

## Ikhtilaf The Bearer Of Grace

Fathu Khairiddin<sup>1\*</sup>, Muhammad Akbar<sup>2</sup> & Fatimawali Fatimawali<sup>3</sup>

<sup>1</sup>Faculty of Islamic Family Law Study Program, Universitas Islam Negeri Datokarama Palu, Indonesia

<sup>2</sup> Universitas Islam Negeri Datokarama Palu, Indonesia

<sup>3</sup> Universitas Islam Negeri Datokarama Palu, Indonesia

\*Corresponding Author: Fathu Khairiddin E-mail: [fathukhariddin@yahoo.com](mailto:fathukhariddin@yahoo.com)

### ARTICLE INFO

### ABSTRAK

Volume: 1  
ISSN:

### KEYWORDS

Ikhtilaf, The Cause of Ikhtilaf,  
How to Respond to Differences

The difference between the ulama are in the spotlight among the people. But what is sad is our ignorance of the reasons why they differ in opinion. Whereas our religion is the same, our holy books are the same, and our prophets are the same. In this aspect of life, we will continue to face differences. Let alone between schools, within one school itself, differences are often found. Ordinary people end up being confused in determining attitude, who knows who is right and who should be followed. This paper aims to explain why differences occur, who we can follow, and how to respond to differences, as well as open our insights that Islam is so rich in scientific treasures which of course will give birth to differences, but differences that actually lead to benefit.

### 1. Introduction

Etymologically, the term ikhtilaf comes from the root of the word khalafa (خلف) which has the meaning of changing or different. The term (خلف) when used as a form of fiil tsulatsi mazid (a verb consisting of more than three letters) with the addition of hamzah and ta' will then become ikhtalafa (اختلف) whose mashdar form is ikhtilaf (زيد عن خالد اختلف اختلاف). (ikhtalafa khalid 'an Zaid) which means يتفقا لم (lam yattafiq- they both disagree). The term ikhtilaf is the opposite of Ittifaq (اتفاق) which means agreement. These definitions include ikhtilaf which is mahmud (commendable) and madzmun (despicable) as well as jidal (heated debate driven only by mere lust). Therefore, of the many definitions above that are considered more shahih in this discussion is the definition which states that ikhtilaf is when an alim (scholar) dissents from another solely for the sake of seeking the truth. In the definition there is an alim limitation that does not include the ikhtilaf of a fool because his ikhtilaf is not considered as ikhtilaf syar'i. Meanwhile, this limitation in seeking the truth excludes differences of opinion based solely on lust.

In addition, it turns out that there are also scholars who call the term khilaf by not mentioning ikhtilaf which has the meaning of debate or opposition between two people to find the truth and defeat falsehood. Although the lafdzi between the terms khilaf and ikhtilaf have differences, but in substance of meaning, both have similarities. Imam Al-Jurjani said khilaf is a dispute about two conflicting things to seek the truth or to invalidate the falsehood. He used the term khilaf, but the desired meaning still has something in common.

Nevertheless, there are some scholars those who distinguish the two. In "Ad-Durr al-Mukhtar" and "Hasyiyah Ibn 'Abidin" it is mentioned that there is a difference between the khilaf and the ikhtilaf. When the difference of opinion is not based on a clear argument, then this kind of difference is referred to as khilaf. On the other hand, if the differences of opinion are based

<sup>1</sup>Fathu Khairiddin is a Student at Faculty of Islamic Family Law Study Program, Universitas Islam Negeri Datokarama Palu, Indonesia. This paper was presented at The 1st International Conference on Islamic and Interdisciplinary Studies (ICIIS) 2022 as a presenter held by the Postgraduate School Universitas Islam Negeri Datokarama Palu, Indonesia.

on arguments, they are referred to as ikhtilaf. Imam at-Tahawuni is one of the scholars who also distinguish the two terms. He asserted that khilaf occurs if there is a marjuh (weak) opinion facing a rajih (strong) opinion, but if in that dissent there is no strong or weak opinion, then this is referred to as ikhtilaf. In summary, according to at-Tahawuni, if there is any one opinion that contradicts nash sharih or ijma', it is considered as khilaf, otherwise it is called ikhtilaf. Thus based on isti'mal, the majority of fuqaha do not distinguish between the terms khilaf and ikhtilaf. Both are two words that differ lafdzily, but are the same in meaning. In arabic rules, such linguistic synonyms are considered natural.

As for terminology, ikhtilaf is the dissent of scholars, especially fiqh experts, on a furu' issue that does not have a qath'iy postulate. Ikhtilaf (difference) can be divided into two. First, ikhtilaf al-qulub (differences and disagreements of the heart) which belongs to the category of tafarruq (division) and therefore it is rejected and intolerable. And it includes all kinds of differences and disputes that occur between mankind, without distinguishing the levels, topic of the problem, causal factors, elements of the perpetrator, and others. What is clear is that if a dispute has entered the territory of the heart, giving rise to a sense of hatred, hostility, and such, then it means that it includes a rejected and intolerable tafarruq (division).

Second, ikhtilaf al-'uqul wa al-afkar (differences and disagreements in terms of thought and understanding), which can still be subdivided into two:

- a. Ikhtilaf in matters of ushul (principle). It clearly belongs to the category of tafarruq or iftiraq (division) and therefore it is rejected and intolerable. Thus the discussion is not included in the material fiqh al-ikhtilaf, but rather in the material aqidah, which is commonly referred to and termed fiqh al-iftiraq (fiqh of division). And it was this type of dispute that gave birth to deviant groups within Islam commonly known as firaq daallah (heretical firqah) and ahlul heresy wa al-hwaa' (heretics of aqidah and following lust), such as Khawarij, Rawafidh Shi'ah, Qadariyah and others.
- b. Ikhtilaf in matters of furu' (branch, non-principle). These are differences and disputes which generally belong to the category of ikhtilaf at-tanawwu' (differences in diversity) which are accepted and tolerated, as long as they do not turn into differences and disagreements of the heart. And this type of ikhtilaf is the main discussion in fiqh al-ikhtilaf material in general.

## 2.2 Causes of Ikhtilaf

*Had your Lord so willed, He would have certainly made humanity one single community 'of believers', but they will always 'choose to' differ—except those shown mercy by your Lord—and so He created them ...." (QS Huud 118-119).*

A review of the meaning and the kinds of *ikhtilaf* is like a key, to be able to enter into the discussion that is the subject matter. The existence of differences of opinion among the *fuqaha* also does not indicate any opposition in the *Shari'a*, but rather this occurs because of human weakness in understanding the *Shari'a*. And in order to eliminate narrowness (*haraj*), then we are allowed to do charity with one of the existing *fuqaha* opinions.

According to Sheikh Dr. Wahbah az-Zuhaili, there are several important things that cause differences of opinion among *fiqh* experts, namely:

- a. Differences in Understanding the Meaning of Lafazh in Arabic.  
This happens in *mujmal*, *musytarak*, or doubtful *lafazh* including the 'amm or typical, *haqiqah* or *majaz*, *haqiqah* or 'urf, *muthlaq* or *muqayyad*. It can also be due to differences of opinion in *i'rab*, or differences in understanding words that have various meanings, both in the form of *mufrad* and *murakkab*. For example, there is a difference in understanding the meaning of "القرء" whether it means clean from menstruation, or vice versa it means menstruation.
- b. Differences in History  
  
For example, a hadith reaches its history to one of the *fuqaha*, while to the other *fuqaha* it does not. Or reach at a *fuqaha* through a path that is *dha'if* and cannot be used as *hujjah*, while for other *fuqaha* they come through a valid path, and so on.
- c. Differences in Argument Sources

### *Ikhtilaf The Bearer Of Grace*

There are several arguments disputed by *fuqaha* about its ability to use as a *hujjah*, such as *istihsan*, *mashalih mursalah*, *qaul as-shahabi*, *istishhab*, and others. There is a great opportunity for differences of opinion on *fiqh*, such as those who use *mashalih mursalah* as an argument with *fuqaha* who do not use it.

d. Differences in the *Ushuli* Rules

As the rule of *'amm* which is specified does not become *hujjah*, *mafhum* does not become *hujjah*, and the like.

e. *Ijtihad* Using *Qiyas*

For example, regarding conditions and *'illat* paths, this opens up a great opportunity for differences of opinion to occur. According to Sheikh Dr. Wahbah az-Zuhaili, this difference in using *qiyas* is the cause of the most differences of opinion among the *fuqaha*.

f. Contradictions (*Ta'arudh*) and Election (*Tarjih*) among the Arguments.

There are also many differences of opinion among the *fuqaha* because of this, even giving birth to debates among them. Contradictions can occur between *nashs*, or between *qiyas*. For example, there is a conflict in the sunnah, whether it is accepted by *qaul*, *fi'l*, or *taqrir*. Differences of opinion can also occur in understanding the nature of the actions of the Prophet *sallallahu 'alaihi wa sallam* whether it is part of a strategy or fatwa and many others.

The explanation of the cause of this *ikhtilaf* should teach us not to blame each other, be fanatical, or hostile to each other. Despite all that the *fuqaha* who founded the schools (*mazhab*) were tolerant of each other in the matter of *khilafiyah*. This point also further shows that legal withdrawal is not something easy, specialists in this field are needed.

### 3. Methodologi

This study uses a type of literature research, by reading books, magazines, and other data sources to collect data from various scholarly literature in their works related to differences of opinion. The source of the problem to be studied, in this technique the researcher seeks to collect data from libraries or other places. However, information or empirical data that has been collected by others, whether in the form of books, scientific reports or reports of research results is very helpful in formulating concepts to solve the problems that the author raised.

### 4. Results and Discussion

Differences in views on *fiqh* issues among the scholars occur for several reasons and several conditions as the author has described above. Meanwhile the best attitude in dealing with disputes among scholars is as the following verse:

يُرِّىٰ وَأَحْسَنُ تَأْوِيلًا ۚ فَإِن تَنَارَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خ

Meaning: "Should you disagree on anything, then refer it to Allah and His Messenger, if you 'truly' believe in Allah and the Last Day. This is the best and fairest resolution." (An-Nisa: 59).

a. Imam An-Nawawi Rahimahullah said:

وَمِمَّا يَتَعَلَّقُ بِالْإِجْتِهَادِ لَمْ يَكُنْ لِلْعَوَامِّ مَدْخَلٌ فِيهِ ، وَلَا لَهُمْ إِنكَارُهُ ، بَلْ ذَلِكَ لِلْعُلَمَاءِ . ثُمَّ الْعُلَمَاءُ إِنَّمَا يُنْكِرُونَ مَا أُجْمِعَ عَلَيْهِ أَمَّا الْمُخْتَلَفُ فِيهِ فَلَا يُنْكَرُ فِيهِ لِأَنَّ عَلَى أَحَدِ الْمَذْهَبَيْنِ كُلِّ مُجْتَهِدٍ مُصِيبٌ . وَهَذَا هُوَ الْمُخْتَارُ عِنْدَ كَثِيرِينَ مِنَ الْمُحَقِّقِينَ أَوْ أَكْثَرِهِمْ . وَعَلَى الْمَذْهَبِ الْآخَرَ الْمُصِيبُ وَاحِدٌ وَالْمُخْطِئُ غَيْرُ مُتَعَيِّنٍ لَنَا ، وَالْإِثْمُ مَرْفُوعٌ عَنْهُ

Meaning: "And as for the issue of *ijtihad*, it is impossible for ordinary people to plunge into it, they should not deny it, but that is the duty of the scholars. Then, the scholars only deny in the case agreed upon by the Imams. As for the matter that is still in dispute, then there is no denying it. Because based on two points of view every *mujtahid* is correct. This is the attitude chosen by the majority of research scholars (*muhaqqiq*). While other views say that there is only one right, and what is wrong we do not know for sure, and he has been taken away from his sins.

Imam As-Suyuthi Rahimahullah said in the book of *Al-Asybah wa An-Nazhair*:

"The 35th rule, there should be no denial of issues that are still in dispute. Indeed, denial only applies to opinions that are contrary to the *ijma'* (agreement) of the scholars".

b. Sheikh Dr. Umar bin Abdullah Kamil said:

"Ijtihad, if it is carried out in accordance with the basics of ijtihad and manhaj istimbhat (the concept of drawing legal conclusions) in the study of ushul fiqh (basics of fiqh), then it is obligatory to eliminate the attitude of denial on this matter. It is not permissible for a mujtahid to deny another mujtahid, and it is not permissible for a muqallid (follower) to deny another muqallid, otherwise there will be slander."

c. Avoiding ghuluw (excessive) or tatharruf (extreme) attitude, for example by having a win-win attitude in the matter of furu' ijthadiyah. Because it is an illogical, un-Islamic, non-shari'a and certainly at the same time non-salafist attitude (incompatible with the manhaj and attitude of the salaf scholars).

d. Keeping the ikhtilaf (differences) in the matters of furu' ijthadiyah remain in the territory of the discourse of scientific thought and insight, and not enter the territory of the heart, thus turning into a dispute of division (ikhtilaf at-tafarruq), which will undermine the ukhuwah and weaken the tsiqoh (sense of belief) among fellow Muslims.

It is not a disgrace and a reproach when we have different opinions. But what is disgraceful and reproachful is the fanatical attitude (ta'ashub) with a single opinion and limiting the scope of human thinking. It is this kind of khilafiyah that will unite the divided hearts into one thought. It is enough that man is assembled for something that makes a Muslim a Muslim..

## 5. Conclusion

Difference is a trait that is impossible to eliminate, so the solution is to find ways to understand and respond to these differences. Knowing the causes of differences in opinion between the Imams of the madhhab and the scholars of fiqh is very important to help us 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 be easier for us not to blame each other and open the possibility to deepen the study of the disputed matter.

Differences of opinion in the scientific corridor are a blessing for us, these differences will enrich our knowledge and be more aware of the breadth of Allah's law that is in sync with time and place wherever or whenever. This has been proven by the great scholars of the past such as the Imams of the schools of the same caliber as Imam Hanafi, Imam Malik, Imam Shafi'i, Imam Hanbali and other Imams, who had made so many contributions to the ummah in different times and conditions, upholding tolerance, respect each other and not being fanatical to each other's opinions. Hopefully we can emulate them.

## References

- Arisandi, Rizal. "Analisis Praktik Zakat Sebagai Pengurang Penghasilan Kena Pajak (Studi Kasus Di BAZNAS Kota Cirebon)." Al-Jurjani. (2013) At-Ta'riifaat. Kairo: Maktabah Taufiqiyah, cet. I.
- An-Nawawi, Al-Minhaj Syarh Shahih Muslim, Mauqi' Ruh Al-Islam. Kairo.
- As-Suyuthi. (2013) Al-Asybah wa An Nazhair. Kairo: Darul hadits.
- Ibn Manzur. (2002) Lisanul Arab, Juz 4. Kairo: Maktabah Taufiqiyah.
- Internet-World-Stats. <http://dar-almusthofa.blogspot.com.eg/2015/08/pentingnya-bermadzhab.html?m=1>. Diakses tanggal 21 November 2016
- Kamil, Umar bin Abdullah, Adab Al-Hiwar wal Qawaid Al-Ikhtilaf, Mauqi' Al-Islam
- Minhajuddin. (2001) Ikhtilaf Ulama Sunni dan Pengaruhnya Terhadap perkembangan Fikih Islam (Abad Kedua & Ketiga Hijriah), Disertasi, Program Pascasarjana (IAIN) Syarif Hidayatullah, Jakarta.
- Wahbah Az-Zuhaili. (2014) Al-fiqhul Islamy wa Adillatuhu. Beirut: Dar al-Fikr, juz 1, cet. 34.