https://doi.org/10.62585/pjcj.v4i1.77

Volume and Issues Obtainable at Centeriir.org
Pakistan Journal of Criminal Justice
ISSN: 2958-9363 ISSN (E): 2958-9371
Volume 4, No.1, 2024

Journal Homepage:https://journals.centeriir.org/index.php/pjcl

Revival of Ijtihad; Indispensable for the Adaptability of Islamic Law

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ABSTRACT

This paper delves into the revival of Ijtihad in Islamic law, exploring its historical development, current applicability, and possible ramifications for contemporary Muslim communities. Ijtihad represents a dynamic process of interpretation and adaptation within Islamic legal tradition. With origins in the teachings of the Prophet Muhammad (PBUH), Ijtihad represents a deep intellectual effort to balance the divine laws with the changing conditions of human civilization. The paper examines the historical trajectory of Ijtihad, highlighting its early practice during the time of Prophet Muhammad (PBUH) and its subsequent evolution through generations of jurists. Despite debates over the closure of its gates, scholars advocate for its revival, emphasizing its pivotal role in tackling contemporary issues. In addition, the study looks at modern methods of Ijtihad and acknowledges that competent people must participate in this dynamic process. Various scholars advocated for cooperation between Islamic academics and legislative authorities to pass legislation consistent with Islamic principles. This paper underscores the lasting importance of Ijtihad as a guiding principle in Islamic lawmaking. It emphasizes how it can be used to navigate the intricate issues Muslim communities face in the contemporary world. A comprehensive analysis emphasizes Ijtihad's persistent significance in influencing the evolving landscape of Islamic law.

Article History: Received: 01 April 2024; **Accepted**: 14 April, 2024; **Published**: 18 April 2024
Keywords: Ijtihad; History; Applicability; Relevancy; Interpretation; Islamic law, sharia law

Corresponding Author's E-Mail: noorulhudakhan9426@gmail.com
How to Cite: Abu Bakar Khan, & Noor Ul Huda Khan. (2024). Revival of Ijtihad; Indispensable for the Adaptability of Islamic Law . *Pakistan Journal of Criminal Justice*, *4*(1), 147–157. https://doi.org/10.62585/pjcj.v4i1.77

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1- Introduction

Ijtihad is a term used to interpret Islamic law (Aravik, 2018). The root word for Ijtihad in Arabic is (ج ت ه: j-h-d), which means exerting effort on a matter that requires it. Ibn al-Athir defined Ijtihad as an undertaking to achieve a particular goal (Kathir, 2007). Some ulema define Ijtihad as applying all the jurists' faculties to deduce Shariah laws from their source, application, and execution to specific issues (Zahrah, 2003). Iqbal sees Ijtihad as the exertion of efforts to form an independent judgment based on the Quran and Sunnah and opposes the thought of deviation from divine guidance. At the same time, he endorsed the exercise of Ijtihad to oppose rigidity and stagnation (Iqbal, 2013).

An essential component of Islamic legal tradition is the idea of Ijtihad, which refers to a continuous process of interpretation and modification that has persisted for centuries in scholarly discourse. Ijtihad, which has its roots in the teachings of the Prophet Muhammad (PBUH) and has been refined by several jurists over the years, is an intellectually rigorous endeavor that attempts to reconcile divine law with the dynamic nature of human society. Despite its historical significance, Ijtihad is still a hotly debated topic among academics, who attempt to define its applicability, technique, and scope in the modern era. To thoroughly investigate Ijtihad, this study will trace its historical development, examine its many interpretations, and determine whether it still has value in the modern world. This study explores the role of Ijtihad in modern Islamic law, traversing the intricate discussions regarding its resuscitation. The goal of analyzing various perspectives and historical backgrounds is to enhance comprehension of the function of Ijtihad and its applicability in tackling contemporary issues within Muslim societies.

2- Historical Perspective on Ijtihad

The process of Ijtehad started parallel to the process of establishing law. It began when the field of Shariah welcomed the Islamic teachings carried by the last Messenger of God, PBUH, and his companions. According to Abdullah Mustafa Al-Maraghi, Muhammad PBUH was the first Usul to take an analogical approach while establishing laws through Sunnah Qauliyah and studying Ijtihad (Al-Zuhayli, 1987). He would adjudicate among Muslims on the matters through his opinion when he would not receive revelation (Dawud, 2008). The companions of the Holy Prophet PBUH were also allowed to gain mastery in jurisprudence and legislation under his direction and conduct Ijtihad whenever it was required. Some of these include the four caliphs, Amru bin Ash and Uqbah bin Amir, who were to resolve conflicts between two litigants; Muaz Bin Jabal, who was a newly appointed Judge to Yemen (Dawud, 2008); and Tabi'een. The Holy Prophet PBUH announced two rewards for a judge who decides right according to his reasoning and one who decides wrong but tries his best (Majah, 2007). The sayings and teachings of the Holy Prophet PBUH became Sunnah, the second source of law after the Quran, and likewise, the products of his companions, which he approved, became another source of law.

The Khulafa e Rashideen continued Ijtihad through issuing fatwas (Minai, 2019), Abbasid, and Umayyad Period, where it was called Ijtihad al-ra'y (Schacht, 1964). Later, Ijtihad was disassociated from ra'y and adopted as a method synonymous with Qiyas. This concept was given by Muhammad Ibn Idris al-Shafi (d.821), who is the founder of Shafi Fiqh, and his book, Al-Risala, was the first book written on the principles of Islamic Jurisprudence. Among the other great scholars in Islamic Jurisprudence from the Tabi'een period includes Ibrahim al-Nakhai (w.95H), who was a teacher of fiqh sciences of Hammad bin Abi Sulaiman Al-Khudari, who was a teacher of Abu Hanifah, founder of Hanafi school of Islamic Jurisprudence (Bik, 2003). It is believed that the person who adopted Qiyas because of the non-availability of Hadith or the works of Sahaba on some issues was Imam Abu Hanifa, who found it while working on Usul-al-fiqh (Minai, 2009). Another rationalist, faqih tabi'in, known as Rabi'ah bin Abdu al-Rehman Furuh (w.136H), appeared in Hejaz, Madina, who taught Imam Malik in the sciences of Fiqh. In addition to these significant figures, there are numerous scholars of Fiqh; one scholar descending from Quraysh, a

tribe of Aminah Bint Wahab, who was also a Hadith expert is Ibn Shihab al Zuhri (15-124H) (Al-Maraghi, 1974). Significant schools of thought that have an outstanding contribution to Islamic Jurisprudence are Imam Abu Hanifa (d. 767), Malik B. Anas (d. 795), and Ahmad B. Hanbal (d. 855), who differ from each other in methodical approaches, thoroughness, and inclusiveness. Shafi School of Jurisprudence supported the idea of Ijtihad by referencing Surah 2 Ayat 149 of the Quran. In other words, Allah Almighty encourages the people who walk on Earth to use reasoning to draw logical conclusions on the matters required (Doi, 1984).

Contrary to the Shafi School of thought, Hanafi believed in reasoning in Ijtihad, which took the form of qiyas and ijtihad al-ra'y. In contrast, the Zahiri school of thought negated the concept presented by the Hanafi School. Similarly, it was mutakallimun, the Mu'tazilah, who believed that the role of reason in Ijtihad must be independent in Divine justice and there must be a rational basis of moral and legal judgments. However, the Ashar'iah group held opinions contradictory to it. Sunni Judges did not recognize ijtihad al-ra'y as being exclusively Qiyas. They introduced terms like Istihsan, Istislah, and tawwul to explain and define Ijtihad further. By the beginning of the 10th century C.E., well-known Muslim jurists had studied the groundwork of the Quran's legal principles, Sunnah, Jurist Sahaba's precedents, and companions. They had formulated the fundamental principles of legislation in Islam. These jurists worked on the impliedly mentioned situations and circumstances defined in the Quran and Sunnah, as well as those that the companions of Prophet PBUH did not pronounce.

3- Were All the Avenues of Ijtihad Completely Closed, or Are They Still Open for Interpretation?

The controversy arose over whether the doors of Ijtihad were ever closed or prohibited from being exercised in the history of Islamic Jurisprudence. Three categories of scholars addressed this question: one was firm that Ijtihad was prohibited, the other asserted that it was never prohibited, and the third group of scholars' opinions fell between those of the first two categories of scholars.

The writers of the first category referred to the writers of the first category referred to the phrase "closure of the gate of Ijtihad " " or inside bab, al-ijtihad, meaning, meaning that the doors of Ijtihad were closed by the mutual consensus and ijma of Muslim scholars. The early scholar of the first category, Count Leon Ostrorog, in his book The Angora Reform (1927), discusses the suppression of the development of Islamic Law in Turkey. He stated that the law formed by Islamic Jurisprudence's four schools of thought (following the Quran and Sunnah) is complete and needs no further interpretation (Ostrorog, 1927). Similarly, H.A.R Gibb, in his book Whither Islam (1932), wrote that the decisions once taken regarding theology and law were considered unalterable, which resulted in the narrowing down of the doors of Ijtihad, resulting in its closure altogether (Gibb, 1973). L.E.Brown, in his article "The Development of Islam (1934)," stated that the four schools of thought in Islamic Jurisprudence have the final say, which the Muslims could not contradict. Hence, Islamic law will not progress further (Browne, 1934). According to Edwin Calvery, after holding that the four sources of law and doctrine are adequate for Islam, Muslim authorities took a position on the closure of the door of Ijtihad (Glvery, Edwin, 1939). Among the other writers of the first category is Schacht, who stated that the closure of the avenues of Ijtihad after the laws established in the era of Prophet PBUH, his companions, and the doctrines of four schools of law amounted to the requirement of taqlid and thus were acceptable as such (Schacht, 1964). Khadduri adopted Schacht's view on Ijtihad in the 10th century (Khadduri, 1966). N.J. Coulson, Liesbany, and Ahmed Hassan supported closing the gates of Ijtihad. Scholars believed that at the end of the 9th century and the beginning of the 10th century, the gates of Ijtihad were closed because all the questions were addressed and needed no further interpretation (Rahman, 1966).

The second category of scholars were the ones who firmly believed that the avenues of Ijtihad were neither closed nor narrowed down. Among them were W.B Hallaq (1980s), Abdul Rahim, and Allama Muhammad Iqbal (1930s), who believed that Ijtihad has been continuously exercised. Hallaq asserts that Ijtihad is the religious duty of jurists, so he is duty-bound to perform it. According to him, the jurists were

present at nearly all times, and until Ca.500 AH, there was no notion of the closure of the gates of ijtihad, nor was there any mention of the term "inside bab al ijtihad ". Hence, he stated that the gates of Ijtihad could only be closed if there is no existence of Mujtahid or if there has been a consensus among jurists on its closure (Ali-Karamali & Dunne, 1994). In the opinion of Abdul Rahim, there is much room for the expansion, development, and interpretation of the law of four schools of thought in Islamic Jurisprudence (Rahim, 1979). Allama Muhammad Iqbal, in 1930, asserted that the founders of the four schools of thought never claimed finality for the reasoning or interpretations. Iqbal argued that the notion of closing the gates of Ijtihad was essentially a fabrication, stemming partially from the solidification of legal thinking within Islam and partly from intellectual stagnation (Iqbal, 2013). Another scholar, Hourani 1962 translated the works of various scholars who hold the opinion that the doors of Ijtihad were always open and men's duty and right to conduct Ijtihad (Ali-Karamali & Dunne, 1994).

Between the explicit and clear-cut views of both the categories above stands the third category of scholars whose analysis stands between them. For Example, Edward Sell (1896) gave historical reasons for how the Ijtihad was restricted, but he did not approve of any closure of the gate of Ijtihad (Sell, 2013). According to Muhammad Ali, there is a misconception that the door of Ijtihad was shut after the era of the four imams. He argues that there were indeed constraints that limited Ijtihad and independent thinking despite Islam's encouragement for intellectual exploration (Ali, 1936). Ziya Gokalp (1950) stated that Ijtihad was not permissible where questions about nass existed. However, it was permissible for nass to be the outcome of urf (custom) (Hasan, 1973). Maulana Mufti Mohammad Shafi, in an interview with Kemal Faruki (1954), gave an opinion that in cases where solutions have not been determined by Ijma, then only in those cases Ijtihadcan ijtihad be exercised. Mufti was not the proponent of the closure of the gate of Ijtihad. However, Faruki drew references while concluding Mufti's responses and discussed the gate of Ijtihad and its closure (Faruki, 1954). Shawkani deemed that the arguments given by Shafi'is, Malikis, and Hanafis favored the closure of Ijtihad, whereas Hanbalis held arguments that it should not be closed (Watt, 1974). "Shura, Ijtihad, and Ijma in the early Islamic State" is an article written by Ahmed in 1964 where he states that there were restrictions on the scope of Ijtihad and Ijma, and there was no formal closure of the doors of Ijtihad nor the removal of any possibility of any new ijma (Ahmed, 1964). It is interesting to note that the writers of this category assert when Ijtihad can be carried out and when it can not be done when the gates of Ijtihad were closed and when there were only restrictions on the performance of Ijtihad.

4- Revival of Ijtihad in the Modern Era

Ijtihad is pivotal in Islamic law, standing alongside the Qur'an and the Sunnah as a critical source. What sets Ijtihad apart from the revealed aspects of the Shari'ah is its ongoing and evolving nature. Unlike divine revelation and the Prophet's legislation, which ceased with his passing, Ijtihad persists as a dynamic process. It serves as the primary tool for interpreting the divine message and aligning it with the evolving circumstances of the Muslim community (Kamali, 2003). The logical justification for embracing Ijtihad lies in the recognition that the teachings of Shari'ah have defined boundaries, yet evolving circumstances in society constantly present novel challenges. Consequently, it becomes essential for knowledgeable individuals within the community to engage in the process of Ijtihad, actively seeking solutions to emerging issues spawned by the ever-changing dynamics of communal life (Kassab, 1982). Justice Muhammad Shafi in Rashida Begum v. Shahab Din (Lahore High Court) stated that engaging with the Quran involves not just reading its words but also interpreting its message, and this interpretation must consider the contemporary context and evolving needs of society. While we hold deep respect for scholars of the past like Imam Abu Hanifa, Imam Malik, and Imam Shafi'i, their interpretations may not fully align with the complexities of our current era (Pakistan Legal Decisions, 1960).

5- Viewpoint of Scholars Advocating Revival of Ijtihad

Scholars across the Muslim globe have been expressing dissent towards taqlid (blind adherence) and emphasizing the ongoing relevance of Ijtihad as a divinely ordained legal principle. Some influential scholars, such as Shah Wali Allah, Muhammad B. Isma'il al-San'ani, Muhammad bin `Ali al-Shawkani, and Ibn 'Ali al-Sanusi, have spearheaded the movement to revive Ijtihad. In the nineteenth century, the Salafiyyah movement in Egypt called for the rejuvenation of Islam as per contemporary circumstances and outright rejected the practice of taqlid. (Kamali, 2003).

Al-Shawkani vehemently dismisses the notion that God selectively granted knowledge and Ijtihad to past generations of scholars while withholding it from later ones, labeling it as complete nonsense. According to him, advocates of blind conformity (taqlid) are urging us to rely on the interpretations of others to understand the Qur'an and the Sunnah despite having direct access to guidance ourselves. He categorically denounces this assertion as a profound falsehood (butane 'azim), emphasizing that there is no valid justification for such a claim (Shawkani, 1993). Iqbal challenges the notion of the ijtihad gate being closed, dismissing it as a fabricated idea influenced by the rigidification of legal thinking in Islam and the intellectual lethargy that can arise during times of spiritual decline. He asserts that labeling great thinkers as idols, particularly in such periods, contributes to this misconception. According to Iqbal, even if some contemporary scholars support this notion, he emphasizes that modern Islam is not obligated to forfeit its intellectual independence through such a voluntary surrender (Iqbal, 2013).

Shah Waliullah emphasized that Ijtihad is a natural consequence of evolving times and is crucial for the continual expansion of Islamic law and the guidance of humanity in line with divine revelation. According to him, religious scholars must engage in Ijtihad in all future periods. He argues that the necessity for Ijtihad in the present times, a point widely agreed upon by scholars, arises due to the rapid emergence of new issues that cannot be anticipated. He stresses the importance of understanding God's commands on contemporary matters, as existing literature may be insufficient or contentious. Additionally, he highlights the need for reexamining arguments and rulings, acknowledging that certain judgments from great jurists may be ambiguous or conflicting. Therefore, he asserts that resolving these issues requires a fresh examination of established legal reasoning methodologies (Qasmi, 2004).

Abu Zahrah strongly opposes the notion of closing the door of Ijtihad. How could someone justify shutting a door that God has opened to exercise human intellect? Those who advocate for this closure lack a compelling argument. Abu Zahrah points out that the lack of active pursuit of Ijtihad has distanced people from the foundations of the Shari'ah. The prevalence of taqlid has led some to assert that there is no need for further interpretation of the Qur'an and Hadith since the door of Ijtihad is supposedly closed. In Abu Zahrah's words, this assertion is far from the truth, and we should seek refuge in God from such extreme views (Zahrah, 2003).

From the viewpoint of Dr. Israr Ahmed, it is contended that despite the armed conflicts characterizing the final phase of the transformative journey observed in the life of Prophet Muhammad (SAW), the socio-political landscape has undergone significant changes over the last fourteen centuries. According to Dr. Israr, these changes warrant a reexamination through Ijtihad in the contemporary context. He argues that if the present conditions mirrored those of Prophet Muhammad's (SAW) era, the need for Ijtihad would be null. He asserts that Ijtihad becomes imperative only when prevailing conditions have evolved, so a specific practice of Prophet Muhammad (SAW) cannot be applied directly. According to Dr. Israr Ahmed, this is the case in our modern times, necessitating Ijtihad to address the final stage of the revolutionary process (Israr Ahmed, n.d).

According to the perspective of Javed Ahmad Ghamidi, in the realm where the Qur'an and Sunnah maintain silence, Ijtihad is as indispensable as air and water to the human body. He asserts that the door to Ijtihad can never be shut, a viewpoint that contradicts those who claim its closure after the fourth century. Scholars, jurists, and experts across various disciplines have consistently engaged in Ijtihad throughout history, and this practice endures even in contemporary times. Ghamidi emphasizes that God

has endowed humanity with knowledge and intellect to navigate its affairs. These affairs, diverse and indefinite, do not require divine guidance in every instance, as humans are not created blind and deaf. The Almighty has revealed His shari'ah only in matters where human knowledge and intellect need guidance, resulting in limited directives. Hence, Ghamidi underscores the essential nature of Ijtihad, considering it the key to development, asserting that life cannot sustain itself without it. He identifies the decline of Muslims as stemming from their collective deficiency in conducting research in physical sciences and engaging in Ijtihad in social sciences within their national capacity (Saleem, 2019). Renowned scholars worldwide have argued passionately for the necessity of Ijtihad in fostering the ongoing evolution of Islamic law, viewing it as a vital instrument for societal development and the preservation of intellectual independence in the modern era.

6- Ijtihad as the Only Tool to Keep Islamic Law Practicable

Islamic law, Sharia, is not static but rather subject to interpretation and adaptation according to the evolving needs of society. While its fundamental principles aim to safeguard both individuals and communities, Sharia was not intended as a rigid set of unchangeable rules. To address the shifting requirements of Muslim societies, scholars and jurists have traditionally employed Ijtihad, a method of innovative interpretation. This approach draws not only from the Quran and religious tradition (sunna) but also from logical reasoning, deduction, and prioritization (Smock, 2004). In certain aspects of human life, Islamic Sharia appears silent. This suggests that the Law Giver intends for humans to utilize their intellect to formulate laws in these areas (Maqbool, 2019).

Ijtihad held a critical position as it represented the sole method through which jurists could attain the judicial rulings decreed by God (Hallaq, 1984). Scholars with a religious focus have documented that in earlier times, Muslims were regarded as spiritually, religiously, and intellectually advanced, surpassing many other nations. They established renowned centers of learning worldwide. However, as time passed, internal conflicts, economic struggles, insufficient human development, and political instability emerged due to self-serving rulers and an insular society. These factors collectively contributed to a decline in Muslim civilization (Sattar, 2022). By the tenth century A.D., the reverence for early scholars had reached such heights that the legal community concluded that additional enhancements to their understanding of divine law were unattainable. This occurrence, referred to as "the closure of the door of 'ijtihad' (independent reasoning)," halted the progression of Islamic law at that juncture (Coulson, 1984). Hence, judges and scholars of Shari'a are restricted to interpreting and implementing the laws established by early authorities, without the authority to alter, adjust, or expand upon those laws (Ahmad, 1956). This has led to a legal framework that hasn't been able to adapt to the demands and realities of the contemporary world. Thus, several influential figures within the Islamic community have suggested the need to reopen the door of Ijtihad for contemporary times (Sloane, 1988).

To remain relevant and effectively address the legal requirements of contemporary society, Islamic law must undergo ongoing development (Aravik, 2018). The teachings of Islam have been with us for over fourteen centuries, meant for all people and for all times. Despite its timeless truth, there's a fundamental need to reinterpret these teachings in light of modern knowledge in science, philosophy, psychology, metaphysics, and theology. It's essential to integrate the collective wisdom and insights of contemporary thinking into our understanding of Islam, ensuring its relevance and applicability to the present-day world (Fyzee, 1959). In our present era, society grapples with numerous challenges that were previously unheard of. The rapid advancement of knowledge and technology has led to the emergence of new issues (Fauzi, 2015). Mohammad Abduh emphasized the importance of reinterpreting the principles found in divine revelation to pave the way for legal reforms. He contended that Ijtihad wasn't merely a privilege reserved for contemporary jurists but the sole means through which Islam could align itself with the demands of modern society (Glasse, 1991). In today's fast-changing world, Islam appears to have lost its dynamism, failing to provide effective guidance to people. There's an urgent need for a fresh interpretation of its

principles to address contemporary challenges. Muslims must rise to this challenge and embrace it (Fyzee, 1959).

7- How Ijtihad Can Be Practiced Today

Certain analysts argue that Ijtihad fell out of practice partially due to the exceedingly stringent qualifications set for its execution, which were deemed to be unattainable by ordinary individuals (Rahman, 1966). The Quran is regarded as a divine message, representing the voice of God as conveyed to Muhammad. Muhammad transmitted this message in Arabic, using his own words and speech. Over time and across different contexts, it is necessary to interpret and understand these words anew, adapting them to the present circumstances and diverse environments (Fyzee, 1959). To apply Ijtihad in contemporary times, it must break free from past constraints. For instance, Al-Ghazali utilized dialectical approaches to articulate his theology and asserted his entitlement to independent Ijtihad, a right previously restricted by orthodox authorities (Gatje, 1996). An instance of this restriction is the requirement for a mujtahid, which is exceedingly challenging to find, particularly in contemporary society (MAlbelahi et al., 2018).

Iqbal highlighted four pillars of Ijtihad: the Quran, hadith, ijma, and Qiyas. He aimed to illustrate how Islamic law could adapt to new circumstances. He argued that these sources inherently contain the capacity for evolution when encountering novel situations (Rahim & Rahim, 2014). Iqbal proposed certain criteria for those who engage in Ijtihad: a deep understanding of Islam, including its core principles, institutions, and political ideologies, familiarity with the modern challenges facing the Muslim world, proximity to the Prophet's teachings, and a grasp of his methodologies and approach, demonstrated moral integrity to ensure decisions are respected. Due to a scarcity of such qualified experts capable of conducting Ijtihad, Iqbal suggested the formation of a committee comprising Islamic scholars and individuals well-versed in contemporary issues with genuine Islamic character. Through collaborative efforts, they could contribute to the reconstruction of Islamic law and address significant societal needs (Hamid, 1980). Hence, Iqbal proposed the inclusion of ulama' in legislative assemblies to aid discussions on legal matters, alongside input from laypersons with a deep understanding of affairs. He argued that a body of ulama could provide valuable insight into intricate points of Fiqh, thereby minimizing the risk of misinterpretation. Additionally, Iqbal advocated for the reform of legal education in Muslim universities to broaden its scope and integrate it with a comprehensive study of modern jurisprudence (Iqbal, 2013). Iqbal advocated for a significant shift regarding Ijtihad, suggesting that it should transition from being an individual right to becoming the responsibility of a legislative assembly. He argued that such an assembly should exclusively hold the authority to enact laws based on practical considerations.

Explaining how Ijtihad can be exercised in present times, Dr. Israr Ahmed said in an interview that in the contemporary era, the responsibility for legislation lies with the Parliament. Once the Parliament approves a specific Ijtihad, it transforms into law, with the legislative authority resting in the hands of the Parliament. Determining the authenticity of an Ijtihad or whether it aligns with Islamic Shari'ah falls within the jurisdiction of the modern state's established institutions: the Parliament, the Executive, and the Judiciary. The Judiciary, in particular, plays a crucial role in resolving disputes. In a modern Islamic state, scholars have the freedom to express their opinions, but it is the Parliament's prerogative to decide which Ijtihad will be enacted as law. Should any concerns arise regarding the adherence to the boundaries set by the Qur'an and Sunnah, the Judiciary is tasked with resolving such disputes (Tauheed International, 1998). From its understanding, Ijtihad can manifest in four distinct forms based on the methodology it employs. Firstly, there is the juridical analogy, which operates on established principles. Secondly, Ijtihad is based on probability. Thirdly, there is explanatory Ijtihad, where scholars interpret source materials to deduce rulings, prioritizing it over analogical Ijtihad. Lastly, there is istislahi Ijtihad, which relies on maslahah (public interest) to derive rulings by Shariah, using methods like istislah (consideration of public welfare)

or juristic preference. While Imam Shafii only acknowledges analogical Ijtihad, most scholars recognize Ijtihad in all its forms beyond mere analogical deduction.(MAlbelahi et al., 2018).

8- Conclusion

This study has demonstrated that Ijtihad, as the fundamental Islamic legal principle, emerges as a dynamic force that has traveled a long historical path while remaining relevant in modern times. The study follows the development of Ijtihad from its origins during the time of Prophet Muhammad (PBUH) to the many interpretations made by succeeding generations of jurists by exploring centuries' worth of scholarly conversation. Amid debates over the closure of its gates, influential scholars always advocated for its revival, highlighting its pivotal role in reconciling Islamic law with the complexities of contemporary life. By examining the many perspectives held by members of the Islamic scholarly community, the paper highlights the relevance of Ijtihad in the modern era. It emphasizes the necessity of skilled individuals to engage in this dynamic process.

Furthermore, it recognizes the function of legislative authorities in passing laws founded on Ijtihad, guaranteeing that legal interpretations correspond with the changing requirements of Muslim communities. Through this thorough discourse, the study emphasizes the continued significance of Ijtihad as a cornerstone of Islamic lawmaking. It acts as a compass in the face of the intricate difficulties the Muslim community faces today.

Funding
This article was not supported by any funding from public, commercial, or not-for-profit sectors.

Conflict of Interest/ Disclosures
The authors have disclosed that there are no potential conflicts of interest concerning the research, authorship, and/or publication of this article.

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