

Conformity Theory (Munasabah) In Ushul Fiqh

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Abstract

In the logic of Islamic law (qiyas) there is 'illat as the reason for establishing a law and justifying an analogy. Imam al-Ghazali included munasabah (conformity) in the category of his masalik al-'illah. Even in his work al-Mustasfa he is more focused and uses more the theory of munasabah as 'illat law. This can be seen clearly in his discussion of the qiyas chapter which was preceded as an introduction to the discussion of istislah (maslahah). Because munasabah has something to do with maslahah. In conformity theory (munasabah) there is al-awsaf munasab (appropriate attributes). Furthermore, this fate is divided into 3, namely: effective fate (mu'atstsir), harmonious fate (mula'im) and odd fate (gharib). Effective munasib (mu'atstsir) is an attribute that is known to be 'illat law based on the statement of the text or the existence of consensus. Munasib in harmony (mula'im) is an attribute that is known to be legal illat not because of a nas or ijmak statement, but because of its conformity with the law. The odd fate referred to by al-Ghazali is a fate that is not in harmony with the genus of law-making acts or there is no comparable example elsewhere.

Keywords

Conformity Theory; Usul Fiqh



I. Introduction

One source of Islamic law is qiyas (analogy). Among the pillars of qiyas is the existence of legal provisions in the original case. The existence of such legal provisions is due to the 'illat that accompanies it. To find 'illat so that there is a law there is a technique that must be followed, namely what is called masalik al-'illah (roads or ways taken to find 'illat a legal stipulation). Masalik al-'illah there are several kinds, including the theory of conformity (munasabah).

Therefore, this paper focuses its discussion on the theory of conformity (munasabah) according to ushul fiqh scholars, especially Imam al-Ghazali. This paper is divided into two parts, namely the logic of Islamic law as the first step towards conformity theory (munasabah) and conformity theory (munasabah) as the core of this discussion. Hopefully this article is useful for the author himself and for those who read it. If there is a lack of suggestions and criticism, the writer hopes for perfection.

II. Research Method

This research is descriptive with the type of research that researchers use is library research (library research) and using document analysis (content analysis). The approach that researchers use in processing, analyzing, and interpreting data is a qualitative approach where data is taken directly from the texts of books or books related to the study of the logic of Islamic law and conformity theory in the field of Usul Fiqh, namely in terms of analyzing the logic of Islamic law so that the theory of conformity in Usul fiqh is found from several sources of books or books of Usul fiqh.

III. Result and Discussion

3.1 Islamic Law Logic (Qiyas)

Etymologically, qiyas means measuring, ascertaining, comparing something similar. Meanwhile, in terms of ushul fiqh, qiyas is to connect a case for which there is no text about the law to another case that has a legal text because of the similarity of the 'illat (effective cause) law. This understanding of qiyas is qiyas in the understanding of al-Shafi'i and after it, while qiyas before al-Shafi'i is only used to show the similarity of two similar cases starting with the use of personal opinion (ra'y) in cases that are not there is a text.

The definition of qiyas after al-Shafi'i contains four elements that form its building, namely: a new case (far'), the original case in the text (al-aşl), al-'illat (ratio legis) which is a similar reason between aşl and al. far' which is the general nature of both of them, and al-hukm which is the law used by qiyas to expand the law from origin to far' or legal norms which are attributed to new cases which are transferred from old cases to new cases because of the similarities between the two cases. For example, a very popular case is about the prohibition of wine from dry dates (nabidz) because of the similarity of 'illat with the prohibition of drinking khamr contained in the Qur'an, which is intoxication. The discovery of 'illat law in a case contained in the text in outline can be done by two methods, namely valid (valid), methods whose validity is recognized by the juries, and conjecture (probable) (zhanniyyah or mutawahhamah), whose validity is still conjectural and probable.

The first method is divided into two, namely ijma' (consensus) and nash (the text). Nash is divided into two more, namely explicit texts (şarih) and implicit texts (ima' wa tanbih). Meanwhile, the second method which is conjectural is five, namely: munasabah (conformity), syabah (similarity), ard or aradi (togetherness or coincidence), dawran (turnover), also called ard wa 'aks (togetherness and specificity) and sabr wa taqsim (investigation and classification). In addition to these methods, there is still debate among scholars about the number and other types. For example, the fuqaha consider the tanqih al-manat (cleaning and basis for legal provisions), tahqiq al--whereṭ (verification or realization of the basis of legal provisions) and takhrij al-manat (taking the basis of legal provisions) can be used as methods of determining 'illat. These three methods were rejected by al-Ghazali and al-Amidi as masalik al-'illat. Both included it in ijtihad fi al-'illat. Al-Ghazali himself more often uses the munasabah method. Wael B. Hallaq said that the munasabah (conformity) method was widely used by al-Ghazali.

The tard wa 'aks method (this term is often used by al-Amidi and Ibn al-Hajib), which in terms of ushul fiqh is better known as dawran (rotation) is that if there is a certain quality of law then the law also exists along with it and if the quality of the law is not there is no law. For example, it is permissible to drink grape juice as long as it is not intoxicating and not permissible if it is intoxicating, and it is also permissible if it turns into vinegar. Furthermore, the method of al-sabr wa al-taqsim, namely the method of classification and elimination, respectively. This method sorts all the reasons that are considered candidates and by successive elimination process, will arrive at a fixed reason. For example, bread does not become the object of a transaction that smells of usury. According to the al-Shafi'i school there are three possible reasons for the prohibition: it can be measured with a scale, it can be measured with contents and and it can be eaten. However, the bread is said to not be sold by the scales and cannot be sold by the contents so that what remains is an edible excuse. If so, this method in logic is also called a separate conditional proposition (al-saath

al-munfashil), a kind of syllogism used to find rational causes ('illat al-aqliyyah) in rational problems (ma'qulat).

The structure of the qiyas shows that it has similarities with Aristotle's syllogism, although it cannot be proven with certainty that the jurists borrowed from it. Something that is permanent in the logic of qiyas is the same composition with the same function as in the composition of Aristotle, while what changes is the need for a major premise that comes from something more "holy" in the sense of the source. Not only that, the logic of fiqh, especially qiyas, does not only access Aristotelian logic, furthermore it deals more with Stoic logic. This can be proven by the use of the conditional sentence "if...then..." contained in, especially, the discovery of 'illat using the *tard wa 'aks* or *dawran* method. "if there is a quality of law then there is law and if there is no quality of law then there is no law." Like the logic of *Mutakallim*, the logic of fiqh also has similarities in this regard. This is also reinforced by the research of Josef van Ess. He said that if projected into Stoic ideas, this *dawran* model is nothing more than a conditional clause validity criterion and may be comparable to material logic in Hellenistic times. Furthermore, the *sabr wa taqsim* method in the invention of 'illat also uses the logic of a conditional disjunctive proposition which consists of two propositions that are related to one another as two alternatives or separators that cancel each other out: "is this number even or odd."

Meanwhile, the disjunctive syllogism is found in Stoic logic as is the hypothetical syllogism. Thus, in qiyas logic, there has been a mingling between Aristotelian logic and Stoic logic, but from the explanation of the discovery of 'illat law, Stoic logic dominates over Aristotelian logic. This is different from what Muhammad Roy wrote that influenced the development of *ushul fiqh*, especially the concept of qiyas, was Aristotelian logic. This influence began during the codification of *ushul fiqh* and the standardization of qiyas into a method of *ijtihad* that had certain conditions, such as during the time of al-Shafi'i. Roy agrees to say that al-Shafi'i was influenced by Aristotle's logic from the start for three reasons. First, Aristotelian logic has entered the Islamic world through the science of *kalam* and Imam al-Shafi'i is also a theologian. Second, al-Shafi'i mastered the Greek language as explained by Abi Abdullah al-Hakim in his book *Manaqib al-Shafi'i*. Third, there are conceptual similarities between the theory of qiyas al-Syafi'i and the theory of Aristotelian syllogism, namely the use of the term with its genus and differentia, major premise, minor premise, conclusion and function of each premise.

For the author himself, the relationship between the concept of qiyas and Aristotelian or Stoic logic occurred in the period after al-Shafi'i, not during al-Shafi'i. This is based on the definition of qiyas by al-Shafi'i. He argued that qiyas is a method of thinking that is used to seek legal clarity from similar examples found in the texts of the Qur'an and Sunnah (hadith). The existence of 'illat is one of the two qiyas procedures that he put forward. In the chapter of *Itsbaat al-Qiyas wa al-Ijtihad* of his book *al-Risalah*, al-Shafi'i does not distinguish between the desired qiyas and *ijtihad*.

Furthermore, this opinion is not approved by Imam al-Ghazali. He said: some jurists are of the opinion that qiyas means *ijtihad*. This opinion is incorrect because *ijtihad* is more comprehensive than qiyas and *ijtihad* is carried out by investigating general matters ('umumat), the core meaning of words (*daqa'iq al-lafazh*) and all methods of reasoning (*thuruq aladilah*), in addition to qiyas. Based on his statement, al-Ghazali wants to show that the definition of qiyas given by al-Shafi'i is logically flawed because it is not specific (*mani'*), contains problems based on *ra'y* called *ijtihad* and is not comprehensive because it does not include types of qiyas, such as *jali qiyas* (a clear analogy), where the use of qiyas does nothing. From this criticism, it can be seen that the structure of qiyas referred to by

scholars after al-Shafi'i which is said to have similarities with Aristotelian logic is not exactly the same as al-Shafi'i logic. Al-Shafi'i should not have distorted Aristotle's logic, moreover, it is said that he knew and understood Greek. It appears from his understanding of the initial qiyas that it was merely limiting the freedom of thought on the one hand and developing the teachings of Islamic law on the other, because at that time there were two schools of law, namely ahl hadi. □ who tend to be textualists and ahl ra'y who tend not to limit the use of ra'y.

Presumably, it is possible that the entry of Aristotelian logic into qiyas occurred during the later ulama' period, especially during the time of al-Ghazali who openly made Aristo's mantiq one of the conditions for valid ijihad. al-Shafi'i influence on Aristotle as alleged by Joseph Schacht which was later admitted by M. Roy could not be clearly proven, because the limits of one's influence with other thoughts cannot be shown simply by looking at the similarity of concepts. The possibility of influence is more on the possibility of direct quotations that are "shaping" the character of the thinker who quotes, not in the form of quotations with the interest of "rejecting" (reaction). Meanwhile, al-Shafi'i never mentions Aristotle's thoughts directly or indirectly, either as "formers" or "reactions" of his thoughts. There is no referential process between al-Shafi'i and Aristotle. Even so, the qiyas model has now had a tremendous influence on the development of Islamic scholarship, especially in law. This can also be seen when a thesis on dual motion emerged, which was initiated by Fazlur Rahman.

3.2 Conformity Theory (Munasabah)

Conformity (munasabah) literally means conformity. In this context, it is intended the compatibility between the law that has been stipulated and the attributes that are the reason why the law is so stipulated. The conformity theory is based on a basic assumption that the syar'i law which is sourced from divine revelation is not arbitrary, but rather has meaning based on rationality. The issue of basic assumptions about this has indeed been a debate among Islamic legal theorists for centuries. The theological paradigms that underlie their respective legal theories greatly color their views on this issue. However, whatever the paradigm conflict of each school between those emphasizing the superiority of revelation over reason and those emphasizing the ability of reason to discover law without revelation, al-Ghazali tried to pioneer a middle way that combines revelation and rakyu in a balanced way. In al-Mustasfa he explains that Islamic jurisprudence balances revelation and rakyu.

Elsewhere he asserts, 'know that the mind will not be guided without syara', and the shar' will not be clear without reason. Intellect is like a foundation and syara' is like a building; a foundation is useless without a building and a building will not be solid without a foundation. Intellect can also be likened to the eye and syara' like light; the eye will not be able to see as long as there is no light from outside, and light will not be useful for seeing if there is no eye. So syara' without reason cannot explain anything and will be useless like light without an eye; and, conversely, the mind without syara' is unable to explain many things such as the inability of the eye to see in the absence of light.

It is for this purpose that al-Ghazali developed the theory of conformity (munasabah). If conformity is the conformity between the law and its 'illat, then the 'illat that is determined based on its conformity with the law is called al-wasf al-munasib (appropriate attribute), or in short it is called munasib. According to al-Ghazali the criterion for determining suitability or feasibility (munasabah) is its relation to benefit. That is, the conformity is that the 'illat referred to, in terms of its benefit, does require the stipulation of the relevant law and al-awsaf al-munasib (appropriate attribute) or munasib

is a reason based on benefit. For example, 'illat stipulation of guardianship of property over a minor is a condition of a minor (al-sighar). The law here is the establishment of a trust over property; The legal illat is the condition of the child who is still a minor. This underage condition is al-wasf al-munasib because according to common sense it is appropriate or appropriate that a minor is placed under guardianship in terms of managing his property, because the child has not been able to take care of his own property. Through guardianship, the benefit of the child regarding his property can be protected. Furthermore, this fate is divided into 3, namely: effective fate (mu'atstsir), harmonious fate (mula'im) and odd fate (gharib).

fateEffectiveness (mu'atstsir) is an attribute that is known to be 'illat law based on the statement of the text or the existence of consensus. For example, 'illat invalidating ablution is touching the genitals with the palm of the hand. Here the attribute that becomes 'illat is the quality of touching the genitals with the palm of the hand and the law is the invalidation of ablution. Knowing the effect of invalidating ablution caused by, or arising from, the nature of touching the genitals with the palms of the hands is due to the statement of the hadith. Here the nature of touching the genitals with the palms of the hands is said to be bad luck because it can be understood by reason, because the act of touching the genitals with the palms of the hands is a heinous act that can interfere with one's own activities in approaching God. This attribute is said to be effective because we know its merits based on the affirmation of the text.

Another example, 'illat prioritizing siblings over half-brothers in inheritance is the meeting of two lineages; the lineage of the father and the lineage of the mother, between the two brothers (who inherits and those who are inherited), while the half-brother only has the lineage of the father. Here the attribute that becomes 'illat is the quality of the meeting of two lineages and the law is the precedence of siblings over half-brothers in inheritance. Knowing the effect of prioritizing siblings over half-brothers in terms of inheritance caused by, or arising from, the nature of the meeting of two lineages is due to the consensus of the scholars (ijmak). Here the nature of the meeting of two lineages is said to be fate because it can be understood by reason, because the condition of the meeting of two lineages for siblings is a stronger condition for becoming an heir than a sibling whose lineage is from one side only. This attribute is said to be effective because we know its merit based on the affirmation of ijmak. It should be noted that if an attribute has been confirmed by nas or ijmak as 'illat,

fateharmony (mula'im) is an attribute that is known to become 'illat law not because of a nas or ijma statement, but because, first, its conformity with the law, in the sense that the attribute does, according to rational reason, require the determination of the law because with the stipulation it is hoped that benefits will be realized, and secondly, because of its harmony with shari'ah provisions in other places. For example, if it is stated that 'illat is forbidden to drink khamr is intoxicating, the question is is it permissible to drink a small amount of khamr in a non-intoxicating level? Logically, of course it is permissible because the reason for the prohibition is intoxicating. But Islamic jurists say that drinking a small amount of alcohol that is not intoxicating is also not permissible. 'Illat (reason) for not being allowed is that a little will lead to a lot. Based on that 'illat, drinking wine from dry dates (nabidz) which is not intoxicating even a little is also not permissible by giving qiyas to the prohibition of drinking a little wine with 'illat that a little leads to a lot.

The act of forbidding a little because it is considered to lead to a lot is in line (mula'im) with the actions of the Shari'i Lawmakers in other places, namely being alone between a man and a woman in a quiet place (khalwat) is prohibited because it leads to a more severe act, namely adultery which is forbidden by syara'. Another example

mentioned by al-Ghazali is stipulating 'illat, it is not obligatory for menstruating women to replace (qadha') the prayers they have left during menstruation. In the texts and ijmak it is not specified what the 'illat is. Through the conformity method, it is concluded that the 'illat is the difficulty in changing the number of prayers (masyaqqah al-takarrur). 'This illat is a fate because common sense understands that it should be given relief for a woman not to make up for the prayers she missed during menstruation because of the difficulty of replacing it and by eliminating this difficulty it is hoped that benefits will be realized for her. But 'illat is not enough just for luck; it must also be in harmony (mula'im) with the actions of the Shari'a Lawmakers elsewhere. 'Illat above is in line with the actions of the Shari'a Lawmakers in other places, for example in the case of people on a journey, they are given the opportunity to shorten (qashar) and multiply prayers. it must also be in harmony (mula'im) with the actions of the Shari'a Lawmakers elsewhere. 'Illat above is in line with the actions of the Shari'a Lawmakers in other places, for example in the case of people on a journey, they are given the opportunity to shorten (qashar) and multiply prayers. it must also be in harmony (mula'im) with the actions of the Shari'a Lawmakers elsewhere. 'Illat above is in line with the actions of the Shari'a Lawmakers in other places, for example in the case of people on a journey, they are given the opportunity to shorten (qashar) and multiply prayers.

Al-Ghazali defines harmonious fate as "an attribute whose species effect does not appear on the legal species, but the effect of its genus on the legal genus appears". Munasib that becomes 'illat law in the two examples above is the difficulty of replacing (qadha') prayers that are many and repeated (masyaqqah al-takarrur), and in the case of people who are traveling is the difficulty of traveling (masyaqqah al-safar). The difficulty of changing and the difficulty of traveling is called the species, the genus is the difficulty in general. The law for the case of a menstruating woman is the abolition of the obligation to replace the prayer and for those who are on the way it is a shortening and plurality of prayers. These are all legal species and their genus is a waiver. Al-Ghazali said that in conformity the effect of species 'illat does not appear on the existence of legal species; What appears is the effect of the genera of fate that becomes 'illat' on the legal genus. The difficulty of repeating as 'illat that there is no replacement of prayer in the case of a menstruating woman (species munasib) does not have any effect on the law that it is permissible for people who are traveling to shorten and multiply prayers (legal species). What gives effect is the attribute genus, namely the difficulty factor, to the legal genus, namely the existence of relief.

If we return to the first example, we see that 'illat is forbidden to drink a small amount of wine that is not intoxicating is that it will lead to drinking in intoxicating levels, 'illat is forbidden to be alone in a quiet place (seclusion) between a foreign man and woman. (ajnabiyah, women are not mahram) is that the act invites and encourages adultery, and the two munasibs that become the 'illat of the prohibition are species, the genus is that the smaller act opens up opportunities for the bigger act. While the law of these actions are all unlawful. In al-Ghazali's example, the law is not a genus, but is the same law, which is haram in both actions. So actually here it is more accurate to say that the genus of fate gives effect to the legal species, not the genus of fate gives effect to the legal genus as stated by al-Ghazali. In this example, it can only be said that the munasib genus has an effect on the legal genus if it is makruh to be alone with a woman, so that the legal genus can be found, i.e. prohibitions whose species are haram (firm prohibition) and makruh (persuasive prohibition).

The ushul fiqh experts after al-Ghazali talked about four possible effects of fate on the law, namely the effect of fateful species on the legal species, the effect of the fate

genus on legal species, the effect of the fateful genus on the legal genus and the effect of fateful species on the legal genus. An example of the first possibility (the effect of the fateful species on legal species) is the case of the effect of the intoxicating attribute on the enactment of the law on drinking khamr. The same law, which is haram, is transferred to the case of drinking wine from dry dates (nabidz) based on the same attribute, namely intoxication. An example of the second possibility (the effect of the genera of fate on legal species) is the case of the prohibition of drinking wine from dry dates (nabidz) in small quantities which has been quoted earlier. An example of the third possibility (the effect of the genera of munasib on the legal genus) is the case of eliminating the obligation to replace prayers for menstruating women in advance. An example of the fourth possibility (the effect of the munasib species on the legal genus) is to prioritize siblings over half-sisters to become marriage guardians by making it clear to prioritize rights in inheritance.

The munasib attribute in this case is the relationship as siblings and this is the same in the main case, namely inheritance, and the branch case, namely marriage. These same attributes give different legal effects in species, but are the same in genus, namely the law takes precedence in inheritance rights in the case of inheritance distribution and the law takes precedence in the right to become a marriage guardian in the case of marriage. These four possible effects are the development of al-Ghazali's discovery which only mentions two possibilities, namely the effect of the fateful species on the legal species and the effect of the lucky genus on the legal genus.

fateThe third type is the odd munasib (munasib gharib). The odd fate referred to by al-Ghazali is a fate that is not in harmony with the genus of law-making acts or there is no comparable example elsewhere. Al-Ghazali distinguishes odd fortunes into two kinds: (i) fate that is supported by a specific proposition but is odd because there is no example elsewhere in the actions of the Law-makers, and (ii) fate that is not supported by a specific argument and does not exist. for example in the actions of Lawmakers elsewhere. Thus, as emphasized by al-Ghazali himself, there are four kinds of munasib: (a) harmonious munasib which is supported by a special text, and this is unanimously agreed upon by the supporters of qiyas; (b) a harmonious fate that is not supported by a specific text, and this is called istidlal mursal; (c) a fate that is supported by a special but odd passage; and (d) a fate that is not supported by a special text and is at the same time odd, and this is agreed to be not a proof.

fateOdd things that are supported by special texts are sometimes called odd fates that are inferred from the case of nas. This is because this fate is indeed concluded from a special text that explains a legal provision without explaining the attributes that are the reason for the determination of the law. It's just that there are no examples of the actions of the Shari'i Law-makers in the same category to which the fate in question can be compared, so that it is declared odd. In all of his studies, when he mentions odd fates, this is what al-Ghazali meant. He declared this fate as disputed by the scholars, but "the view we hold", he explained his own opinion, The difference between this munasib and the harmonized munasib (mula'im) is that the latter is not inferred from a specific text but is based on considerations of benefit alone, but has examples of the actions of the shar'i lawmakers which are comparable elsewhere or more strictly consistent with shari'a rules. 'ah other so that it is therefore said to be in harmony, that is, to conform to the genus of action of the Lawmaker in other cases.

An example of an odd fate (always referring to the first of two types of odd fate according to al-Ghazali) is the reason for treating it with the opposite intention in the case of revocation of inheritance rights of a person who kills a relative who was supposed to be inherited. There is a text in this case, namely the hadith of the Prophet SAW "The killer

does not inherit anything from the person he killed". In this hadith it is not explained what the 'illat of revocation of inheritance rights is. The reason that the jurists concluded based on munasabah, is to treat the murderer with the opposite intention. By killing he is considered to want to get an inheritance faster but it is against the law; as a punishment he is treated the opposite way by revoking his inheritance rights. Here, this fate is concluded based on conformity (rational thinking by looking at the benefit) of the nas case. But this fate (i.e. the reason for the treatment with the opposite intention) is odd because there is no instance in the comparable genus of action of the Shari'i Lawmakers anywhere else. Based on this 'illat—even though it was an odd fate and, as stated earlier, according to al-Ghazali, this odd fate could be used as a legal basis for causation—the case for him was confirmed in the case of a husband who divorced his wife with triple talaq when he was in a state of death. Divorcing a wife with triple talaq in a state of death is considered to mean that the wife will not become his heir when he dies because at that time the wife has broken up her marriage (ba'in kubra).

In terms of its strength and in terms of the probability of knowledge of syar'i law it produces, effective munasib is the strongest and the highest probability of knowledge it produces regarding syar'i law. Next is the harmonious fate (mula'im), and the lowest is the odd fate. This fate in turn still has another probability gradation, but it cannot be abstracted categorically, and must be seen according to the case.

IV. Conclusion

In the logic of Islamic law (qiyas) there is 'illat as the reason for establishing a law and justifying an analogy. Imam al-Ghazali included munasabah (conformity) in the category of his masalik al-'illah. Even in his work al-Mustasfa he is more focused and uses more the theory of munasabah as 'illat law. This can be seen clearly in his discussion of the qiyas chapter which was preceded as an introduction to the discussion of istislah (maslahah). Because munasabah has something to do with maslahah. In conformity theory (munasabah) there is al-awsaf munasab (appropriate attributes). Furthermore, this fate is divided into 3, namely: effective fate (mu'atstsir), harmonious fate (mula'im) and odd fate (gharib).

Effectiveness (mu'atstsir) is an attribute that is known to be 'illat law based on the statement of the text or the existence of consensus. For example, 'illat invalidating ablution is touching the genitals with the palm of the hand. Knowing the effect of invalidating ablution caused by, or arising from, the nature of touching the genitals with the palms of the hands is due to the statement of the hadith. Another example, 'illat prioritizing siblings over half-brothers in inheritance is the meeting of two lineages; the lineage of the father and the lineage of the mother, between the two brothers (who inherits and those who are inherited), while the half-brother only has the lineage of the father. This attribute is said to be effective because we know its merit based on the affirmation of ijmak. Fate harmony (mula'im) is an attribute which is known to become 'illat law not because of the existence of a nas or ijmak statement, but because of its conformity with the law, in the sense that the attribute does, according to rational reason, require the determination of the law because of the stipulation of the law. it is hoped that the benefit will be realized, and because of its harmony with shari'ah provisions in other places. For example, if it is stated that 'illat is forbidden to drink khamr is intoxicating, it is still not permissible to drink a small amount of khamr that is not intoxicating. 'Illat (reason) for not being allowed is that a little will lead to a lot. Based on that 'illat, fate

The third type is the odd munasib (munasib gharib). The odd fate referred to by al-Ghazali is a fate that is not in harmony with the genus of law-making acts or there is no comparable example elsewhere. An example of an odd fate (always referring to the first of two types of odd fate according to al-Ghazali) is the reason for treating it with the opposite intention in the case of revocation of inheritance rights of a person who kills a relative who was supposed to be inherited.

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