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## The Development and Infallibility of Ijma

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**Abstract.** Ijma (consensus) was first more of a practical requirement than an explicit Shari'ah principle. It was initially employed to settle some pressing issues that had developed in public policy considerations (we will discuss the issue of khihw separately, where we can see how the Companions attempted to settle this issue). The Thaqifah of Bani Saidah was a significant test for the social structure of the ummah and warned the authorities of potential future crises. We can talk about information about the evolution and infallibility of the ijma in this article.

**Key words:** ijma, issues, development, infallibility, companions, Qur'an.

The Companions therefore gave immediate attention to the succession issue, and sincere people realized that the ummah needed a sociopolitical doctrine that would support its desired sociopolitical development and keep it united. Among the khulafa 'al Rashidin, particularly Abu Bakir and Umar, great emphasis was placed on the principle of shiirii, which was, in fact, a means to realize ijma. The development of ijma was an opportune and proper approach to preserve the ummah's unity and integrity. As the Companions were greatly concerned about the establishment of the khihfuh by means of ijma, Umar rejected all attempts to use other methods.

Although the fuqahi (jurists) refer to the Qur'anic iyyit and the u&idith as a normative basis for ijma ', precedents are found in the practice the al Rashidiin and the Companions, who made agreed-upon decisions in many social and religious matters. The jurists are unanimous in agreeing that the Companions' ijma ' is a complete and definite source of law, and some recognize it to the exclusion of all other source. The classical jurist al KhaIib al Baghdadi Muhammad Y. Faruqi is an associate prokssor in the Kulliyah of Islamic Revealed Knowledge and Human Services, International Islamic University, Selangor, Malaysia. Abii Hatim al Riizi's opinion that knowledge is that which comes from Allah through His revealed Book (the Qur'an) , what is proved to be authentic from the Prophet, and what has been agreed upon by the companion. All of the given particular attention to the agreement of

the Companions, while others gives consideration to the agreement of the khulafa Al Rashidin.

Although the agreement of the latter group has not been viewed as *ijma'* in the technical sense, some *fuqahi'*, such as Ibn regard it as *hujjuh* (authority). Discussions concerning *ijma'* can be traced back to the time of the khulafa Al Rashidin. For example, a hadith reported by Mahriin ibn Mayman states that Abi Bakr, when he could not find an appropriate *ruh* fmmthe Qur'an and the Sunnah, summoned the leaders and other prominent people to ask their advice. In other words, he attempted to reach a collective decision. He then enforced whatever solution they agreed upon. The *fuquhii'* refer to the agreed upon decisions of the Companions to support their legal arguments and also to establish the principle of consensus.

Other early examples of *ijma'* mentioned by al 'Amidi, were the decision made by the Companions to the Prophetin war against those Arab tribes who refused to pay *zakah* after the Prophet's death. The decision to launch this campaign was reached after a process of discussion and consultation overcame the initial disagreements and resulted in complete agreement. This event, in the opinion of al set an example and a model decision which provided a precedent for *ijma'*, for there was discussion and reasoning among the Companions and, ultimately, total agreement as regards the course to be taken. It is also stated by that consensus was reached on the issue, and that Abu Bakir's action against the tribes was the result of a unanimous decision? Umar ibn al Khawb assumed the leadership of the *ummah* with the agreement of the Companions. Ibn al Farri cites *ijma'* to prove the authority of Umar's leader. Umar made frequent use of this practice by actively seeking the Companions' advice before making a decision. Some of the resulting decisions were regarded by the jurists as *ijma'* by majority, such as what to do with *suwad* (public) land.

During the reign of Umar, there were several incidents of *ijma'* performed by the Companions on purely *fighi* matters. These include:

- a) Amending, on Umar's initiative, the punishment for intoxication to eighty lashes. Ibn Hajar and al Ayni clearly state that this was a result of *ijma'*.
- b) The payment of full dowry once the husband has been given complete privacy with his wife. This decision, according Ibn Qum was the *ijma'* of the Companions as well as of the khulafa Al Rashidin.
- c) the suspension of the (reconciling the hearts) share. This was Umar's judgment and, according to al Qumbi, the Companions accepted this;
- d) Amending the rule of blood money. The win system, introduced by 'Umar to take into account changing social requirements and conditions, was made in the presence of the Companions and was not challenged.

Consensus is one of the most important secondary (dependent) sources of *fiqh*. A majority of jurists believe that it is a *Eujjuh shar* (decisive legal argument). The jurists of the four established schools of *fiqh* discuss it as the third source after the Qur'an and the Sunnah, which are regarded as the independent or original sources of the Shari'ah. The idea of *ijma'*, as defined by the classical jurists, was not used during the time of the Prophet (when revelation and his words solved the issues), but rather developed during the first and second

hijri centuries.

Perhaps the first jurist to discuss it as a legal principle was Abii Ha-fah, who might have discussed it as a source of fiqh with his students or in his book. We assume this because a student of Abii Ha-fah, discussed it as a source of fiqh and made an attempt to find an intellectual basis for it. In his version of based on the following prophetic hadith: “*Whatever the Muslims consider good is good in the sight of Allah, and whatever the Muslims regard as bad is bad in the eyes of Allah.*” He also states that the Muslims have agreed on it and have approved it. It is possible that he learned this from Abii Hanifah.

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