

The Independence of the Science of Jurisprudence is a Study in the Concept and A Cause of Disagreement

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Abstract

This study investigates the notion of Usul al-Fiqh, the science that underpins Islamic law, and the reasons behind disagreements with regard to its independence. It has been established that the main point of contention is whether Usul al-Fiqh science stands alone from the sciences from which it originates. There are two schools of thought that diverge on this issue: the first holds that Usul al-Fiqh is not independent of the other sciences from which it draws, while the second holds that it is. The research then clarifies the cause of this discrepancy, which results from a restricted comprehension of Usul al-Fiqh's core principles and the veracity of its categorizations. This explanation is connected to the weaknesses in the verification and research. The study ends with a number of recommendations, one of which being the importance of focusing on researching the reasons behind disagreements on basic topics and elucidating the nature of their connections. It is recommended that more research be done to comprehend the connection between these sciences and how Usul al-Fiqh is affected by them. Emphasis is placed on a thorough examination of the Arabic language, stressing the value of induction and exact analysis in the field and the necessity of mastering grammar and language in order to understand Usul al-Fiqh. May success come from God.

Keywords: Cause of Disagreement, Science of Jurisprudence, Independence, Extension

INTRODUCTION

A jurist, a mufti, and a judge need to be knowledgeable in a number of sciences, one of which is understanding the reasons behind dispute. They shouldn't be pardoned for not knowing about it; instead, they should understand its consequences and significance. As a result, some academics have established that one cannot be considered a jurist until one has a thorough understanding of the points of contention, their root causes, and how these affect the many schools of jurisprudence as well as associated difficulties. A person is not a jurist till a camel goes through a needle's eye if they do not understand the science of disagreement and where it comes from. Someone like that could only be a disoriented messenger, passing down jurisprudence to others, unable to infer a new decision from an old one, predict the future from the present, or connect the observable from the unseen. They are least likely to comprehend jurisprudence and are most prone to making blunders. Al-Subki (2012)

I have decided to produce this scientific work, "The Independence of the Science of Usul al-Fiqh: A Study in Concept and Reason for Disagreement," in order to clarify the causes of fundamental conflicts.

The issue with this study is whether Usul al-Fiqh science is autonomous on its own or dependent on other sciences. Why are people disagreeing on this matter? The purpose of the study is to investigate the scholarly debate about Usul al-Fiqh's independence, as well as the idea of "the reason for foundational disagreement," its genesis, and its causes.

The significance of this research is demonstrated by the way that comprehending the causes of dispute highlights the efforts made by jurists to find the truth. These efforts are not made for fun; rather, they are meant to reveal the unchanging truth, comprehend the methods and supporting data used by scholars, and comprehend how they arrive at the conclusions they draw from the data they present in order to support their

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positions on contentious issues. The originality of this research, which focuses exclusively on examining the causes of disagreement in foundational problems, adds to its significance.

Upon reviewing earlier research, I was unable to locate any seminal studies that concentrated on the element of the cause of disagreement in this matter and were committed to unifying it into a single framework.

METHODOLOGY

I used the following analytical and inductive techniques when writing this paper:

The Inductive Approach When acquiring scientific data, I used the inductive method. This required going through the books of Usul, which contain the fundamentals of Islamic law, and selecting pertinent passages to insert in the appropriate places. When I quoted something verbatim, I used quotation marks around the passage and gave credit to the original author of the piece. The trustworthy sources from which the Hadiths were taken were used. I just ascribed Hadiths that came from either Sahih Muslim or both Sahih Bukhari and Sahih Muslim. If it came from somewhere else, I took it out of the reputable books, mentioning the page, volume, chapter, and Hadith number (if any were numbered), and I explained if it was true or not.

Analytical Method: In order to address the issue, I had to analyze the texts that I had gathered. I was able to identify the factors that influenced the subject by using this technique.

Clarification of Research Terminologies

Concept of Usul al-Fiqh as a Title: Scholars have varied in defining it into two types:

First: Defining Usul al-Fiqh in a descriptive sense: It is the knowledge of the rules that lead to the derivation of subsidiary Islamic legal rulings from their detailed evidences. (Al-Tarsusi, 2018).

Second: Defining Usul al-Fiqh in a nominal sense: It is the rules that lead to the derivation of Islamic legal rulings from the evidences. (Al-Khudari, 2005).

Concept of the Cause of Foundational dispute: Among the early scholars, I was unable to locate a precise definition for the causes of dispute in the eponymous regard because neither a distinct science nor any texts by early scholars specifically addressed the causes exist. On the other hand, when they indicate or allude to it when refuting the ideas with supporting data, it is possible to ascertain the cause from their talks on contentious matters.

As a result, the science of dispute includes the reasons of disagreement as a component. A definition of disagreement in terms of idea and occurrence comes before the science of disagreement, which must be defined as a separate art and science with its own books and categories.

Accordingly, I characterize "the cause of foundational disagreement" as that which pinpoints the topic under debate in basic concerns and provides the framework for the perspectives taken by scholars in their analyses of these issues.

Scholars' Opinions and Their Evidences in the Research Issue

The study of Usul al-Fiqh (the fundamentals of Islamic law) is undoubtedly developed from other sciences, including the sciences of jurisprudence, linguistics, and theology. This is a consensus among experts. The question of whether Usul al-Fiqh science is distinct from the sciences it draws upon is what is up for debate. On this issue, academics have divided into two schools of thought:

The first school of thought posits that Usul al-Fiqh is not independent in itself from the rest of the sciences from which it is derived. Through my review and research, I found no scholar of Usul who explicitly supports this view, although it is mentioned in a tentative manner without direct attribution to any specific scholar. (Al-Zarkashi, 2013)

Their evidence is that Usul al-Fiqh is merely a collection from various sciences, a portion from grammar such as discussions on the meanings of letters needed by a jurist, from theology as in discussions on the concepts of

good and evil, from linguistics as in discussions on the meaning of commands and prohibitions and general formulations, and a portion from the science of Hadith, discussing narrations. A person knowledgeable in these sciences does not need Usul al-Fiqh for comprehension. (Al-Subki, 2013)

The second school of thought asserts that Usul al-Fiqh is independent in itself from other sciences, a view that appears to represent the majority of Usul scholars. (Al-Subki, 2013)

They argued that Usul scholars have scrutinized the understanding of Arabic speech, reaching precise meanings that require foundational scrutiny, which neither grammarians nor linguists have achieved. Arabic speech is extensive and the examination thereof is complex; language books define words and their apparent meanings, not the intricate meanings that necessitate the foundational analysis and induction beyond that of a linguist. (Al-Subki, 2013)

Furthermore, they argued that Usul scholars have taken and derived from various sciences in a way that renders it independent; as they have compiled from different sciences what pertains to their purpose and is specific to their research, thus forming it into a science with auditory evidence as its subject matter. (Al-Khudari, 2005)

RESULTS

By applying inductive reasoning to the assertions made by scholars and analyzing the available information, it has become evident that the root cause of dispute is one thing: a failure to understand the fundamentals and actual nature of Usul al-Fiqh's classifications. The deficiencies in the research and verification process are linked to this cause.

One who is ignorant of a matter tends to disagree, object, and oppose it, as judgment about something is a derivative of its conception.

Among those who hinted at this cause was Al-Juwayni, who stated: "Know that most of the discourse in Usul is concerned with words and meanings. As for the meanings, they will be discussed in the book of Analogical Reasoning, God willing. As for the words, they must be given due attention because the Sharia is Arabic, and one cannot fully engage in independent contemplation of the Sharia unless they are steeped in grammar and language. However, since this type of study is a combined art and is targeted, Usul scholars have not extensively engaged in it despite the evident need. They have deferred the needs of this art to its specialists and focused in their own field on what the masters of Arabic have overlooked. Their attention intensified in discussing matters that involve the neglect of Arabic scholars and the clear intent of the Sharia, such as discussions on commands and prohibitions, general and specific, issues of exceptions, and what relates to these categories, and they only mention what the linguists explicitly state." (Al-Juwayni, 2013)

DISCUSSION

From the previous results, it is evident that the researcher's conclusions align with those of Al-Subki, who stated: "If you say that Usul al-Fiqh has been greatly emphasized, is it anything but a compilation gathered from various sciences: a portion from grammar, which includes discussions on the meanings of letters needed by a jurist, and discussions on exceptions and the like; a portion from the science of theology, which encompasses discussions on good and evil, legal judgments and their categories, some discussions on abrogation and its actions, and similar topics; a portion from linguistics, which involves discussions on the meaning of commands and prohibitions, general formulations, the ambiguous, the clear, the absolute, and the restricted, and similar matters; a portion from the science of Hadith, which includes discussions on narrations. Those who are knowledgeable in these sciences do not need Usul al-Fiqh for anything of that, and those who are not knowledgeable in them will not find Usul al-Fiqh sufficient for their comprehension. Thus, what remains of Usul al-Fiqh are only discussions on consensus, analogical reasoning, conflict, and jurisprudential discretion, and some discussions on consensus are also part of the fundamentals of religion, and some discussions on analogical reasoning and conflict are what a jurist anticipates. Hence, the specific benefit of Usul al-Fiqh is very little, such that if it were to be isolated to what it uniquely offers, it would be a mere trifle.

I say: It is not so, for the scholars of Usul have meticulously understood aspects of Arabic speech that neither grammarians nor linguists have reached. Arabic speech is very extensive, and the examination thereof is

intricate. Language books define words and their apparent meanings, not the precise meanings that require foundational scrutiny and an induction beyond that of a linguist." (Al-Subki, 2013)

Amir Badshah, in his book *Al-Tahrir*, also agreed on the impact of this reason, stating: "The science of Usul al-Fiqh is derived from Hadith not for the purpose of researching its derivation to Usul, but there is a thematic overlap between two sciences whose goal is to research the fundamentals of a single subject, sharing in the subject matter, or one subject matter being encompassed within the other. This includes some judgments and auditory evidence, which is the subject of Usul, as it conveys the knowledge of its states to the ability to establish rulings for the actions of the obligated. Within this, the prophetic auditory evidence, which is the subject of the science of Hadith, is subsumed as an additional part under the general... Thus, it appeared that the discussions of the Sunnah are fundamentally part of the discussions of Usul, and the discussions of consensus, analogical reasoning, and abrogation are part of the discussions specific to Usul." (Amir Badshah, 2017)

RECOMMENDATIONS

The researchers provide the following advice in light of the results of their current study:

Focus on understanding the nature of the connections between basic topics and researching the reasons behind disagreements in them.

Affirmation of the independence and interrelation of sciences as the text points to differing viewpoints regarding the autonomy of Usul al-Fiqh from other sciences such as grammar, theology, and linguistics. Further research is recommended to understand the relationship between these sciences and their impact on Usul al-Fiqh.

Detailed research in the Arabic language, as the text emphasizes the importance of understanding grammar and the Arabic language for encompassing Usul al-Fiqh. Therefore, in-depth studies are advised on the influence of the Arabic language and its branches on understanding and applying Usul al-Fiqh.

The researchers recommend encouraging research that seeks to clarify and analyze the concepts of Usul al-Fiqh.

The importance of induction and precise analysis in Usul al-Fiqh, highlighting the necessity of considering what lies beyond the words and their apparent meanings.

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