Ijtihad in Muhammadiyah: An Uṣūl Al-Fiqh Study

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Abstract

The need to have a Sharia Law to solve issues related to the advancement of scientific and technological knowledge has become highly vital. Therefore, the Muhammadiyah movement uses Ijtihad to solve issues that do not have clear text or reasoning. The word "Ijtihad" means to devote all existing efforts to obtain a sharia-based ruling that is closest to probability (zann) until the mujtahid is no longer able to exceed their effort. Muhammadiyah is the pioneer of Ijtihad and therefore has given a considerable contribution to such matters. Initially, Majelis Tarjih was devoted to examine and rule disputed issues by choosing the standpoint considered closest to the sharia law. Majelis Tarjih itself has a clear purpose (or Manhaj), one of which is amending Ijtihad results, including qiyas, as a way to establish a law that does not have direct nass or religious source text. In establishing rulings considered to be Ijtihad, the Majelis Tarjih uses the jama’iy Ijtihad system, which means not committing oneself to a certain mazhab, having an open and tolerant principle, and not making assumptions that their ruling is the absolute truth. Many practices initiated by the Muhammadiyah movement have become universally practiced by Indonesian Muslims, one of which is Ijtihad. Muhammadiyah will always encourage Ijtihad because society is always evolving. However, Ijtihad must be conducted according to the Islamic values, firmly holds aqidah tauhid, and demonstrate the Islamic mission of Rahmatan Lil-’alamin (mercy to all creation).

Keywords

Analogy, Construct Guides, Legal Source.

Background

Human behavior (interaction) cannot be separated from the existence of law (re: sharia law) because the law is a tool (guide) to the salvation of the human soul, also known as maslahah. Closely related to religion, human behavior must conform to the codified Islamic
teaching or fiqh (“Fiqh Istihalah: Integration of Science and Islamic Law,” 2012; Hannan, 2004; Quraishi & Kamali, 2000). Based on that analogy, Sjechul Hadi Permono noticed a shift in the maslahah due to the rapid evolution of the society, as explained in the following statement:

"Without dismissing our appreciation for the books of jurisprudence that have led us to understand Islamic laws more operationally, we must also understand their limitations. The legal formulations in the books are in the past dozen centuries, at least two to three hundred years old. Meanwhile, the shift in values due to cultural development is swift. Even according to cultural anthropologists, the advancement of modern science and sophisticated technology makes the behavior and legal events that arise today require justification with legal formulations, which of course, have not been found in previous jurisprudence books. This is because, in the past, these new legal events had never happened" (Permono, 2002).

In other words, there are limitations in the previous legal products (re: fiqh) related to the present issues. Therefore, such limitations must be the point of attention, and actions must be taken as an earnest effort to pursue updated legal products from the two sources of Islamic teaching. Therefore, a new legal construct can be obtained to answer more sophisticated and complex human issues. These efforts are known as Ijtihad. In this case, Ijtihad is an effort to make rulings related to issues not explicitly stated in al-Quran and al-sunnah (al ‘Alwānī, 2019; Hasan, 2003; Kayadibi, 2007; Krawietz & Weiss, 2000).

Furthermore, the various methods of Ijtihad and variations in its understanding and applications on the istinbat process have come to the attention of various religious organizations and movements, one of which is Muhammadiyah. This reality has encouraged Muhammadiyah to determine and establish its signature Ijtihad method to be used by its members (Amir, 2001). Then, Muhammadiyah established Majelis Tarjih (Syamsuddin, n.d.) (Now: Majelis Tarjih and Tajdid) through the decision of the XVI Persyarikatan Muhammadiyah Congress in 1927. The background of this special congress was the emerging development within Muhammadiyah, disagreements related to furu fiqhiyyah, as well as issues related to Ahmadiyah movements in the last quarter of the 20th century.

The Majelis was given a direct authority to examine Islami teachings in order to obtain an untainted doctrine; construct guides for aqidah, worship, akhlak, and mu’amalah duniawiyah; provide answers for recent issues faced by the society, or pre- pare anticipation steps for various problems that are likely to occur (Muhammadiyah, 2000). However, Syafî’i Ma’arif thought that Muhammadiyah must view tajdid or Ijtihad as an effort not limited
by time (valid for all time) and must be undertaken thoughtfully and systematically (Shobron, 2003).

To assure further examination of the Ijtihad method in Muhammadiyah, the writer tracked the results of the discussion and decision of Majelis Tarjih as well as relevant books written by Muhammadiyah figures. The writers took this study to a further level by comparing those books with other available books related to the topic. The discussion in this study was focused on two sub-topics, which are the meaning of Ijtihad in Muhammadiyah, which covers: the scope, legal source, and method of Ijtihad.

Discussion

The Meaning of Ijtihad

The term Ijtihad originated from the Arabian term جهاد (re: Jahada) (Fadlullah, n.d.), which means "earnestly" (Yunus, 1972), which can also be defined as "devote all abilities" or "bear the burden." therefore, based on its etymology, Ijtihad can be defined as an optimum effort to bear a heavy burden (Yunus, 1972). Thus, there is an element of difficulty in Ijtihad (Wahbah al-Zuhaili, 1995).

Based on the terminology, the meaning of Ijtihad is still closely related to its etymology. However, the meaning of Ijtihad based on its terminology can be examined from various statements. According to Faturrahman, this variation is due to different approaches used, though not significant, but must have a particular effect on the place and target of Ijtihad (Wahbah al-Zuhaili, 1995).

The ushul experts, for example, thought that Ijtihad is limited on the legal area.

This opinion is further explained in the following statement (Al-Qaraḍāwī, 1989):

بتذلالوسعفيينتعمليطبطربيقالاستنباط

"Devoting strength to obtain practical sharia law using istimbat method"

In full, this understanding can be seen from the opinion of al-Imam al-Amidi as follows:

استفزاغالوسعفيينبالطبيطربيقالاحكامالشرعيةعلموجيحيسمانالنفسالعزرعالمزيد عليه
"Pouring out all his abilities in seeking the laws of the shari’ah that are zhanni, within limits until he feels unable to exceed his efforts”

According to Ibrahim Husain as quoted by Fathurahman in the following statement:

فيطلبالظنبشئمنالأحكامالشرعية

From the previous statements, it can be understood that the scope of Ijtihad is limited to efforts in issuing practical legal statements (shara) at zanni level (Djamil, 1995). A conclusion can also be drawn that Ijtihad is relative (not absolute) or in usul fiqih is called zanni. However, the writers thought that the statements proved that Ijtihad is specific and can only be done if related to sharia rulings at zanni level.

On the other side, according to Harun Nasution, for clerics who took a holistic and integral approach, Ijtihad was defined as all the efforts done by mujtahid in various fields, including theology, philosophy, and tasawwuf. Based on this point of view, it can be concluded that this group thought that Ijtihad is not limited to matters related to fiqh (Djamil, 1995). However, according to the writers, this second definition emphasized that Ijtihad has a universal characteristic. It means that Ijtihad can be done for issues at the Zanni level as well as other fields, including theology, philosophy, and tasawwuf. The KBBI defined Ijtihad as "a sincere effort by religious experts to reach a decision (conclusion) of sharia law regarding a case whose resolution has not been stated in the Koran and the Sunnah" (Pusat Bahasa Departemen Pendidikan Nasional, 2001).

It seems that Muhammadiyah has accommodated the two definitions of Ijtihad above. In fact, in Muhammadiyah, this discussion has become a separate discussion (Djamil, 1995).

The Deliberation of the Tarjih Council gave the understanding that "Ijtihad means devoting all the ability to think to explore and formulate sharia laws that are dzani, within the limits until he feels unable to exceed his efforts" (Muhammadiyah).

In addition, the definition of Ijtihad, according to the National Conference of Tarjih XXV is as follows:

"Ijtihad is devoting all the ability to think in exploring and formulating Islamic teachings in the fields of aqeedah, law, philosophy, tasawwuf, and other disciplines based on revelation with a certain approach" (Muhammadiyah).
Other than the two definitions above, Sudjari Dahlan also offered his own, through a paper presented in the National Conference of Tarjih XXV as follows:

1. In a general sense, Ijtihad means devoting all resources to find out and construct Islamic teaching in legal, aqidah, tasawuf, or other areas based on revelation with a certain approach.
2. In the legal sense, Ijtihad means devoting all resources to identify and construct sharia law at Zanni level using certain methods. This activity is undertaken by individuals who are competent both in the methodology and issue.

Dahlan's definition becomes the point that differentiates the definition of Ijtihad within progressive Muhammadiyah. It signifies that Muhammadiyah does not view Ijtihad merely from Zanni perspective but also other fields (Dahlan, 2000).

**Ijtihad in Muhammadiyah**

**The Scope of Ijtihad**

Times are developing very quickly, in 'a blink of an eye,' and have implications for human life. Behind the positive implications, also indeed contained negative implications that may have a more significant proportion both in world life and religion (read: afterlife). On the other hand, there was a stagnation of nass (al-Quran and al-Sunnah), which were constructed in the fiqh of the previous ulama. To respond to this, Ijtihad was put forward as a solution. However, mapping of the law, nass, or problems that are the scope of Ijtihad is needed.

From the perspective of Ijtihad, according to Sjechul Hadi Permono, the law (read: nas) can be divided into two, namely law to which Ijtihad can be done or those to which Ijtihad cannot be done (Permono, 2002). Simply stated, the typology gives a clear place for Ijtihad in the field of law. It is for the law that does not have nass or law that has nass but is not qat'i (uncertain) (Permono, 2002). Therefore, it can be concluded that Ijtihad does not apply to problems surrounding the aqeedah (الأمور الإعتقادية) and does not turn dzanni’s arguments in matters of aqeedah (Muhammadiyah, 2000).

A. Munir saw that there is scope for Ijtihad in this argument, namely dzaniyu al-Thubut and dzaniyu al-Dalalah, which are specifically explained in the following statement:

"If the dalil is dzaniyu al-Thubutqat'iyy al-Dalalah, then the object of Ijtihad is the validity/strength of the dalil itself. Conversely, if the dalil is qat'iyy al-Thubutdzaniyu al-
Dalalah, then the object of Ijtihad is the dalalah. And if the dalil is dzaniyu al-Thubutzaniyu al-Dalah, then the object of Ijtihad is the validity/strength of the dalil itself and its dalalah” (Amir, 2001).

Furthermore, Saad Ibrahim saw the scope of Ijtihad on issues that explicitly do not yet have a nass in the Quran and al-Sunnah. These problems are contemporary problems caused by the development of science and technology that affect human kind. Then, he issued the following statement:

"These contemporary problems are, of course, not directly found either in the Koran or in the hadith of the Holy Prophet, even in the studies of past scholars. Except, for a small part contained in the fiqh of taqdiri (fiqh hypothesis), namely fiqh which discusses the presuppositions, which later thanks to the development of science and technology, nowadays some can be manifested in reality” (Ibrahim, 2001).

Thus, if drawn in relation to the results of the 2000 Tarjih National Conference XXV, Muhammadiyah itself has formulated that the scope of Ijtihad is included in two matters: First, the problems contained in the dzani dalil. Second, problems that are explicitly not found in the Koran and al-Sunnah (Muhammadiyah, 2000).

Source of Law

According to the scholars of fiqh and classical ushul, the word "source of law" is known as masādir al-ahkām or adilah al-Shari'iyah. Ulamas now interpret the term as a container, which is a place to extract legal norms in the Koran and al-Sunnah (Huda, 2006).

In historical terms, the discussion of sources of Islamic law is not something new. The reality, besides using al-Quran and al-Sunnah or hadith, al-Ijtihad, also became another source of law during the time of the Prophet Muhammad, which was caused by the development of Islamic da'wah (Mushrifah, 1986). This event was explained by the hadith narrated by Mu'âdz himself:

"Narrated from a group of residents of Hims (Hafs bin Umar, Shu'bah, Abi 'Aun, al-Harith bin' Amri ibn Akhî al-Mughirah bin Shu'bah, and Unâs) Mu'az bin Jabal's friend, that the
Messenger of Allah, when intending to send Mu'az to Yemen, he asked 'when faced with a legal case, how do you decide?' Mu'az replied: 'I will punish with the Koran.' The Prophet asked again: 'If that case is not found in the Koran? Muaz replied: 'I will decide based on the Sunnah of the Prophet. The Prophet further asked. 'If the case is not found in the Sunnah Rasulullah and the Koran? Mu'az replied: 'I will perform the pilgrimage carefully. Then Rasulullah SAW patted Mu'az's chest with his hand, saying: 'Praise be to Allah who has given instructions to the Messenger of Allah towards the path that He pleased (No.1249, n.d.).

Likewise, another source of law was discovered during the time of al-Khulafa 'al-Rashidun, in the form of qiyas (الإجتهاد أو القياس) and the agreement of scholars known as al-Ijma' (No.1249, n.d.). In an-Na'im's view, the two last sources are translated by reasoning through analogy and consensus (An-Naim, 1994). Even in its development, the discussion of this legal source has become a polemic issue between Sufi scholars and fiqh experts (Supriyadi, 2007).

In Muhammadiyah, the view of the source of Islamic law itself has been defined in the formulation of the definition of legal sources, namely sources which have explicitly explained normative rules about Islamic law, and can be referred to at any time when needed by mujtahids (Muhammadiyah). Likewise, in the formulation of al-Mas'il al-Khamsah bb (among others: religion, world, worship, sabillullah, and qiyas) contained in the Muhammadiyah Tarjih Decision Association (Pimpinan Pusat Muhammadiyah, 1967). This means that this discussion has become a very important concern to be discussed and constructed. Among which, can be seen from ta'rif religion (الدين) as follows:

الدين أي الإسلام الذي جاء به محمد صلى الله عليه وسلم وما أنزل عليه من أنواعاته التي تبين الصحيح من الأرأوالوا هي الإرشادات الشابلا العبادة سواء أخراهم

"Religion, that is, the religion of Islam brought by Muhammad, is what Allah revealed in the Koran and what is implied in al-Sunnah al-Sahihah (or al-Sunnah al-Maqbulah) in the form of commands, prohibitions, and instructions for the good of humans in this world and the hereafter” (Pimpinan Pusat Muhammadiyah, 1967).

Based on the sentence "mā anzala Allah fi al-Quran wa mā jāat al-Sunnah al-Shahīhah " can be concluded, that in Muhammadiyah's view the source of Islamic law is only the Koran and al-Sunnah al-Sahihah or al-Sunnah al-Maqbulah. In fact this view is used as the identity of the Muhammadiyah movement, as stipulated in article 4 of the articles of association namely "Muhammadiyah is an Islamic movement, preaching amar ma'ruf nahi
munkar and tajdid, sourced from the Koran and al-Sunnah" (Pimpinan Pusat Muhammadiyah, 2005).

However, that does not mean Muhammadiyah does not do Ijtihad. However, here is the point of Muhammadiyah's assertiveness that says that Ijtihad is a method of legal analysis not as a source of law because the source of law for Muhammadiyah is only the Koran and al-Sunah (Muhammadiyah). Analogous to this, it is not wrong if Nâwiyah Sharîf al-'Umariy said "is not Ijtihad (either with qiyas, the existence of maslahah or urf) the postulates that follow in the al-Kitab (read: al-Quran) and al-Sunnah (Al-Umari, 1984). Thus this is what should be done at all times and wherever they are in order to always return every problem to the revelations to find out the law (Al-Sufyâni, n.d.).

Therefore, Muhammadiyah separates between sources of law and Ijtihad in separate chapters (or each) in the Principles of Manhaj Tarjih Muhammadiyah. For more details, can be seen in the table below (Muhammadiyah, 2000):

<table>
<thead>
<tr>
<th>No</th>
<th>Al-Quran and al-Sunnah</th>
<th>Ijtihad</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Muhammadiyah makes al-Quran and al-Sunnah as an authentic source of law. Therefore, every event that arises must be referred to as the two sources of law.</td>
<td>Ijtihad occupies an important position in Islamic legal thinking. Through Ijtihad, new problems that are not contained in the Koran and al-Sunnah can be solved by the mujtahid. Conversely, when Ijtihad activities have vanished from among Muslims, they experience a setback. In other words, Ijtihad is the key to the dynamics of Islamic teachings, including the field of law.</td>
</tr>
<tr>
<td>2</td>
<td>Sunnah has a very important position, especially in taking and establishing Islamic law. Against the Koran, al-Sunnah functions as an explanatory, supporting/reinforcing the laws contained in the Koran. It functions to elaborate, and explain technical problems, specialize general laws and establish general laws and establish new (new) laws that are not in the Koran.</td>
<td>Ijtihad can be done in a variety that is explicitly not contained in the Koran and al-Sunnah, and the problems that are contained in both sources, but belongs to the category of Dhani al-Dalalah. Both problems that fall into the first and second categories need to be addressed by referring to the main sources of Islamic teachings, the Koran and the Sunnah, then interpreting them according to the problem being solved. The interpretation is carried out by paying attention to the range of meanings or sentences contained in the text of the Koran and al-Sunnah. In other words, that Ijtihad requires a sharp analysis of the passages and the soul contained therein, taking into account aspects of the language and the general purpose of law prescribed by Islam.</td>
</tr>
<tr>
<td>3</td>
<td>Understanding of these two sources in the process of determining law is carried out in a comprehensive, integrated and integrated manner, or in the terminology of the ulama &quot;al-Quran yafassiru ba'duhu ba'dhan&quot;</td>
<td>Ijtihad is not a source of law, but a method of establishing law in Islam. That is, Muhammadiyah believes that the main sources of law in Islam are al-Quran and al-Sunnah al-Shahihah. Then to deal with new problems, as long as they are not related to mahdhah worship and there are no nas sharih in the</td>
</tr>
</tbody>
</table>

Table 1 Sources of Law (al-Quran and al-Sunnah) and Ijtihad in the view of Muhammadiyah
Koran, and al-Sunnah Ijtihad and istimbath are used from the nas. In other words, Muhammadiyah argues that Ijtihad is a method of legal discovery, not a source of law in Islam.

| 4. | Muhammadiyah's interpretation of al-Quran and al-Sunnah is carried out "contextually", in the sense that verses and sunnah are interpreted with due regard to the objectives of Islamic law through a search for aspects of benefit which is the core of al-Shari'ah maqashid. | Various contemporary problems have surfaced and demanded we solve them. These problems cover various fields of life, ranging from the economic, socio-cultural, to the problems of human engineering in the field of medical science. |
| 5. | In principle, Muhammadiyah recognizes the role of reason in understanding the texts of the Koran and al-Sunnah. However, if the understanding of reason is different from the will of zahir nas, then an effort is made to harmonize the two without having to put aside one of them. | In some issues, the Muhammadiyah Tarjih Council adheres to the principle of preserving something old and good and taking something new and the best. |
| 6. | Based on the understanding that there is no one other than the Messenger of Allah, the Companions, and Companions of the Companions do not have to be accepted unless they are connected to the contextual benefit. | Regarding entirely new problems, Muhammadiyah will solve them by understanding the problem in question. Then discuss it carefully, still referring to the spirit of law contained in the Koran and al-Sunnah. |

In this position, presumably, why should Muhammadiyah emphasize the position of Ijtihad as a source of law or not a source of law? Thus, Muhammadiyah outlines that the results of its Ijtihad (i.e., the results of decisions and the Development of Thought) are biological, tolerant, and open (Winarti, 2017). Nisbi means Muhammadiyah considers the results of its decision (read: Ijtihad) as something that is not true. Tolerant means that Muhammadiyah does not consider opinions that differ from their opinions and thoughts to be wrong opinions. Open means Muhammadiyah accepts constructive criticism of its decision, as long as its argument is based on a stronger and more accurate argument (Suciati, 2006).

**Method of Ijtihad**

Starting from the statement, "Ijtihad is not as a source of law, but as a method of determining the law." In the study of usul fiqh, the position is known as manhaj istimbath law. The word 'manhaj' can mean to undergo real; or ways, methods, and systems. Whereas 'istimbath' means issuing the law from nass through Ijtihad. So, manhaj istimbath law is a method or effort made by way of Ijtihad to issue law (Muhammadiyah). At the very least, manhaj istimbath law, according to Muhammadiyah to give guidance or direction on how the system or method of making a legal decision (Muhammadiyah). Therefore, a method must have an attainable goal and show an open position for the placement of something in the role of the objective object or its achievement tool (Supriyadi, 2007).
According to Muhammadiyah there are three methods in taking legal considerations (or berijtihad): First, the bayani (semantic) method, which is a method that uses a linguistic approach. Second, the method of ta'lili (rationality) is a method of determining the law that uses reasoning. Third, istishlahi (philosophical) method, namely the method of determining the law using the benefit approach (Syamsuddin, n.d.). Tactically, the three methods can be seen in the explanation below (Muhammadiyah):

a. **Bayani Method**

Method of analyzing the understanding of the meaning of pronunciations as material for the formulation of legal messages put forward pronunciations. In general, there are four types of bayal analysis methods, including:

1. The method of analyzing the meaning of the pronunciation matches the shape and scope of its meaning. Analogous to this, Muhammadiyah uses the amar and nahyu pronunciation method, amri and distinctive, mutlaq and muqayyad, as well as musytarak pronunciation.
2. The pronunciation analysis method is in accordance with the mutakallim intentions in the pronunciation of pronunciation. In this case, Muhammadiyah uses the rules of analysis (as practiced by most scholars) haqiqi and majazi as well as sharih and kinayah.
3. The method of analyzing the meaning of the pronunciation is seen in terms of its clarity and obscurity. Analogous to this, Muhammadiyah uses the rules of analysis of wadhih (clear pronunciation) and mubham (unclear pronunciation).
4. In terms of how to understand it when it is located in the context, it is distinguished from the act of al-'ibarah, al-Isharah, al-Nass, and al-iqtidha’.

b. **Ta'lili method**

Pattern of interpretation which rests on the god that is believed to be in the content of the verse or hadith which is anchored by the stipulation of a legal norm. In this case, there is an explanation as follows:

1. A nass is not only understood based on the meaning of language, but it is sought for illat or logical reasoning as a mooring established by law.
2. Illat in question is a clear condition or nature that is relatively measurable and contains relevance so that it is strongly suspected that he was the determination of a provision from Allah and His Messenger.
3. With the ta'lili method, various furu’ or actual events whose legal provisions are not yet known through NASS, the law can be determined by equating to the various events that have been stipulated by NASS, through the process of equalizing legal knowledge (either with qiyas or istihsan).

4. The illat used as a mooring or reason for the establishment of laws for new problems is not illat tasyri'i, but specific illat or special illat.

c. Istishlahi Method

Method of legal analysis by gathering various verses and related traditions to draw general principles. In this case, there is an explanation as follows:

1. This general principle is dedicated to new cases that cannot be resolved through specific NASS. This process is usually called mashlahahial-Mursalah analysis.

2. Legal provisions can also be inferred through a tendency to analyze behavior. If the act causes maslahah, then the deed can be opened through worship, obligatory or nabi, which in ushul fiqh is called fath al-Dzari’ah. Meanwhile, if it causes mafsadah, it must be closed with haram or makhruh which is called sad al-Dzari’ah.

3. Both analyzes of the deed are used in the Muhammadiyah environment.

Besides the methods above, Muhammadiyah sees the development of other sciences as a tool to sharpen the various issues discussed. So that increasingly visible a basic or comprehensive understanding. Analogous to this, Muhammadiyah uses various approaches in its Ijtihad, including al-Tafsir al-Ijtima’al-Ma’asir, al-Tarikhiah (historical), al-Susilujiyah (sociology), and al-Antrupulujiyah (anthropology) (Muhammadiyah). Likewise, Muhammadiyah uses qawaid al-Fiqhiyah as support in strengthening the legal decisions that have been taken, either through ta’lili or istislahi analysis (Muhammadiyah, 2000).

Conclusion

The need for law (shar’i law) as a solution to humanity's problems caused by the development of knowledge and technology becomes very vital. It is very appropriate if Muhammadiyah positions itself as a tajdid movement which is engaged in carrying out Ijtihad against problems that have no basis. According to Muhammadiyah Ijtihad, as seen from two understandings, both in general and legally. So that Ijtihad can apply not only in the field of shar’i, but can apply in other fields such as theology and Sufism. From here, Muhammadiyah sees that Ijtihad only occurs in dzani propositions and problems that are
explicitly not mentioned in nass. However, Muhammadiyah still outlines that the source of Islamic law is the Koran and al-Sunnah. Whereas Ijtihad as a method of determining the law. Practically, Ijtihad Muhammadiyah uses three methods of analysis, namely the bayani, ta'lili, and istishlahi methods. Likewise, Muhammadiyah uses various approaches with existing social sciences such as sociology and anthropology. So that the discussion looks comprehensive or integral. Finally. It is not an exaggeration if there is any visible progression in Muhammadiyah Ijtihad.

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