirut: Daar al-Kutub al-Ilmiyah, 1990), 109.

¹⁸ Muḥammad Abū Zahrah, *Muḥādarah fī Tārikh Mazāhib al-Fiqhiyyah* (Kairo: Matb} a'ah al-Madānī, t.t.), h. 63.

Ahmad ibn Hanbal also said:

“A person should not give a fatwa unless he knows the opinions of previous scholars on shar’i fatwas (concerning the issue in question), and knows the madhhab to which they adhere.”¹⁹

From the above description, the attitude of the imams of the madhhab towards the issue of ikhtilafat al-fiqhiyyah is very clear and tolerant. The differences between them are basically intended to seek the truth based on the texts of the Qur’an and Sunnah and not based on lustful desires, so as to strengthen the harmony that has been established between them. The following are some of the confessions and statements made by the Imams of the four madhhabs regarding the results of their ijtihad and their ethic.

a. Imam Abu Hanīfah said:

*“Idza shah al-hadith fahuwa mazhaby lā yahillu lihad an ya’khuz biqaulinā mālam ma’lam min ‘aina ‘akhaznāh wa idza qultu qaulan yukhālif kitāb Allah wa khabar al-Rasūl fatrukū qauli”*²⁰

[If the hadith is correct then that is my school of thought. No one should adhere to my opinion until he knows from where I derive my reasoning, and if I say something that contradicts the words of Allah and the Sunnah of the Messenger, then leave my words]

b. Imam Mālik said:

*Innama ana basyar ukhti’u wa ushibu fandhur fi ru’ya fa kullu ma wafaqa al-Kitab wa al-Sunnah fakhudzuh, wa kullu malam yuwafiq al-kitab wa al-Sunnah fatrukuh*²¹

[I am only a human being, I may be right and I may be wrong, so examine my opinion, if it is in accordance with the Book of Allah and the Sunnah of the Messenger then take it and if it is not then leave it].

c. Imam asy-Syāfi’ī said:

*Famahma qultu min qaulin, au ashshaltu min ashlin, fih ‘an rasul Allah Shallahu’alaih wasallam khlilafun ma qultu, falqaulu ma qala Rasul Allah Shallahu’alaih wasallam wa hiya qauly.*²²

¹⁹ ad-Dahlawī, al-Insāf, h. 105.

²⁰ Ibn ‘Abidin, Hāsiyyah, h. 63.

²¹ Hasan Aḥmad al-Khātib, *al-Fiqh al-Muqāran* (Cairo: Dār at-Ta’līf, 1957), 42.

²² al-Dahlawī, Hujjat Allāh, Juz I, 157.

[Whatever opinions I hold, whatever jurisprudence I formulated, if it contradicts the Sunnah of the Prophet, then the Sunnah of the Prophet is correct].

d. Imam Ahmad ibn Hanbal said:

*Do not follow me, nor Mālik, nor ash-Shāfi'i, nor al-Auzā'i, nor as-Saurī. Take the law from where they took it.*²³

These are the attitudes, expressions and opinions of the Imams of the madhhab who are very wise in their actions and wise in their views on issues that are still within the scope of ikhtilāfāt al-fiqhiyyah. However, if examined from the attitudes and expressions of the words of the Imams, they actually teach Muslims, including those who later become followers of the madhhab to not just stop following or accepting (*taqlīd*). In other words, the imams of the madhhab are open to the opinions of the scholars, regardless of whether they are right or wrong. Rather, the statements of the imams of the madhhab show an open attitude to being tested for their opinions, of course, for those who have sufficient scientific capacity to assess their opinions.

6. Conclusion

The ethics of dissent among the fuqahā' as-salaf on the issue of ikhtilāfāt al-fiqhiyyah, as exemplified above, provides guidance on the actual scientific ethics of dissent with respect and honor for other opinions. A respect that does not prevent them from being open to the possibility of error for them and the possibility of truth for others.

The emergence of ikhtilāf among scholars has important implications for the lives of Muslims, both individually and collectively. Theoretically, ikhtilāf actually has a positive meaning, as there are more alternative legal concepts that can be chosen to be practiced, so that Islamic law as a whole will have a high adaptability to every situation. However, there are some people who view ikhtilāf as a form of deviation and in many cases it has led to disputes, disputes, hostility, rifts and setbacks among Muslims themselves.

²³ 'Amir Sa'id az-Zaibārī, *Baina Muttabi' wa Muqallid A'mā fi Furū' al-Fiqh* (Bairūt: Dār Ibn Hazm, 1995), 5.

In addressing the diversity of opinions, it is very necessary to have a positive reciprocal view between different parties. In addition, it is also necessary to have a critical attitude towards each opinion. The development of the tradition of critical thinking in the early days of Islamic development has been one of the keys to success in the development of a superior civilization and bequeathed priceless intellectual treasures. This is because in an atmosphere of difference they still uphold scientific ethics and noble manners towards others.

Reference:

- al-Khātib, Hasan Aḥmad. *al-Fiqh al-Muqāran*. Cairo: Dār at-Ta’līf, 1957.
- al-Raḥīm, Aḥmad ibn ‘Abd. *Al-Insāf Fī Bayān Asbāb Alikhtilāf*. Beirut: Daar al-Kutub al-Ilmiah, 1990.
- al-Samarqandī, Abī al-Faṭḥ al-Asmandī. *Tharīqah Al-Khilāf Bain Al-Aslāf*. Beirut: Daar al-Kutub al-Ilmiah, 1990.
- ‘al-Zaibārī, Amir Sa’īd. *Baina Muttabi’ wa Muqallid A’mā fī Furū’ al-Fiqh*. Bairūt: Dār Ibn Hazm, 1995.
- Amīn, Aḥmad. *Duḥā Al-Islām*. Edited by Maktabah an-Nahdah Al-Misriyyah. Cairo, 1990.
- Auda, Jasser. *Maqasid Al-Shari’ah as Philosophy of Islamic Law*. International Institute of Islamic Thought (IIIT), 2022.
- Fadel, Mohammad. “Analogical Reasoning in Islamic Jurisprudence: A Study of the Juridical Principle of Qiyas.” *Journal of Law and Religion* 15 (2001): 359–62.
- Habib, Imran. “Ethics of Disagreement in Shari’ah and Its Value for Contemporary Pakistani Society.” *Pakistan Social Sciences Review* 3, no. 1 (2019): 167–79. [https://doi.org/10.35484/pssr.2019\(3-i\)12](https://doi.org/10.35484/pssr.2019(3-i)12).
- Hallaq, Wael B. “Was the Gate of Ijtihad Closed?” *International Journal of Middle East Studies* 16, no. 1 (1984): 3–41.
- Nur, Iffatin, and Muhammad Ngizzul Muttaqin. “Reformulating The Concept of Maṣlaḥah: From A Textual Confinement Towards A Logic Determination.” *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 17, no. 1 (2020): 73–91.
- Qardhowi, Yusuf. “Gerakan Islam, Antara Perbedaan Yang Dbolehkan Dan Perpecahan Yang Dilarang.” Diterjemahkan oleh Rafiq, Aunur. Jakarta: Robbani Press, 1995.

- Romli, S A, and S A Romli. "Muqaranah Mazahib Fil Ushul," 2016.
- Sadat, Anwar. "Ikhtilaf Di Kalangan Ulama Al-Mujtahidin." *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, 2015, 181–91.
- Zahrah, Muḥammad Abū. *Muḥādarah fī Tārīkh Mazāhib al-Fiqhiyyah*. Kairo: Matba'ah al-Madānī, 1990.
- Zuhdi, Muhammad. "Sikap Dan Etika Dalam Menghadapi Ikhtilaf Pendapat Mazhab Fiqih." *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 6, no. 2 (2019): 12–20.