

THE LEGACY OF IBN QAYYIM AL-JAUZIYAH IN THE TEACHINGS OF LEGAL FATWAS ON THE REALITY OF MODERN MUSLIMS

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ABSTRACT; *The concept of change formulated by Ibn Qayyim as a consequence of differences in places, differences in times, intentions, and customs was carried out solely to realize the purpose of law that is universal and eternal. This paper describes the underlying epistemological aspects and factors influencing the change of fatwas, and the methods used by Ibn Qayyim in the formulation of a law and its development. Using the library research method, which is research whose data is in the form of theories, concepts, thoughts, and ideas, examining data and events or cases among the Islamic ummah, then continued research on the rules, principles, and methodologies of relevant legal reasoning, the results of which found that there are factors that influence the change in fatwa are changes in times, places, conditions, intentions, customs and illat methodological framework Ibn Qayyim developed can be divided into two, namely methods developed to understand context and methods developed to understand texts and their applications.*

Keywords: *Ibn Qayyim, Legal Fatwa, Factor of Change*

ABSTRAK; Konsep perubahan yang dirumuskan Ibn Qayyim sebagai konsekuensi dari perbedaan tempat, perbedaan zaman, niat dan adat dilakukan semata-mata untuk mewujudkan tujuan hukum yang bersifat universal dan abadi. Tulisan ini mendeskripsikan perihal aspek epistimologi yang mendasari dan faktor mempengaruhi perubahan fatwa, dan metode yang digunakan Ibn Qayyim dalam perumusan suatu hukum dan pengembangannya. Menggunakan metode penelitian studi pustaka (*library research*) yaitu suatu penelitian yang datanya berupa teori, konsep pemikiran dan ide, meneliti data dan kejadian atau kasus-kasus ditengah ummat Islam, kemudian dilanjutkan penelitian tentang kaidah, prinsip dan metodologi penalaran hukum yang relevan yang hasilnya ditemukan terdapat faktor-faktor yang mempengaruhi perubahan fatwa tersebut adalah perubahan zaman, tempat kondisi, niat, adat dan illat kerangka metodologi yang dikembangkan Ibn Qayyim dapat dibedakan menjadi dua, yaitu metode yang dikembangkan untuk memahami konteks dan metode yang dikembangkan untuk memahami teks dan aplikasinya.

Kata Kunci: Ibn Qayyim, Fatwa Hukum, Faktor Perubahan

INTRODUCTION

The importance of the teaching of legal fatwas in modern society

Social change, resulting in the emergence of new problems that are more complex. Many humanitarian issues arise and require comprehensive legal solutions, such as demands for gender equality which have recently become more prevalent, bank interest that holds controversy, non-Muslim status, interfaith relations, human rights concepts, labor related to the minimum wage, labor relations patterns, women's leadership and others. This creates tension between legal ideas and a changing society.

Nash Qur'an and Hadith as sources of Islamic shari'a that are eternal and universal, are limited in number, while the problems that arise in the midst of society, as a consequence of changes in time, place, cultural changes and needs, are unlimited in number (Bahrudin 2019). This causes a gap between legal provisions and the ever-changing demands of society. Based on this thinking, *ijtihad*, as an effort to solve the problems faced, is a must. Fatwa is a form of response to the problems faced (Wijaya 2019). But because every age has its own problems, the demand for fatwas always arises (Misbahuddin et al. 2023). Maybe it's because the problem that has arisen is completely new or has arisen and there has been a fatwa, but it has a different complexion. In addition, the fatwas delivered by scholars extracted from his *ijtihad*, are *dzanny*, meaning that they contain a relative level of truth, there are different possibilities from one another, have the possibility of change and also cannot be separated from their historical influence. There are many examples of fatwa cases that differ in a problem or the occurrence of fatwa changes in different periods of time on the same issue, including changes in *ijtihad* ash-Shafi'i summarized in *qaul qodim* and *qaul jadid*, and later changes in MUI fatwas regarding conventional bank interest (Yusuf 2012).

The difference in fatwas and their changes shows the relativity (*dzanniyah*) of scholarly thought to overcome anomalies found in Islamic Law and social reality. The views of scholars about the relativity of the results of *ijtihad*, among others, appear in the idea of legal change and legal dynamication. Several firm formulations of scholars regarding the dynamism of the law can be put forward. Among the many formulations is the formulation put forward by Ibn Qayyim in his book *Changes in fatwas and their differences due to changes in time and place, conditions of society, intentions and customs. (The Third Book of the Book: I'lam al-muaqqi'in an Rabb al-Alamin)* (Al-Jauziyah 1996).

Ibn Qayyim said that *ijtihad*, as a manifestation of independent thinking, is contextual to the times, situations and conditions. On the basis of this, to perform *ijtihad* a *mujtahid* must understand human affairs, community culture and auxiliary sciences that are constantly changing, so that the *mujtahid* in his *ijtihad* can avoid mistakes, and refer to the soul of *shari'a* (Khisni 2021).

Ibn Qayyim's theory of changing fatwas as one of the important elements of his *fiqh* thought is interesting to be studied more deeply by exploring the philosophical aspects of his *fiqh* thought. Because as befits a thought, *fiqh* with its methods developed is *dzanny* and in its formulation cannot be separated from *socio-cultural* aspects, even though there are universal transcendent teaching values. *Fiqh* is not understood as a static product and is judged as if it were out of historical context (Abdul Muthalib 2018). *Fiqh* should be understood as something dynamic and evolving.

Biografi Singkat Ibnu Qayyim al-Jauziyah

Ibn Qayyim al-Jauziyah Ibn Qayyim, whose full name is Muhammad bin Abi Bakr bin Sa'id bin Hariz al-Jauziyah lived in the VII century and entered the VIII century Hijri (Basri 1970). He was born in the seventh and eighth centuries Hijri, in Damascus in 691 AH/1223 CE and died in 756 AH/1350 CE which is the sixth period in the history of Tasyri' and the Middle Ages in Islamic history in general. In theological thought, he is better known as the thinker Hambalian (*madzhab salaf*) and was heavily influenced by the thought of Ibn Taymiyyah. Ibn Taymiyyah's profound influence is evident in his persistence in opposing *taqlid*, and his opposition to philosophers, Christians and Jews. A period in which Islamic thought in general regressed both politically and thoughtfully. From a political aspect, the Islamic state was in a state of chaos, as a result of the emergence of an autonomous state that broke away from the Abbasid State, which some considered other Islamic states as enemies, and the arrival of waves of invasions coming from the Tartars (the East) and the Crusaders (who came from the West).

His love for science can be seen in many of his writings and in the testimony of scholars. Ibn Hajar, the Shafi'i *fiqh* figure, said he was a man who had a breadth of knowledge, steeped in the *khilaf* and *madhhab salaf*. Burhanuddin al-Zar'i, as quoted by Ibn Rajab, said there was no one under heaven wider in knowledge than Ibn Qayyim. Similar comments were also made by al-Dzahabi and Ibn Kathir.

Intellectual Contributions and Notable Works

A character's thoughts can be traced through his written works, both those written by himself and those written by others. Because someone's thoughts are among them expressed in his written works. Ibn Qayyim's works of no less than sixty titles can be classified into several disciplines namely Sufism, Kalam, Fiqh and Ushul Fiqh, Hadith, Tafsir and ulum al-Tafsir and encyclopedic works. Classification based on the type of material, and not chronological writing, due to the difficulty of tracing the writing date of the books.

Problem Statement

How the underlying philosophical aspects and factors influence the change of fatwa;

What is the method used by Ibn Qayyim in the formulation of a law and its development?

RESEARCH METHOD

This research method uses library research which is carried out by collecting data by studying, studying, and researching from literature books whose problems will be studied. This research can be called research that uses a qualitative method approach. Based on this, the researcher collected data by examining and deepening several journals, books, and documents in print and electronic form, as well as other data and information sources that will be used in this study. These data are collected by reading, understanding, and analyzing relevant literature. Once collected, the data is classified based on the subtitles in the sub-points of discussion. Furthermore, the data is analyzed and analyzed using data analysis techniques, namely data reduction, data presentation, and conclusions.

RESULTS AND DISCUSSION

A. Knowledge of fatwas according to Ibn Qayyim al-Jauziyah

Continuous changes caused by changing times and time differences, not infrequently cause new problems either related to law or others. Therefore, *ijtihad* to respond to change so that the gap between law and social change can be overcome, must continue to be done (Andi Moh Rezki Darma and Islam Negeri Alauddin 2023).

Fatwa is one of the efforts of scholars to answer existing problems. Because each age has its own problems, the demand for fatwas always arises, whether the problem is completely new or has happened and there has been a fatwa, but it has a different complexion. Fatwas delivered by scholars extracted from his *ijtihad*, is *dzanny*, meaning that they contain a relative level of truth, there are different possibilities from one another, have the possibility of change, and also

cannot be separated from historical influence. This means Although it there are values that are universal and overcome all times, in ijtiḥad products, there are colors of the era and place that surround (Nur Khaera, Rahman, and Kurniati 2022). The mention of Madinah fiqh, Hijaz fiqh and Indonesian fiqh, clearly indicates this.

The problems that arose during the mujtahid period of life did not necessarily have the same character as those faced by society today. Even what society now considers a problem, has not been a problem in past societies(Mathar et al. 2022). So that the need for ijtiḥad, both jama'i and fardli is always an urgent need.

The struggle between the universally applicable ideal framework of revelation and the temporal and evolving reality opens the gap between the two. The difference in perspective from these two sides affects the occurrence of differences in responding to fatwa products(Sutrisno 2024). This shows the importance of ijtiḥad and continuous study of scholarly thought.

The idea of changing Ibn Qayyim's law can be traced from his views on fiqh. Fiqh according to him, covering two things, namely *fiqhul waqi'* and *fiqhul ahkam*, expressly shows two aspects of fiqh, normative and historical aspects(Wijaya 2017). Normatively, fiqh, including fatwas, originates from the nash that sholihun likulli zaman wa eat and on the other hand is related to the reality of the problems faced that are temporal and evolving. This shows that the fatwa in its formulation cannot be separated from the interference of reason, and social context, so it leans towards views that recognize change and diversity. It even explicitly states that the product of ijtiḥad (whether in the form of law or fatwa) is not shari'ah.

The concept of changing fatwas that relate them to changing times and customs is expressly stated by Ibn Qayyim which is formulated in one rule, namely: That fatwas can change and differ due to several causes, namely changes in times, places, social conditions, intentions and customs(Abdul Muthalib 2018). So if someone gives a fatwa without observing these differences and changes, let alone by simply quoting from the books of fiqh as they are, then it is very likely to be caught in error. The nature of changing laws or fatwas due to changing times must refer to the one principle of Shari'ah, which is to realize benefit and reject damage. Changes are made solely to realize the objectives of Shari'ah.

B. The principle in changing fatwas according to Ibn Qayyim al-Jauziyah

In principle, the change of fatwa, according to Ibn Qayyim, is done solely to realize human benefit which is the goal of shari'ah (Basri 1970). This stance can be seen from some of his statements as follows:

"Indeed, the foundation and principle of Shari'ah is wisdom and benefit servant. The whole is God's justice and Maslahah. Any issues that comes out of justice to deviation, (deflection) from His Mercy to its opposite and from maslahah to do mischief, is not part of the Shari'ah, although it can be incorporated into it by means of takwil. Shari'ah is God's justice among His servants, mercy among creatures, and shade for His earth. The wisdom that shows the truth of God and His Messenger is the most perfect and truest proposition. He is God's light for those who can see, His guidance for those who get hidayah and a cure for every disease. It is the life and death of the spirit...

In another passage Ibn Qayyim states:

"The Shari'ah of Allah is the goodness and mercy of Allah to His servants, not just a burden without wisdom and benefit. But every provision of Shari'ah ends up being wisdom, rahmah and maslahah. Allah's obligations and prohibitions on His servants are due to the benefit of the servants contained therein both in this world and in the Hereafter. Therefore, changes in law and prohibition of hila are based on these considerations. From some of these statements a rule is formulated that "The foundation and principle of the Shari'ah is the benefit of the servant. Any problem that comes out of it is not Shari'ah." Every rule of sharia does not depart from universal values, such as justice, benefit, wisdom and mercy. Some of these statements confirm Ibn Qayyim's stance that the purpose of establishing the Shari'ah is the benefit of the servant. Therefore, the determination of fatwas and their amendments must also refer to the universal and fixed foundation of maqsud sharia.

Factors affecting changes to Fatwas

There are several things that affect the change of fatwa according to Ibn Qayyim, It is mentioned that the factors that influence the change of fatwa are changes in times, places of conditions, intentions, customs and illat.

1. Illat, Wisdom and Maslahah Factors

Ibn Qayyim, regarding the existence of illat and wisdom, is in line with the jumhur view.

To support his statement, Ibn Qayyim presented many examples taken from the Qur'an

and hadith. The haram of drinking Khamr, for example, is based on a fixed property that is strongly suspected to cause harm, namely intoxicating illat. The haram remains even though the person who drinks it is not drunk. Illat was used as the basis for finding the law (Romli 2014). Whether or not legal illat is found on an event has an effect on the legal provisions given. This is in line with the views of qiyas experts which are summarized in the rule "the presence or absence of law depends on the presence or absence of illat". This rule indicates the possibility of changing fatwas on the basis of illat considerations. Illat, including wisdom, as a basis for consideration of the presence or absence of law, can be taken into consideration in making changes to fatwas.

2. Factor Custom Changes

The existence of custom in practice can be traced back to the time of the apostles. Many traditions that have been running before have been maintained. Likewise, during the time when many Companions adopted what was true in a region into Islam. However, when viewed from the literature of Ushul Fiqh, its existence is outside the primary legal sources of the Qur'an, Hadith, Ijma' and Qiyas.

Adat, although not all scholars recognize it as the source of Islamic law, and in its formulation adat is included in the source of mukhtalaf law, nevertheless in practice adat is not really excluded by ulama in building law (Djaenab 2021). Abu Haneefa included adat as one of the foundations of the principle of istihsan. Imam Malik saw the custom of the Medina experts as one of the variables of his legal theory. Imam ash-Shafi'i's attention to custom can be seen from two famous qauls, namely qaul qodim and jadid. And Imam Ahmad bin Hambal accepted the hadith *dha'if* which was in accordance with custom. The establishment of these imams was continued by his successors (ashhab) more explicitly. Adat is considered as the basis of law if no nash is found on condition that it does not violate its provisions. With regard to issues not described in the nash, jurists agree to use adat as an argument, although not absolutely.

3. Changes in Eras, Places, and Conditions of Society

Continuous changes caused by changing times and time differences touch various aspects of human life, both in the socio-economic, cultural, moral, political, and legal systems. Changes in community conditions are influential in formulating fatwas. The condition of society is sometimes customary and therefore can be incorporated into custom, and

sometimes not. In this section, we will discuss the condition of society that is temporal rather than customary which is fixed. Emergencies are included in this section. Consideration of the condition of the community in making changes to fatwas but referring to *maslahah* and *mafsadah* which are the objectives of *shara'*. An action that is intended to bring benefit, because certain conditions can have the opposite effect, which is to bring damage.

4. Factors of Difference in Intention

The existence of an action is greatly influenced by the intention (motive) stored in the heart which is the spirit of the *mukallaf* action. Whether or not an action is valid depends on intention. Actions that have a *ukhrawi* dimension can turn into worldly or vice versa due to the influence of intention. The discussion on this subject is based on the hadith of the Prophet which includes, "Indeed, the validity of charity depends on his intention, and for each person what he intends.". Based on this hadith, scholars formulated a rule "Every matter depends on its intention".

Ibn Qayyim was aware of the influence of intention on a word or deed. Intention is included in one of the factors influencing the fatwa change. Apart from the rule on changing fatwas, this view of Intention states that Intention and belief are considered in *mu'amalat*, as considered in worship and speech. That Intention and belief make a thing lawful or haram, legitimate or *façade*. That the Intent in worship makes it obligatory, *mustahab*, forbidden, valid or not.

5. Method of Reformulation of Fatwas of Ibn Qayyim al-Jauziyah in Practice

The change of fatwa, like Ibn Qayyim, is merely to realize the goals of *sharia* 'which is benefit and justice, and to reject damage. An attempt or change that does not refer to that purpose is not allowed, because it means deviating from the *Shari'ah*. To avoid irregularities in the determination of fatwas and their amendments, the *mujtahid* must fully understand the nature of the problems faced by society and understand *nash* as the source of *shari'ah* and its legal *istimbath* method. *Mujtahid* may not decree fatwas solely on the basis of *ra'yu* and benefit independent of *nash*.

The concept and change of Ibn Qayyim's fatwa emphasized two aspects of *fiqh* (understanding the reality and legal *istimbath* of his postulates) and dialoguing both, which came to be known as *siyasah syar'iyah*. The term *siyasah syar'iyah* here is not

limited to state and legislative issues but applies in general, that is, every opportunity to realize public benefit. Any means of upholding justice include Shari'ah. The Siyasa is not fixed and jumud, but can be different because of different times, so that benefit as the goal of sharia 'can be realized.

Ibn Qayyim's consistency in applying his fiqh theory can be seen from his views on the influence of customs and socio-cultural conditions of society on changes in legal fatwas. The formulation of a fatwa product is nothing but the result of a dialectical relationship between legal provisions derived from nash and the reality of society. Such a view continues to be developed by many scholars of Islamic law. Later this thought can be found in the idea of reactualization of Munawir Sadzali who tried to re-examine the law by departing from empirical reality.¹ In addition to the idea of reactualization, integral relationships can also be traced in contextual fiqh thinking or local fiqh designations, such as Indonesian fiqh.

Based on some of these considerations, to understand further, it is worth analyzing the method developed by Ibn Qayyim related to aspects of fiqh and the theory of changes to his fatwa so that research methods can develop that rely on normative approaches and scientific approaches.

1. Understanding of the Reality of the Problem

Understanding the reality and condition of society will give a lot of consideration in understanding nash and the application of its laws. Misunderstanding this can lead to errors in setting laws or not fulfilling the sense of justice. It can be difficult to gain a good understanding of one legal thought (as well as another) if it is separated from the context of its mujtahid. For any intellectual activity is not separate from its social problematic nature.

To understand the reality of the problem and the condition of the community, requires an adequate approach and method, because in its development the problems faced by the community are not simple and not static (Mappasessu 2011). Social changes that occur in society affect many aspects, such as culture, economic systems, politics, values and others.

¹ Munawir Sadzali presented several examples of cases that he said needed a more comprehensive review, such as non-Muslim status, slavery, inheritance distribution, bank interest and others. Agree or not, according to Munawir this needs to be re-examined considering the fundamental changes in people's lives. Munawir Sadzali, *Humanitarian Ijtihad*. (Jakarta: Paramadina, 1997) pp. 4-26

Therefore the method to understand it must also be dynamic and look at the related developments (Abdul Muthalib 2018).

There are several methods formulated by Ibn Qayyim in an effort to understand the reality of society and the problems faced, which are detailed in *I'lam al-Muaqi'in*, which are simplified into several things, namely *istiqlal*, *amarat dzahirah*, and *proof*.

a. Kajian Sosio-Kultural

One of the influences on fatwa changes is changes in customs and socio-cultural conditions as a result of changing times and differences in places. Mujtahids (including judges), either directly or using the results of other people's research, are required to understand the empirical reality of society. Because the object under study is an empirical problem, the methods and approaches used are also methods used in social and cultural research. Here a mujtahid requires a combination and integration of methodologies in drawing conclusions (interdisciplinary). Although these other sciences serve as support.

Ibn Qayyim, tidak memberikan uraian secara rinci, metode dan pendekatan apa yang digunakan untuk memahami realitas empirik ini kecuali dengan *Qarinah*, *Syawahidul hal*, *Amarah* dan *teori pembuktian*.

b. Prove (*Bayyinah*)

Proof is an important matter in relation to the determination of legal decisions or fatwas. But even so, it is important to mention here in relation to efforts to understand issues that often affect legal decisions or fatwas.

Proof according to the term is a strong argument or reason to obtain clarity of things and give birth to truth. Proof either through testimony or other evidence is an obligation that must be done in deciding a case (Mappasessu 2022). This is important to safeguard the rights of others from accusations and falsehoods.

Ibn Qayyim took a general understanding of bayyinah i.e. anything that can reveal the truth. This general determination of bayyinah does not mean denying the nash decree that provides limitations on witnesses and other evidence, but the result of an attempt to understand the wisdom of the stipulation of the provisions of witness, namely discovering the nature of truth. Consequently he used many evidentiary steps, such as through confessions, witnesses, goods holders, oaths and reciters. Although in some ways it goes beyond the provisions of dzahir nash by displaying a broader meaning of proof.

c. Qarinah, Syawahidul hal, Amarah dan Farasat

For those who are willing to research the source of Shari'ah, will find that Shari'ah does not ignore Qarinah, Shawahidul p, Amarah and Farasat(Saepullah et al. 2016). The existence of qarinah dzahirah as a basis for understanding reality, according to Ibn Qayyim, is sometimes stronger than recognition or denial. This step is contrary to the concept of presumption of innocence, which in the fiqh tradition is based on a hadith whose essence is "avoid the application of limits because there is Shubhat". But if you look further, both can be placed on their respective sides. The hadith deals with the establishment of punishment, while qarinah and shawwahid hal are used to eliminate subhatism.

Received qarinah, amarat dan syawahidul hal, based on several reasons both in the Qur'an, al-Hadith, and istidlal. In the Qur'an the proof through the qarinah is explained in Surat Yusuf, which deals with the proof that justifies the prophet Yusuf. In that verse it is explained that the prophet Joseph was right in a scandal, because there was a sign that strengthened the tearing of the back clothes. The proof is not based on the testimony of a baby alone, but because there is a qarinah left behind.

Therefore, in its current development, there is no prohibition to use scientific findings. If qa'if (one who is an expert in showing nasab) can implicate the nasab of a child, then it can be developed with scientific findings through DNA testing. The same can also be applied to establish an addiction-positive person by going through a urine test.

In the future, *Ibn Qayyim's siyasah theory* is worth developing. Although in some cases it is necessary to expand the range of interpretation. In understanding a mujtahid issue both as a mufti and a judge, it is not enough to base on conventional evidence and witnesses. Mufti or judge, in understanding reality must use an approach that is not only normative but also another approach (*Scientific*). Because it is realized that along with the demands of specialization and complexity of the matter, many things are beyond the limits of the expertise of the judge or mufti. Therefore, to get a more in-depth explanation and comperhenship, cooperation with experts in their fields is needed. His explanations can be used as evidence or as a basis for the mufti to give fatwas.

d. Istimbath Method of Law

After conducting a study of reality, the second step that must be taken by the mujtahid is to isolate the law from its source. The method of *istimbath* law, divided into three, namely *bayani*, *ta'lili* and *istishlahi* (Sukmana, Sultan, and Kurniati 2023).

Bayani reasoning, which is reasoning based on linguistic rules and semantic studies, such as through the determination of *mujmal*, *mufassar*, *'am* and *special*. Conclusions are drawn through such comprehension techniques (such as *nas*, *dalalah nas*, *nas sign* and *dalalah iqtidla*). This kind of study will be sharper level of analysis if it is developed with a linguistic philosophy approach. Because texts that have a concrete form in the Qur'an and Hadith cannot be understood properly without understanding the linguistic characteristics and context at that time. The *ulama ushul*, since the early generations, have tried to formulate the rules of *ushuliyah*, such as absolute theory and *muqayyad*, *mantuq* and *mafhum*, *nash* and *dzahir*, *mujmal* and *mubayyan* and others.

Ta'lili reasoning, which is the development of Islamic Law using *illat* contained in a *nas*. The law is whether or not it is seen from this aspect. If *illat* is found in a new case, the law can be established and vice versa. This method came to be known as *Qiyas*. Among the *jumhur* agreed to enact the law in this way. So in the literature the proposal of *fiqh* is included in the fourth *masadir al-ahkam*. Disputes arise in terms of finding *illat* that *ghairu manshush*. Because *illat* as the foundation of *ta'lili* reasoning is not all explained in the *nash*. So it takes a set of methodologies to find it.

Istishlah reasoning, which is legal reasoning that rests on the purpose of *shara'* (*maqashid syar'i*) which is benefit. The theory developed by the Maliki madhhab implicitly, was also developed by Imam Hanafi, Shafi'i and Ahmad with different mentions. This pattern was developed to identify problems for which there is no specific *nash* as a reference.

Contextual Fiqh Development

Fiqh as a result of *ijtihad* is not God's law which is *qath'i*, eternal and universal, but is *dzanny* and can change as a consequence of differences in place and social changes. As a rule: "Changes in fatwas and their differences are based on changes in times, places, circumstances, intentions and *awa'id* (customs)." Changes in fatwas can be based on changes in *illat* and wisdom, differences in customs, place and time, changes in community conditions and intentions as an effort to realize the goals of *shara'*. A fatwa product cannot be separated from the historical influence that covers it. The mufti or judge at a particular time and place faces

his own problems, which may differ from what happened at the time of the Prophet and after him. Especially in the present time where there are many leaps of change.

In the context of Indonesia, the steps of legal formulation offered by Ibn Qayyim are still relevant to be developed. Although it is realized that there are still things that must be developed, especially in the formulation of the methodology. The involvement of the modern sciences whether related to the social sciences or language in legal istimbath is a non-negotiable necessity.

Ushul fiqh as a branch of science that is quite important in this matter needs to be accompanied by empirical sciences. It is necessary to synergize the two models of doctrinaire-normative-deductive approach with empirical-historical-inductive.

Thus, Islamic law with Usul Fiqh as the basis of its methodology is expected to be able to respond to any demands for change. With regard to changes in fatwas, one thing that must be considered is the importance of maintaining a balance between maintaining the general principles of shari'ah and the demands for change influenced by social change.

A multidisciplinary or interdisciplinary approach offers an alternative which is noteworthy to complement the ideas of Ibn Qayyim. Many cases that have emerged later are still partially resolved, either due to limitations or reluctance to conduct more adequate research collaboration.

CONCLUSION

Ibn Qayyim in a rule "fatwas can change due to changes in times, places, intentions and customs." The concept of change formulated by Ibn Qayyim as a consequence of differences in places, differences in times, intentions and customs was carried out solely to realize the purpose of law that is universal and eternal. Changes that do not refer to the purpose of sharia cannot be justified. While the methodological framework developed by Ibn Qayyim can be Divided into two, namely the method developed to understand context and methods developed to understand texts and their applications. Regarding the understanding of the context, Ibn Qayyim did not put forward much methodology other than the theory of proof, qarinah and shawehid p. But implicitly the approach used requires the development of a scientific approach.

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