

The Moderation of Al-Qaradhawi's Fatwas and Their Actualization in the Contemporary Context

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Abstract

The process of providing answers to problems that arise or questions that arise is called a fatwa. The need for fatwas was felt from the beginning of the development of Islam. In Islam, fatwas have a high position so not everyone can give fatwas. Fatwas that come from non-experts will cause fatal mistakes in society. Islamic scholars have poured their thoughts on fatwas in various scientific works. However, there has been no work that examines the moderation of fatwas in the current context. On the other hand, there is also a paradigm that is wrong in making fatwas, some are too rigid and some are too flexible in making fatwas. Al-Qaradhawi as a leading jurist offers a breakthrough in fatwa, especially a new paradigm in fatwa. This study uses a qualitative descriptive research method on the findings of library data, with the approach of library research and content analysis, it is concluded that Al-Qaradhawi initiated the idea of moderation in fatwa. This research also reveals that the moderate fatwa of Al-Qaradhawi is considered relevant to be applied in the current era. This research is expected to be one of the efforts to initiate the moderation of fatwas and their actualization in the current context, so that there can be a fatwa that is able to realize stability, justice, and benefits in the life of human beings as a nation and homeland.

Keywords: Fatwa Moderation; Fatwa Actualization; Contemporary Context

Introduction

Talk about the actualization of Islamic law is widely discussed by Islamic law experts (Syaukani, 2006). This is because Muslims on the one hand need Islamic law as a religious law that can govern the life of the world and the hereafter, but on the other hand, Islamic law experts see that Islamic law in the books of *fiqh* written by *mujtahid* a few centuries ago in some ways can no longer respond to the entire life of Muslims. Or, some of these Islamic laws are no longer possible to be implemented practically and actually because of the conditions of the times that have changed in the current context.

In this regard, Islamic law experts and scholars intend to study Islamic law in the current context, so that Islamic law can be relied on today as formulated by the *mujtahid* at that time. Reviewing Islamic law means restoring its actualization, trying to restore it to its original state so that it appears as if it were new. This is done by

strengthening something weak, repairing the worn, and patching the broken so that it is back to its first form (Manan, 2006).

The need for religious fatwas in Islamic law has been felt since the beginning of the development of Islam. With the increase in the number of adherents, every question that arises needs an answer. To answer this problem, help is needed from people who are competent in this field called mufti or mujtahid. Ijtihad is the task of scholars and experts to enact the law based on the spirit of Islam, namely the Qur'an and Hadith so that a moderate, scientific, and accurate fatwa emerges (Isaac, 1998). Fatwa as it is known has a big role in providing answers to various religious problems. Two main factors are fundamental to the emergence of this research, including:

The first, there is a growing and flexible thinking of Islamic law in ijihad by not following the rules and methods of *fiqh* and *ushul fiqh*. According to them, many problems in Islam need to be reviewed, because it is doubtful of its meaning in the present day. In their view, there is no *Nas* that *Qat'I* everything *zanni*, and the truth is still relative so that it can be questioned and sued (Zaidan, 2006). Even the vast treasures of Islamic *fiqh* left by previous scholars need to be doubted because they are not relevant to the modern era today.

Second, there is an assumption that *fiqh* as a result of ijihad in the past must be accepted absolutely, its relevance should not be reviewed in the current context. Maintaining Islamic jurisprudence in classical literature is the same as defending Islam as a whole. The position of *fiqh* is not an absolute truth, not as absolute as pure transcendental teachings, namely the Qur'an and Hadith. Not to mention if the problems studied are new things that have never arisen in the past.

In this case, Muslims cannot only rely on the opinions of previous jurists but must try to solve it according to the current context, while still referring to the Qur'an and Hadith as the main source of reference (Djamil, 1995). The two different streams of Islamic legal thought above encourage special research on moderate Islamic legal thought in the realm of fatwa initiated by contemporary Islamic scholars who are productive in echoing the moderation of fatwas in Islamic law, namely Al-Qaradhawi.

Therefore, studying the paradigm of moderation of Al-Qaradhawi fatwa in the current context is felt to be important to bridge differences that exist in the realm of religious fatwa, as well as open a new discourse for Islamic law scholars and researchers who are engaged in the field of fatwa for the sake of the emergence of the spirit of fatwa moderation so that fatwa can be a solution to various problems that arise. This research is outlined in the title *Moderation of Al-Qaradhawi Fatwa and Its Actualization in the Contemporary Context*.

Research Methods

The research method used in this study is a library research method. This method relies on literary sources, such as books, journals, scientific articles, and other

related writings that contain studies of Yusuf al-Qaradhawi's fatwas and his principles of moderation. This approach aims to explore the concept of moderation applied by Al-Qaradhawi in his fatwas, as well as understand how his thinking is relevant in facing contemporary challenges. In this study, the analysis of the relevant literature was used to identify the main principles of Al-Qaradhawi's moderation view, such as the balance between the text and the context and the principle of flexibility in the determination of fatwas.

The data collection process in this study involves the selection of literature relevant to the concept of Al-Qaradhawi moderation, especially those that discuss the actual aspects of the fatwa that he issued. After that, the data was analyzed with a descriptive-analytical approach, which aimed to describe the content of the fatwa and analyze how the concept of moderation can be applied in the current context. The results of this study are expected to provide a deep understanding of the application of moderation in contemporary fatwas and its relevance to the problems faced by modern Muslim society, so that it can be a reference in the development of moderate and contextual fatwas.

Results and Discussion

The Moderation of Al-Qaradhawi's Fatwas

Fatwa as it is known has a high position in Islam. A mufti must certainly have an adequate treasury of knowledge to display an unified, moderate and accurate fatwa. Al-Qaradhawi as a contemporary fatwa expert, before formulating the fatwa procedure, there was a cause behind his formulation in making a fatwa. Among the reasons and reasons why Al-Qaradhawi formulated his method of fatwa is:

Al-Qaradhawi once wrote a fatwa book entitled *Fatawa Mu'ashirah* which has been printed in three thick volumes, and is included in his monumental works and has become a reference and reference for Muslims in various parts of the world. The book has also been translated into various languages, including into Indonesian with the title *Contemporary Fatwas* which are widely circulated. Al-Qaradhawi poured his moderation formula in fatwa as a form of introduction that shows Al-Qaradhawi's way of making fatwas, so that the formula is likened to an introduction before reading the book *Fatawa Mu'ashirah*.

The formulation of the Al-Qaradhawi fatwa is to give an overview of how one should become a complete Islamic jurist, especially in the study of fatwas, so that it is able to present a fatwa that is accurate and in accordance with the current context. Al-Qaradhawi positions himself as a teacher who protects those who are interested in Islamic knowledge, especially regarding fatwas, by directing these Islamic scholars to the right way to make fatwas. Among the formulations of fatwa rules formulated by Al-Qaradhawi in his writings are:

1. Not fanatical and taklid

A mufti should not be fanatical about a certain school in making fatwas, because generally fanaticism can lead a person not to accept *arguments* from different schools. Excessive fanaticism arises from the inclination of taklid and unwillingness to research different views. Al-Qaradhawi considers taklid perpetrators to be synonymous with fanatics and do not understand *fiqh* in depth. This does not mean that Al-Qaradhawi demeans the previous scholars, but on the contrary, it is an effort to glorify the scholars by following their methods by digging up the law from the sources they take, namely the Qur'an and Hadith, of course with adequate knowledge.

A mufti should have the ability to find the strongest evidence in every legal issue faced. Not to be a defender of a view that does not have a clear basis from the Qur'an and Hadith. Mufti as the bearer of the fatwa mandate must be able to do *Grading* against the postulates (Syarifuddin, 2005). Although there are many opinions of scholars who are diverse in a problem, for example, the mufti should be able to sort out and choose those that are closer to religious texts, and closer to the goals of religion, for the sake of upholding the benefits desired by Allah SWT.

A mufti is also required to be able to become a *mujtahid juz'i*. This is important because without *ijtihad* expertise, the mufti will not be able to imbue the law correctly. If he is not able to become an absolute *mujtahid* then *mujtahid juz* It is a necessity for him, so as not to lean towards fanaticism and excessive taklid (Al-'Umri, 2001).

2. Easy and not complicated

Facilitating religious matters has a strong reason in Islam. The two basic reasons for this formulation are:

- a. The principle of Islam is basically to remove difficulties from its people and prioritize convenience. In fact, this principle is very much in accordance with the Qur'an and Hadith.
- b. Today's habits, the material side is so prominent, the moral rules are beginning to diminish, and so many other bad impulses. A person who practices religious teachings consistently, as if holding the embers, is hit by various trials. Therefore, a mufti should give leniency in religion as much as possible as long as it is still in the context of fairness and does not deviate.

Previous scholars strongly encouraged their students to make it easier to make fatwas. Ease according to Al-Qardhawi does not mean rejecting *passages* that are sure of legal clarity, nor does it break through the rules that are clear in religion. However, convenience/*taisir* means running in accordance with *religious and sharia texts*.

3. Make a fatwa using straightforward and clear language.

One of the characteristics of Al-Qaradhawi is that each of his writings is easy to read and understand. Al-Qaradhawi chooses language that is easy to understand, avoiding literary language, not using language that is not fluent. Because language describes the quality of a writer.

The language of fatwa in the contemporary context according to Al-Qaradhawi should pay attention to several things:

- a. In discussing the law, use scientific logical reasoning. Not judging things based on assumptions and emotional scales alone. Because the noble Qur'an invites its adherents to think and give *real arguments*.
- b. In issuing a legal fatwa, a mufti should explain the wisdom and reasons behind a law. Remembering the explanation of the wisdom and philosophy of the law will add enthusiasm and motivation to practice the fatwa issued.

4. *Not responding to unimportant questions*

One of the principles maintained by Al-Qardhawi is to provide answers to the questions asked with strong answers accompanied by adequate evidence. But on the other hand, if the question contains elements of debate, he chooses to avoid (Al-Qasimi, 2006). In line with Al-Qaradhawi, Sheikh Syihabuddin al-Qarafi al-Maliki in his work *al-Ihkam girl Tamyiz Fatawa 'an al-Ahkam* stated that if a mufti is asked about an unimportant issue, then the mufti may not answer. However, if you see that there is a complicated matter that must be explained so that the doubts in the heart of the questioner disappear, then the mufti must answer, and the answer is preferable directly and not through writing. Because oral answers are easier to understand (Al-Qarafi, 2009).

In analyzing the question asked, the mufti should understand the condition of the questioner, the essence of the question, so that he should not reason that all complicated problems are considered unimportant. Al-Qaradhawi classifies several questions that he does not like to answer, including: when it comes to supernatural matters that are not found to be clear, complicated questions in the field of faith, comparisons between the Prophet (peace and blessings of Allah be upon him) and his companions, or in the form of dream interpretations.

Al-Qaradhawi reminded that unimportant questions in religion are likened to the attitude of the Children of Israel who like to ask their Prophets about unimportant things so that it is difficult for them. The mufti should be tasked with explaining the law, because the law has a basis and references that can be accounted for scientifically, different if the answer only comes from a fictitious result.

5. *Consistent with moderate and intermediate patterns between excess and frivolity.*

The dominant characteristic in every fatwa of Al-Qaradhawi is that it is very conservative or moderate. A paradigm that he conforms to this pattern, namely a middle attitude in everything. The middle between two opposing groups; The group that wants to break away from all binding laws on the grounds of adjusting to the current reality and the group that only relies on the fatwa of the past law and wants to always be in the classic nuances, rejecting everything that is new.

6. *Give a sufficient explanation for each fatwa*

The formulation of this fatwa is different from other jurists. Al-Qaradhawi considers that the fatwa issued by the mufti must be accompanied by an explanation

of every question asked. Because there are some muftis who, when asked about a law, answer with permissibility and no, without adequate explanation of the law issued. Al-Qaradhawi views a mufti as having a soul as a caring educator. Therefore, every fatwa issued should have an explanation so that the questioner/*mustafti* becomes convinced. Al-Qaradhawi outlined the steps on how to explain making a fatwa including:

- a. Fatwa has no meaning if it is not accompanied by evidence. Because according to the view of Sheikh Ibn Taymiyah, the beauty of the fatwa is in the postulates used.
- b. The Mufti should be able to compare the laws issued. Even if we can, we should look at a law from various other aspects.
- c. If the question asked requires an answer that is somewhat difficult or even very complicated, then the mufti must give an introduction before discussing the question asked.
- d. The Mufti should provide an alternative substitute for the one who asks (*mustafti*), if it seems that the *mustafti* is unable to escape from the act that is being done. This means that when the mufti makes a fatwa regarding haram, there should be other alternatives that are not forbidden according to religion.
- e. Explaining the law through its relationship with other laws, for example, the male part is greater than the female part in terms of inheritance. This problem can be associated with the obligation of maintenance that is mandatory above men (Friday, 2007).

Al-Qaradhawi invites Muslims to unite. As for the issue of *khilafiyah* in *furu'*, Muslims are open-minded to appreciate differences. As expressed by Shaykh Rasyid Ridha (d. 1935): "Help each other in agreed matters and tolerate disputes in disputes." Regarding the problems of *khilafiyah* in religious matters, Al-Qaradhawi wants to study them in writing, and not open debate which was often practiced by the community in the past.

A Brief Overview of a Contemporary Mufti: Al-Qaradhawi

Al-Qaradhawi was born into a simple family with the full name Yusuf bin Abdullah bin Ali bin Yusuf, who was later popularly known as Sheikh Yusuf Al-Qaradhawi, in the village of Shaft al-Turab, precisely on September 9, 1926 in the western part of Egypt (Al-Majzub, 1977). His father, Abdullah, was the son of a merchant, Haji Ali Al-Qaradhawi. Citing his uncle's story, Al-Qaradhawi said that his father's ancestors used to come from an area called al-Qaradhah and his name was associated with the name of the area. So he is known by the call Al-Qaradhawi (the letter ra is read with the line above) and not al-Qardhawi (with the letter ra turned off), as is commonly pronounced by the people of Sham (Jakfar, 2011).

His father died when he was two years old, he was raised by his uncle with good care, and all his uncle's children were good brothers to him, he gained their full love and affection, and became the center of their attention (Nadwi, 2001). His mother came from the al-Hajar family, a merchant family and was very famous for his intelligence. His mother and aunt were smart people in arithmetic, without using notes. Her mother's cousin, Fatimah al-Hajar, had a calculator-like brain, able to calculate multiplication and division with complex numbers in a very short time.

1. The Intellectual Journey of Al-Qaradhawi

Al-Qaradhawi began his education in a *kuttab* in his village when he was 5 years old to memorize the Quran. When he was 7 years old, he entered elementary school to study general sciences such as: Mathematics, History, Health Sciences and others. He seems to be in between *kuttab* and elementary schools. At *kuttab* Al-Qaradhawi studied in the morning, while school in the afternoon. This is the forerunner of the formation of Al-Qaradhawi's intellectuals, which is a combination of classical and modern science, as if Allah SWT has prepared him to become a person who occupies an important position in modern times (Nadwi, 2001). Al-Qaradhawi completed the memorization of the Qur'an before the age of 10, so the villagers loved him very much and were often asked to pray their prayers. Sometimes they are asked about Islamic legal issues, thus motivating Al-Qaradhawi teenagers to always learn and abandon useless deeds (Nadwi, 2001).

Since childhood, Al-Qaradhawi has loved to read, although there was no special library in the village at that time. At that time, literary books were very scarce, and the most easily available books were books on swastika, so the dominance of Al-Qaradhawi's early life was influenced by the teachings of sufism. Then Al-Qaradhawi continued to *Ma'had Thantha* for 4 years, and continued his secondary education for 5 years still in the same *Ma'had*. Among the things he liked at that time was reading literary books, such as the works of *al-Manfaluthi*, Mustafa Sadiq Rafi'i and sometimes the famous works of Abbas al-'Aqqad. In this phase, Al-Qaradhawi began to get acquainted with the idea of the Muslim Brotherhood which was initiated by Hasan al-Banna through the magazine *Ikhwan al-Muslimin*. Among the writings he read from the magazine were the writings of Muhammad Al-Ghazali that would later affect his soul.

Then he continued his education at al-Azhar University at the faculty of *ushuluddin*, and successfully obtained a *license* degree in 1953. He is the best student in his class. Then he continued his education in the Arabic language department, and he also managed to complete his education by becoming the best student out of 500 other students in the department. In 1957 Al-Qaradhawi continued his studies at *Ma'had Dual 'Arabiah* and successfully obtained a diploma in Arabic language and literature.

Then he took a master's degree in al-Azhar majoring in the Qur'an and Sunnah in 1960 (Talimah, 2001). After completing his master's program, he prepared a dissertation proposal on zakat *fiqh* which he targeted to be completed in two years, but due to the provisions and *taqdir* of Allah, Al-Qaradhawi only managed to complete his doctoral program after 13 years from the period he targeted with the predicate *summa cum laude* in 1973 (Nadwi, 2001). This is due to the movement and political factors that he does.

2. Al-Qaradhawi's Career

The Egyptian Ministry of Religious Affairs in 1956 entrusted him to become a khatib, a teacher in existing mosques, then he was appointed as an advisor to the mosque imams. In 1959 he was entrusted to supervise the printing and library in the field of da'wah. He became a director, as well as answering every complicated problem in Islam sent to the magazine (Nadwi, 2001).

In 1961 the beginning of Al-Qaradhawi expanded its da'wah, marked by a request from the state of Qatar to become the Director of the Higher Religious Council. This *ma'had* was the forerunner of the establishment of the first university in Qatar in 1973. Al-Qaradhawi played a major role in the success of the university's education, and he was appointed its dean (Dahlan, 1996).

In 1977 he established the Sharia and Dirasah Islamiyah Lectures which were subordinate to the University of Qatar. In addition, his position as the Director of the Sunnah and Sirah discussion center at the Qatar lecture, of course, on the sidelines of his busy life as the dean of the lecture. Al-Qaradhawi is also entrusted as one of the senior members in fatwa saying, the Islamic World Bank's sharia supervisor, a member of the Islamic da'wah trust council in Africa, one of the experts in the Islamic *Fiqh Majma'* of the Islamic High Organization, a founding member of the international Islamic humanitarian institution, a senior member of the Oxford Institute for Islamic Education.

3. Figures Who Influenced Al-Qaradhawi's Thought

Each character is generally influenced by other great figures either in his or her era or those who lived before the figure. Likewise Al-Qaradhawi, he grew up through a gradual process to become a world figure. He has many teachers who influence his way of thinking, including:

a. Imam Abu Hamid Al-Ghazali

Al-Qaradhawi is one of the scholars who admires Al-Ghazali's genius, especially Al-Ghazali's mastery and expertise in several fields of Islamic science. Al-Qaradhawi knew Al-Ghazali through his works in various Islamic disciplines, especially in the field of tasawuf, and this was the beginning of the formation of the spiritual dimension of Al-Qaradhawi. The two main books that became a reference

for Al-Qaradhawi in his childhood in the field of tasawuf were the book *Minhaj 'Abidin* and *Ihya' 'Ulumuddin*.

b. Sheikh Ibn Taimiyah AL-Harrani

Ibn Taymiyah is one of the scholars who greatly influenced Al-Qaradhawi's thought, even Al-Qaradhawi's admiration for Ibn Taimiyah's expertise is evident in many of Al-Qaradhawi's works which quote many of Ibn Taimiyah's opinions (Al-Naim, 1994). However, the magnitude of Ibn Taymiyyah's influence did not prevent him from disagreeing on the issue *majaz* in the Qur'an, where Ibn Taymiyah denies the existence of *majaz* in the Qur'an (Zaidan, 2006).

c. Hasan al-Banna

Hasan al-Banna, the pioneer of the Muslim Brotherhood, a scholar who had a brilliant mind, was able to influence the scientific figures and scholars of his time, had a vision of the unity of the ummah, a pioneer of the movement in Egypt and the Islamic world in general. Al-Banna greatly influences the maturity of Al-Qaradhawi's thinking and da'wah morals.

d. Audan and Abdul Halim Mahmud

Audan, one of the Hadith teachers in al-Azhar, who has an interesting language style and strong arguments, does not like falsehood and tyranny, is known as a benefactor. Al-Qaradhawi liked his teacher's attitude of being loud in the truth. As for Abdul Halim, a modern Sufi scholar, graduated from France, mastered philosophy and Sufism deeply, was famous for *zuhud*, was silent and authoritative and mastered several branches of science in depth.

e. Sayykh Mohammed al-Ghazali

Al-Qaradhawi knew Al-Ghazali through his weighty and quality writings. The beginning of their introduction was in the 40s when Al-Ghazali was one of the writers in the Muslim Brotherhood magazine. The inclination of Al-Ghazali's writing, which is thick with literature and sharp analysis, made Al-Qaradhawi impressed, and liked his teacher Al-Ghazali.

f. Bahi Al-Khol

One of the scholars who mastered the concept of *tarbiyah* and sacred and noble thought, where he taught, and educated the souls of the young people of the Brotherhood at that time with high spiritual values (Al-Qaradhawi, 2003).

g. Sayyid Abu al-Hasan Al-Nadwi

He is originally from India, the author of monumental books *Madha Khasir AL-'Alam B. Inhud Al-Muslim* (Al-Nadwi, 2007). It is known *tawadu'*, prioritizing simplicity in his life, *zuhud* towards the world, having a sharp pen, a soft heart, a soul thick with the hereafter. Al-Qaradhawi views Al-Nadwi as a scholar who is full of high sincerity and great contribution to the ummah (Nadwi, 2001).

4. The Books and Works of Al-Qaradhawi

Al-Qaradhawi is a contemporary scholar who masters various Islamic disciplines, this is evidenced by many of his monumental works. His essays have become a reference for scholars, academics, and Muslims this century. Mastering the Qur'an and its sciences, the ocean in Hadith, the seasoned jurist of this century, the international dai, the mufti of the world, the imam in Islamic thought, *tawadu'*, and not fanatical (Nadwi, 2001).

As a knowledgeable person, Al-Qaradhawi is a scholar who has *multi-talented* abilities. He is also often invited to various TV stations to discuss hot and controversial issues that Muslims are facing. He is also known to have a sharp pen and expertise in writing. This can be evidenced by the number of Al-Qaradhawi's works in various disciplines reaching 150 book titles that have been written and printed by various publishers, some of his works are in volumes, some in medium and thin sizes and volumes. His writings spread throughout the world and became a discourse that was then studied and studied by Muslims around the world. Among Al-Qaradhawi's works are:

- a. In the field of *Fiqh* and *Ushul Fiqih*:
 - 1) *Al-Halal wa al-Haram fi Islam*
 - 2) *Fatawa Mu'asirah*
 - 3) *Fiqh al-Jihad*
 - 4) *Fiqh Taharah*
 - 5) *Fiqh Siyam*
 - 6) *Fiqh Ghina' wa al-Musiqi fi Dhauil Quran wa Sunnah*
 - 7) *Fiqhu Lahwi wa Tarwih*
 - 8) *Al Ijtihad fi Syari'ah Islamiyah*
 - 9) *Madkhal li Dirasah Islamiyah*
 - 10) *Al-Fatwa baina Indhibath wa Tasayyub*
 - 11) *'Awamil Si'ah wal Murunah fi Syari'ah Islamiyah*
 - 12) *Ijtihad Mu'asirin baina Indibath wa Infirat*
- b. In the field of Islamic Economics:
 - 1) *Fiqh al-Zakah*
 - 2) *Musykilat al-Faqri kaifa 'Alajaha al-Islam*
 - 3) *Bai'ul Murabahah*
 - 4) *Fawaid al-Bunuk hiya Riba Muharram*
 - 5) *Daur Qiyam wa al-Akhlak fi Iqthishad Islami*
- c. In the field of Qur'an and Sunnah Science:
 - 1) *As Sabr fi al-Qur'an*
 - 2) *Al-'Aqlu wal Ilmu fi al-Qur'an Karim*
 - 3) *Kaifa Nata'amal ma'a al-Quran al-'Azhim*
 - 4) *Kaifa Nata'amal ma' Sunnah Nabawiyah*
 - 5) *Al-Madkhal li Dirasah Sunnah Nabawiyah*

- 6) *Al-Muntaqa li Targhib wa Tarhib*
 - 7) *Sunnah Mashdaru lil Ma'rifah wal Hadharah*
 - 8) *Nahwa Mausuh lil Hadis Masyru' Manhaj Muqtarah*
- d. In the field of Faith:
- 1) *Wujudullah*
 - 2) *Haqiqat Tauhid*
 - 3) *Al-Iman bi al-Qadar*
- e. In the field of Da'wah and Tarbiyah:
- 1) *Tsaqafah Da'iyah*
 - 2) *Tarbiyah Islamiyah wa Madrasas Hasan al-Banna*
 - 3) *Ar-Rasul wa Ilmu*
 - 4) *Al-Waktu fi Hayat al-Muslim*
 - 5) *Risalat al-Azhar baina Amsi wa al-Yaum wa al-Ghad*
- f. In the Movement and Rise of Islam:
- 1) *Shahwah Islamiyah wa Humum Watan*
 - 2) *Aina Khalal*
 - 3) *Aulawiyat al Harakah Islamiyah*
 - 4) *Fi Fiqh al-Aulawiyat*
 - 5) *Islam wa 'Almaniyah Wajhan li Wajhin*
 - 6) *Malamih Mujtama' Muslim*
 - 7) *Syari'ah Islam Shalihah li Tathbiq fi Kulli Zaman wa Makan*
 - 8) *Shahwah Islamiyah baina Juhud wa Tatharruf*
 - 9) *Ummatuna baina Qarnain*
 - 10) *Tarikhuna Muftara 'alaih*
 - 11) *Nahnu wa al-Gharb*
- g. In the field of Literature:
- 1) *Nafahat wa Lafahat*
 - 2) *Al-Muslimuna Qadimuna*
 - 3) *'Alim wa Thaghiyah*
 - 4) *Yusuf al-Siddiq*
 - 5) *Ibn Qaryah wal Kuttub*
- h. In the field of the Spirit of Revival
- 1) *Ad Din fi 'Ashr 'Ilm*
 - 2) *Islam wal Fan*
 - 3) *Markaz Marah fi Hayat al-Islamiyah*
 - 4) *Fatawa lil Mar'ah al-Muslimah*
 - 5) *Jarimah Riddah wa 'Uqubat al-Murtad*
 - 6) *Al-Quds Qadhiyah Kulli Muslim*
 - 7) *Fatawa Min Ajli Falasthin*
 - 8) *Mabadi fil Hiwar wa Taqrib baina Madhahib Islamiyah*
 - 9) *Usrah Kama Yuriduhul Islam*

10) *Dhahirat al-Ghuluw fi Takfir*

i. In the field of Biography of Islamic Ulema

- 1) *Imam al-Ghazali baina Madihih wa Naqidih*
- 2) *Syaikh al-Ghazali Kama 'Araftuhu Rihlah Nisf Qarn*
- 3) *Syaikh Abul Hasan an Nadwi Kama 'Araftuhu*
- 4) *Fi Wada' A'lam*
- 5) *Umar Ibn Abdil 'Azis al Rasyid al Mujaddid*
- 6) *Nisa' Mu'minat*

These are some of the titles of books written by Al-Qaradhawi, coupled with other papers, and scientific writings, as well as his participation in various forums and high-level meetings of the world's Muslims, even now he is named the chairman of the world's scholars, and Al-Qaradhawi's capacity is recognized by other Islamic jurists, such as Sheikh Wahbah Zuhaili, Sheikh Muhammad Sa'id Ramadhan al-Buthi, Sheikh Mustafa al-Zarqa, Sheikh Abdul Fattah Abu Ghuddah, Sheikh Muhammad al-Ghazali, and other scholars (Nadwi, 2001).

The Actualization of Al-Qaradhawi's Fatwas in Contemporary Contexts

The implementation of *fiqh*, in general, contains three purposes, namely: *first* that Islamic law is an actual law and lives in the social life of the ummah, *second* that after that, for some reason, Islamic law loses its actuality until it is gradually replaced by the Western legal system, *third* that lately there has been a renewed desire to be guided in all aspects of Islamic law (Syarifuddin, 2006).

The end of the formulation of the law is none other than so that the Muslim community knows exactly where the real problems are in dealing with all problems related to worship and non-worship, he emphasized knowing firmly about socio-religious and social problems. So that Muslims today are not awkward in facing all the problems that arise. However, thanks to high science and technology, Muslims can anticipate something that will happen through a steady reasoning process and can explain Islamic teachings purely during complex community life (Fattah, 2006).

The main principle that must be maintained in realizing dynamic *fiqh* is that a legal expert should be observant in understanding the social conditions of the community, not rigid with classical *fiqh* texts, paying attention to reforms that make *fiqh* more dynamic and harmonious, in order to realize Islamic law that is in accordance with each era and era. The problems that occur today that befall the community are due to a variety of new jobs, many new muamalah contracts that are not found in the *previous ulama's nas* and *ijtihad*. The problems faced are also very diverse according to the place, habits and conditions of the community.

An Islamic jurist should be careful in analyzing the social conditions and habits of the people in the questioning area so that he can give relevant legal decisions. It is not to impose the customs of a region, or to be too rigid in understanding the *fiqh* text without considering the habits of the questioner's society. Thus, Islamic jurists are

required to realize the spirit of reform, with various new approaches, for the birth of an accurate law and able to answer the problems of such a pluralistic Islamic society. Muftahid must be able to display the face of Islam that is dynamic and in accordance with the current context so that Islam is felt to be a blessing for the universe.

It should be noted that the laws that can be changed are laws that are produced through *istimbat qiyas*, *maslahat mursalah*, generally in matters of muamalat and legal issues regarding criminal punishment and *ta'zir*, for the realization of the principle of truth, taking benefits, and rejecting harm. Ibn Qayyim stated that there will be fatal errors in a law issued by a legal expert, if you do not look at the factors that cause the change in law. Still according to Ibn Qayyim, the review of benefits and justice in the process of changing the law must be prioritized, because Islam is a religion that has never contradicted the nature of human interests.

Therefore, according to Al-Qaradhawi, fatwa must be able to provide enlightenment in the realm of Islamic law, and in accordance with the current context. The fatwa issued is at least able to answer the new problems that occur and are faced by Muslims. In issuing a fatwa, a mufti must have an independent soul, not tied to a certain group, what is put forward is strong evidence and authentic sources.

Al-Qaradhawi implements the moderation of his fatwa in the formulation of Islamic law, among his applicable examples are:

1. One of the *ijtihad* of Al-Qaradhawi that is considered to have a great influence on the economy of Muslims is about professional zakat.

However, the issue of Al-Qaradhawi's *ijtihad* has led to a fatwa. This is because there are some groups represented by traditionalists who reject the existence of professional zakat. So that there is a cross-opinion that requires the birth of a legal fatwa. In this case, Al-Qaradhawi views professional zakat as mandatory by law. The reason given by Al-Qaradhawi is: every profession certainly receives a salary whether it is fixed or not, the salary obtained in *fiqh* is called "*mal mustafad*" in madhhab four, it is not obligatory to be zakat unless it has reached *nisab* and *haul*. Al-Qaradhawi concludes that the Hadiths that require the existence of *haul* in zakat cannot be used as a handle or *da'if*.

According to him, salary and income must be zakat when received if they have fulfilled *the nisab* without any *haul* requirements and are only zakat once a year. Wahbah Zuhaili in *Islamic Fiqh wa Adillatuhu* agrees with Al-Qaradhawi on this matter. A strong opinion is that it is obligatory to pay *zakat mal mustafad* when taking it (such as salary) even if it has not yet reached *the haul*.

This is in line with the opinion of some of the companions, including: Ibn Abbas, Ibn Masud, Mua'wiyah, and some *tabi'in* (Al-Zuhri, Hasan Basri, Makhul) and the opinion of Umar bin Abdul Aziz, Al-Baqir, Al-Nasir and Daud al-Zahiri. The amount that must be zakat is 2.5%. If a person pays the zakat when he takes his salary, then he does not pay zakat for the second time in the same year. Therefore, it is the same

between employees who have salaries and farmers in paying their zakat, namely when harvesting for farmers, and salaries for employees (Hafidhauddin, 2002).

However, there are other opinions from some companions who state that *haul* is a condition of zakat, including: Ali ibn Abi Talib, Aisha, Anas ibn Malik, Ibn Umar, this opinion is followed by the fourth madhhab. Al-Qaradhawi puts forward ten reasons why *times Mustafad* must be zakat when received in the absence of *Haul*, the opinion put forward is very logical. This opinion is in line with Wahbah Zuhaili and previously Muhammad al-Ghazali (Al-Qaradhawi, 2008).

2. Some Acehnese people think that getting married in the month of *Muharram* will bring bad luck and disaster, does this kind of belief have a foundation in religion?

Al-Qaradhawi argues that such a belief is not in accordance with Islam. The entire month of Islam is good, it is not true that the paradigm of some people who are reluctant to do something because in certain months it will bring bad luck and disasters, there are even some who view the prophecies of the date and day as if the date and day are true as if the date and day bring benefits and harm (Al-Talidi, 1993).

Questions like this are not only valid in Egypt. In the Aceh area, for example, the belief in dates and dates is still very thick among rural people. Even for rural communities in Aceh, the belief is binding. This is important to be straightened out so that people have the right faith. Al-Qaradhawi's fatwa in this matter is in accordance with the spirit of Islam, which prioritizes monotheism.

3. Al-Qaradhawi fatwa that the law of photography is permissible.

This opinion is in line with the opinion of one of the great Egyptian scholars of his time, namely Bakhit al-Muti'i in his work *al-Jawab al-Kafi gird Ibahat Taswir King al-Photography*, According to him, photography is different from sculpting sculptures, because photos only retain shadows and there is no process of creating like in the sculpting process. This opinion is also corroborated by several scholars. Even Muhammad Abduh allowed painting of living creatures, although the view that it was possible to paint living creatures was too bold (Ar-Rafi'i, 2002).

Considering that some scholars consider taking pictures to be haram. They do not distinguish between the process of creating and storing light as happens with photographic tools. This does not mean allowing people to take pictures excessively and have fun to the point of revealing indecent things and not fit to be shown to the public. Likewise, those who ban photos, in the current context, will certainly experience difficulties. For example, in the state process; The creation of population identities, personnel, identity cards, hajj registration, and many other problems that are difficult to avoid.

The applicative examples put forward by Al-Qaradhawi in making fatwas, not only help bring together two opposing schools, but also a form of the new offer, where various aspects in the process of issuing fatwas are very considered, to give birth to

contemporary fatwas that are actual and trusted, so that they can be implemented in the current context which is characterized by various kinds of new problems that require legal answers in the form of a solution-oriented fatwa and comprehensive.

Conclusion

Al-Qaradhawi with his fatwa moderation formulation has initiated a new paradigm in making fatwas, namely being able to make Islamic legal products (fatwas) can be actualized in the current context. Among the fatwa formulations initiated by Al-Qaradhawi are: a mufti is not fanatical and *taklid* towards a certain sect. In making fatwas, we should prioritize the aspect of making it easier and not making it difficult, as long as it is within the limits of the right and reasonable law. Fatwa must also be able to answer modern problems, of course by using modern language so that it can be understood and can be applied. A mufti must have priority in making a fatwa, it is okay for him not to answer a question if indeed the question is considered unimportant to respond. Fatwa should also be by diving into the spirit of *tawasut* between rigidity and bending. The fatwa must be clear, every fatwa issued should be accompanied by the right reason, containing an explanation so that the questioner/*mufti* feels satisfied and confident to practice the fatwa.

The actualization of fatwas in the current context is urgently needed. The renewal of the fatwa cannot be realized unless it is through the reconstruction of the structure of the Islamic legal paradigm first. For this reason, an exploratory pattern is needed, projected to elaborate the reconstruction of the classical fatwa paradigm so that it can adapt to the needs of today's humans. In this case, the formulation of the Al-Qaradhawi fatwa is considered quite relevant and appropriate.

If you find a legal thought, especially regarding fatwa, you should re-examine the background of the emergence of the fatwa, as well as the postulates and historical conditions that influence the emergence of the fatwa, so that the understanding of the law can be deeper and not out of the current context. This research is expected to be applied comprehensively in the aspect of Islamic law, especially in making fatwas. Considering that today many new problems must be solved wisely so that other excesses do not arise. This fatwa method is expected to be able to become a paradigm in general in the fatwa method.

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