



THE INFLUENCE OF AL-USUL AL-KHAMSAAH ON THE MU'TAZILA'S LAW THOUGHT

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Abstract

Mu'tazilah is a theological school with a passion for straightening out an understanding of the oneness and justice of God that has been polluted and corrupted. This stream gives a reasonably large portion of the discussion of speculative metaphysics. With a rationalist method, the Mu'tazilah proposed theological teachings known as al-Usul al-Khamsah. This study aims to reveal the influence of these theological concepts Mu'tazila's law thought. As this is library research, the discussion will employ interpretive, descriptive, and reflective analytical techniques, which will result in the conclusion that al-Usul al-Khamsah had a significant influence on the ideas of the Mu'tazila school of jurisprudence, including that people who are forced (mukrah) are not subject to legal burdens, the omission of texts in worship, it is required for an order for the existence of the object to be governed, ordinary people are not allowed to obey the mujtahid in branches In sharia, it is forbidden to take the most accessible opinion of two comparable mujtahid opinions.

Keywords: *Mu'tazilah, al-Usul al-Khamsah, theology, legal sources*

A. Introduction

Al-Shafi'i began to develop the principles of jurisprudence in the second century AH (Rohmah & Zafi, 2020), then it underwent a significant transformation with time. Especially the presence of the bridges of religious scholars Abu Bakr Al-Baqilani (403 AH) from the Ash'aris and Abdul-Jabbar al-Hamdani from the Mu'tazila. They tried to adapt usul's theory to philosophical reasoning (Vishanoff, 2017). In conclusion, many actual terms are included as topics of speech work in the theory of the origin of jurisprudence (Zakariyah, 2017). This complicates the unified theory of usul al-fiqh and takes it away from its primary aim of guiding a mujtahid in deducing judgments (Young, 2017).

In the coming period, reconstruction efforts will be implemented from formulating the theory of usul (Fauza, 2018). Abu al-Ma'ali al-Juwayni or Imam al-Haramayn from the Ash'ari community made a real effort by writing the book "Al-Burhan fi Usul al-Fiqh" and Abu al-Husayn al-Bishri (Abdel Meguid, 2020). From the Mu'tazila by authoring the book "Al-Mutamad fi Usul al-Fiqh" to purify the theory of

assets from the contamination of theological thinking (Schmidtke & Ansari, 2013).

When Islam expanded its call to different regions, there was a cultural exchange between Arabs and non-Arabs, especially Greek philosophical ideas brought by the Persians. The translation of foreign language books into Arabic was also actively implemented and fully supported by the government. From here, the Mu'tazila adopted Greek philosophical ideas to shape their religious-theological perspective with philosophical nuances. These points are referred to in the words of the Mu'tazila as the Five Fundamentals (Haq, 2013).

Proceeding from this, he changed Usul al-Fiqh from being freed from philosophical logic to Usul al-Fiqh with a slight difference in theological philosophy (Apriantoro & Basri, 2017). This model is called the "Kalamiyyah School," the Mutakallimun or Shafi'i method that Shafi'i scholars widely follow. The distinguishing feature of this doctrine is the deductive method, which is to first determine the rules of Sharia without looking at the jurisprudential aspects of the doctrine and considering them (Alwana, 2020). Among other causes for this transformation, most individuals who rebuilt it were Kalam thinkers, particularly the Mu'tazila's role as rational schools of thought (Waheed & Jamali, 2020).

B. METHOD

The study's material purpose is to determine the effect of the fifth principle on Mu'tazila's jurisprudence philosophy. Therefore, this study is purely desk research, and the materials used as primary data sources are the book of usul fiqh Mu'tazilah. Secondary data has been obtained from random jurisprudence books that explain the Mu'tazila and other relevant jurisprudence books. The data analysis in this study uses a qualitative approach to construct phenomena, finding and developing theories built through data so that hypotheses can be found in the form of relationships between symptoms.

This study uses documentation or the study of primary and secondary data. Data selection, focus, extraction, and transformation, were performed concurrently with data gathering. The data presentation model utilized is a narrative text with ciphers and inferences generated from it.

A researcher's conclusions are always examined along the research process till the truth is tested. The analysis is based on a philosophical approach that emphasizes basic structure and principles while avoiding minor concerns. Defining the philosophical research model is exploring scientific theory and finding the data's underlying structure and concepts to use as a philosophical springboard. In philosophical analysis, general interpretation, induction, and deduction are used to conduct philosophical analysis.

C. THE FIVE MU'TAZILA THEOLOGICAL PRINCIPLES

1. The Monotheism

According to the Mu'tazila, he revolves around what is proven for God and what he denies of the attributes. The principle is that monotheism in the origin of language is an expression of what a thing becomes one, just as stirring is an

expression of how a thing becomes in motion. Blackening is an expression of what a thing becomes black; then, it is used in the predicate of a thing being one when the news is not accurate except that it is one.

Wasil bin Ataa denied the Attributes, believing that affirming them to God would lead to the plurality of the ancients. This view is similar to what the philosophers have argued that God Almighty is necessary to exist in His Essence, so they denied the attributes of God superfluous to the Essence He said that God Almighty is All-Knowing of the Essence, not with a knowledge superfluous on Himself.

Thus, the Mu'tazila, who came after Wasil bin Ataa, took the philosophers' opinions, interpreted them, and added commentary, comments, and modifications that did not affect the Essence is as if they were unanimous in their belief that God is self-knowable and omnipotent in and of Himself, not with knowledge and power, which are ancient attributes and meanings inherent in Him. This judge Abdul-Jabbar narrated in his book *Al-Miniyah* and *Al-Amal*.

The Mu'tazila held that most attributes were robbed to negate all human conception of God from this starting point. He did not mean only to negate the slightest resemblance or similarity between God and the creature but that we do not have any complete knowledge of the Essence Essence God. Nevertheless, God can be described with positive attributes unique to God, such as oneness, antiquity, and endurance. Unity means the partner's denial of it, and the foot means the denial of occurrence from him, and steadfastness means the need of the beings of it while not needing anything.

With this transcendent exclusivity of God from all the characteristics of the modernists, it is not without problems. Some of them relate to the relationship of the Essence Essence the Attributes, and some of them relate to the predicate attributes of God, the apparent meaning of which may benefit the analogy.

2. Divine Justice

Confronted with the dilemma of evil in the world, the Mutazilis pointed to human beings' free will, defining evil as something that results from human faults (Ferguson, 2016). God is fundamentally sound, and he does not require any human to commit any evil deed. If man's unethical activities were motivated by God's will, then the punishment would have been worthless, as a man would have carried out God's will regardless of what he did.

Mutazila accepted the presence of pain that extended beyond human abuse and misapplication of their God-granted free will. To account for this form of "apparent" evil, Mutazilis invoked the Islamic tenet of *taklif*, which states that "*God does not order/give the soul of any of his creation something that is beyond its capabilities.*" [2:286 of the Qur'an] This implied the reality of an "act of God" motivated by a higher good or the existence of evil deeds motivated by the desire to avert a far worse evil. In conclusion, it was concluded that life is the ultimate "fair test" of coherent and reasonable choices, with supremely just accountability in both the present and the future.

3. The Promise and the Threat

This included inquiries regarding the Final Day referred to in Arabic as Qiyamah (Day of Judgment). According to 'Abd al-Jabbar, the Islamic theory of irreversible Divine promises and warnings shapes the Islamic concept of human existence. Human beings are born with an innate impulse to submit. Additionally, it is considered a fundamental human need to find inner peace and fulfillment during the difficulties inherent in an imperfect world. Islam regards knowledge of God, truth, and alternatives concerning an individual's innate desire for obedience as God's promise and reward (al-thawab) to those who follow (Bernyukevich, 2022). His warning is viewed as an intentional decision on the part of a person to submit to and choose a principle opposed to which he had delivered a clear warning. In contrast to what the Postponers assume, he will not break his word, nor will he be able to act contrary to his promise and warning, nor will he manufacture the information he reports (Kvandal, 2022).

4. The Intermediate Position

That is Muslims who commit grievous faults and die without repentance fall halfway between believers and kafirs (non-believers). Neither believers nor kafirs (non-believers) but fall somewhere in the between. This is because a mu'min is described as a person who has trust in and convictions about God and who exhibits this faith through his or her actions and moral choices (Jaffer, 2021).

Any deficiency on either of these two counts disqualifies an individual from being a mu'min. On the other hand, one does not automatically become a kafir (i.e., a non-believer), as this implies, among other things, denying the Creator, which a perpetrator of a grave offense does not always do. Anyone who commits grave sins and dies without repentance will go to hell. Hell is not considered as a binary state of affairs, but as a spectrum of degrees that incorporates the full range of human actions and decisions, as well as the incomprehension associated with The Ultimate Judge (al-Attar, 2021).

As a result, individuals in the intermediate state, while still in Hell, would experience a less severe punishment as a result of their faith and other good deeds. Mutazilites adopted this position as a means of reconciling Khawarij and Murjia. According to Abd al-Jabbar, the doctrine of the intermediate position recognizes that anyone who murders, commits zina, or commits grave sins is a grave sinner (fasiq), not a believer and that his case is not comparable to that of believers in terms of praise and attribution of greatness, because he is to be cursed and disregarded. He is not, however, an unbeliever who is not eligible to be buried in our Muslim cemetery, to be prayed for, or to marry a Muslim. Rather than that, he maintains a medium ground, in contrast to both the Seceders (Khawarij) and the Murjia, who claims he is an unbeliever (Lewinstein, 2000).

5. The Enjoining Of Right And Prohibiting Of Wrong

Together with the "middle stance," these two tenets derive logically from the fundamental Mutazilite conceptions of divine oneness, justice, and free choice (Mir, 2006). While the majority of Muslims accepts them, Mutazilites give them a specific

interpretation in that, while God enjoins what is right and prohibits what is wrong, the use of reason enables a Muslim to identify what is right and wrong for himself in the majority of cases, even without the aid of revelation. Only certain activities require revelation to judge if they are right or wrong (Waardenburg, 1967).

D. DISCUSSION

After we looked at the five principles of the Mu'tazila, we found that one of the essential principles for them is monotheism and justice. That is why we read in some of their compilations that they are proud of their naming of monotheism and justice or the people of justice and monotheism.

Accordingly, it is not possible to separate between monotheism and justice at all. As for the rest of the assets, they are made under the principle of justice. These two origins had a significant impact on the issues of the principles of jurisprudence for them.

1. Relieve The Forced From Legal Burden

They say this based on their principle of justice, namely the obligation to reward those who are obligated to pay, and something that is hated is not rewarded for it. It is impossible to assign him since there is no compulsion for him to do other than what he is compelled to do, and there is no good left for him.

The Mu'tazila held that the reason for a compulsion to do what was compelled was to free himself from harm and not intend to obey it, and in this case, he did not deserve a reward for that action. It is disgraceful that Allah sent down a subservient verse to all the servants who were safe because of it, because it was not an option in him, and there was nothing to do with it.

2. Not Abolishes The Worship Law

The Mu'tazilites believe that it is not permissible to abrogate the obligation and the prohibition in rulings because they believe that what is required for their obligation or prohibition are personal qualities that cannot be changed. God does not require anything but that which reason requires its goodness and does not forbid only what the mind requires of its ugliness. The reason for this is that Allah is obligated to pay attention to the servant's interests, and worship is for the benefit of the servant, so it is not permissible to remove it (Frank, 2020).

This issue is based on the opinion of the Mu'tazilites that the deeds performed by humans must be divided according to what the mind measures, good or bad. Based on that, the legislator does not oblige to do what is determined by the mind to be wrong, nor does it prohibit what is determined to be good in the mind. Furthermore, the legislator forbids to include in his command what denotes an action from what the mind expresses about its evil or to include in his prohibition what indicates the cessation of what the mind has expressed about its good. One of the conditions of a reasonable prohibition is that what is prohibited is terrible, and one of the conditions of a good commandment is that what is commanded must not be wrong.

3. The Beneficiary Of The Order Must Be Present In The Legal Decision

The Mu'tazila believed that what was ordered should not be absent (Al-Ghazālī, 1904). That the law must be addressed to him by estimating his existence in a legitimate capacity in his assignment, and that is like the command of Allah and the command of His Messenger.

The Mu'tazilites argued that one of the conditions of the commandment is the existence of the commanded, just as one of the conditions of power is the existence of the declared, then power does not come with the absence of the commanded, nor does it come with the absence of the commanded. The opinion of the Mu'tazilites on this matter is based on their origins in denying the eternal word of God because they believe that the word of God is new.

From this matter, it becomes clear to us that if a verse from the Book of Allah or the Sunnah of the Prophet is used as evidence against us today, then in the Mu'tazilite view, we should not act except with evidence, either by analogy with what was in the time of the Prophet because of the exact cause or something else.

4. Ordinary People Cannot Imitate Sharia Experts

It can be concluded that action must follow science because actions that are not based on knowledge will not be safe from mistakes, and imitation is not the way of knowledge. If ordinary people can follow the path taken by experts, they can also produce knowledge like these experts.

This opinion is based on the need for wisdom and safeguarding interests and because the ordinary people's imitation of mujtahids in the branches of sharia does not guarantee freedom from error.

This problem raises several problems, including legal decisions that are not immediately available, and it is necessary to know that researching arguments is the task of experts. If everyone takes this over, the balance of life will be threatened (Gazagnadou, 2016).

5. Taking The Easiest Opinion From The Same Two Experts

This opinion is based on protecting human interests because it is not for the benefit of humans to take the lightest words. This is because lightness is one of the characteristics of falsehood, and weight is one of the characteristics of truth. If it is proven that the light words are vanity, then choosing them is a big Munkar for the layman. He must avoid it by running from the lightest to obedience to the heaviest because the most important thing is the safety of his soul, religion, and himself from damage. If the lesser is true and there is no fault in it, he deserves a great reward for doing the heaviest because the reward is proportional to the magnitude of the difficulty.

Disagreements on this matter have scientific fruit, namely, is the imitator immoral and sinful if he chooses the lightest speech and prefers it over the most? Some people go to the fact that it is immoral and sinful, and some deny it. Al-Izz bin Abd al-Salam combined these two words and saw the deed done. If it is one of the well-known prohibitions in Sharia, he is a sinner; otherwise, he is not sinning (Nofal, 2021).

E. CONCLUSION

The Mu'tazila have the five foundations that follow the course of their sect. No one deserves a title in the name of the Mu'tazila until he completes these principles in himself: monotheism, justice, promise and threat, status between the two statuses, enjoining good, and forbidding evil. Among these opinions, a word of influence affects their fundamentalist views, including not to assign the compulsion, it is not permissible to copy worship and duties, it is required to verify the matter and the presence of the addressee, it is not permissible for the commoner to imitate the scholar in the branches of Sharia, taking the lightest of the sayings of the equal mujtahids.

In particular, the opinions of the fundamentalist Mu'tazilites in the field of ijthihad and imitation have a significant impact on contemporary fundamentalist curricula, including that the gate of ijthihad was widely opened to freedom of human actions, and the differences between the building of the ancient Mu'tazila idea with those who claim to be Mu'tazila in their new dress. The ancient Mu'tazilites make God the center of everything (Teocentric), while the contemporary Mu'tazila make man the center of everything (Antrohopocentric).

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