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The Ta`Lil Al-Nash Method In Determining Islamic Law A Study Of The Muhammadiyah Tarjih Decision On The Law On Images

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ABSTRACT

Islamic legal thought has evolved over time and with the challenges of the times. At least three strands of thought have emerged: textual, contextual, and liberal. Muhammadiyah, as an organization that expects Islamic law to guide society, has naturally experienced penetration with evolving thought. Ta`lil al-nash, a method of ijtihad that has existed since the early days of Islam, has become a reference in establishing Islamic law, including Muhammadiyah's ijtihad on the ruling on painting living creatures and statues. Using the ta`lil al-nash method, Muhammadiyah establishes its rulings in accordance with the divine law and its motivations: for worship it is forbidden, for teaching purposes it is permissible, and for adornment it has two rulings: if there is no fear of causing slander, it is permissible. Conversely, if it causes slander, it has two rulings: if the slander is directed towards sin, it is makruh, and if it leads to polytheism, it is forbidden.

Keywords: Ta`Lil Al-Nash, Law On Images

INTRODUCTION

Islamic law has undergone a very interesting development and is always a topic of discussion in every era. This is in accordance with the principles of Islamic law itself, namely: flexibility and harmony with the times. If we examine it from the time of the Companions to the

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present day, there are three (3) models of understanding Islamic law: textual, contextual and liberal. (Asymuni Abdurrahman, Understanding the Meaning of Textual, Contextual and Liberal; Correction of Understanding of Leaps of Thought, Cet. II (Yogyakarta: Suara Muhammadiyah, 2008). The textual school was pioneered by Dawud bin Ali Bahri (202-270 AH) and Ali bin Ahmad bin Sa`id bin Hazm (384-456 AH) who made the Al-Qur'an dhahir and hadith as a legal decision and rejects the form of ra`yu in all its forms. If there is no text of the Koran and hadith then it is returned to the original law or istishab.

For example, human urine is unclean because it has a proof, while pig urine is not unclean, because there is no proof. (Ibid.,) The next flow is contextual thinking in understanding a problem more comprehensively; integrated. (Ibid.,) The third stream is liberal*. This school of thought wants to build a progressive, non-old-fashioned, and non-conservative impression. The strategic issues promoted by this group are egalitarianism, emancipation, and equality in a modern context. (Ibid.,)*

In an effort to realize these goals, this group often deconstructs established arguments, thus giving rise to controversial attitudes. The development of the opinion on the permissibility of interfaith marriage, the emergence of the idea of the reverse naskh theory, namely; Makkiyah verses erase Madaniyyah verses because the Makkiyyah phase is considered more egalitarian as proposed by Abdullah Ahmad An-Na`im are among the many thoughts promoted by this school of thought.

Muhammadiyah as an Islamic and social movement cannot be separated from the dynamics of Islamic thought as explained above. Muhammadiyah has the principle of tajdid in the sense of purification of mahdhah worship and innovation-creativity in matters of social life of society. In the field of fiqh, Muhammadiyah formulated manhaj tarjih formulated from previous ushul fiqh books, including the use of `illah or known as ta`lil al-nash. (Asymuni Abdurrahman, Manhaj Tarjih Muhammadiyah; Methodology and Application, Fourth Edition (Yogyakarta: Suara Muhammadiyah, 2007).

One of the fiqh products of the Tarjih and Tajdid Council is the law of drawing living creatures. In this case the Tarjih Council decided that drawing living creatures is haram, mubah and makruh, changing according to the motivation and consequences of the drawing. (Central Leadership of Muhammadiyah, Muhammadiyah Tarjih Decisions Association, 3rd Edition (Yogyakarta: Suara Muhammadiyah, 2009). In this article, two main issues will be discussed, namely; first, the understanding and use of ta`lil al-nash in determining Islamic Law, and second, the use of ta`lil al-nash in Tarjih Decisions on Image Law

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RESEARCH METHOD

This study is a qualitative, literature-based study, so the sources used as references are authoritative works of past and contemporary scholars. More specifically, this study examines primary sources, such as the Muhammadiyah Tarjih Decision on the law of depicting living creatures and sculptures, listed in various sources, including printed books and the organization's official website, as well as fatwas from the Muhammadiyah Tarjih Council. Secondary sources include works by Muhammadiyah scholars related to the issue under study.

DISCUSSION

1. Understanding and Using Ta`lil al-Nash in Ijtihad.

`Illah linguistically means disease, but it can also mean the cause of change. (Asymuni Abdurrahman, Understanding Textual and Contextual Meaning. Terminologically, `illah is:

العلة هي وصف فالاصل بني عليه حكمه ويعرف به وجود هذا الحكم فالفرع

(Abdul Wahhab Khalaf, ` Ilmu Ushul al-fiqh, Cet. 12 (Beirut: Darul Fikri. 1978)

From the definition above, it can be seen that `illah is the nature of the original law from which the law is realized. There are differences in the editorials of ushul scholars in defining `illah, the Hanafi and some Hambaliyah scholars and Imam Baidhawi say that `illah is the identifying nature of a law, if there is `illah in a case, then the law also exists. Like the nature of intoxication is the `illah of the prohibition of drinking alcohol. (Asymuni Abdurrahman, Understanding Textual Meaning). According to Muh. Nashirudin, talking about ta`lil al-nash cannot be separated from the discussion of the qiya method, because the essence of qiyas is the process of searching for `illah in a text. With the knowledge of Allah, the validity of the legal text will be maintained in new cases that arise later. (Ahkam: Vol. XV, No. I, January 2015)

In the process of ijtihad, ta`lil al-nash means understanding the text of the Qur'an and hadith based on the knowledge of Allah contained in the text. (Asymuni Abdurrahman, Manhaj Tarjih). In the history of Islamic legal development, ta`lil al-nash has been used since the time of Caliph Umar ibn Khattab. Many of Umar ijtihad's uses this ta`lil method, such as his opinion that converts are no longer entitled to be included in the al-ashnaf al-tsamaniyyah group, arguing that the conditions of converts at that time were different from those of the Prophet Muhammad. During the Prophet Muhammad's time, Islam was still very weak, whereas during Umar's reign, Islam was strong, encompassing the entire Arabian Peninsula. Therefore, there was no need to

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include converts in the zakat recipient group.

Likewise, Umar bin Khatab's ijtihad regarding the distribution of ghanimah. According to Umar, the soldiers no longer needed to receive the ghanimah share, for the reason that; Soldiers during the time of the Prophet did not receive a state salary, whereas in the era of Caliph Umar, soldiers received a fixed salary from the state. So ghanimah in this case the conquered land was handed over to the local residents to cultivate them, only the cultivators were required to pay kharaj in addition to paying jiz'yah for the conquered area. However, it needs to be underlined that not all friends at that time agreed with Umar bin Khatab's ijtihad. We know the Hijaz school of thought and the Kufa school of thought. The Kufa school is also called the rational school, while the Hijaz school tends to be more of a textualist-literalist-scripturalist school.

In further developments, Asy`ariyah scholars do not allow the statement that the word of Allah is `illah, while the scholars of Hambali, Maturidi and Mu`tazilah show that the word of Allah contains `illah. (Ibid..,). The ta`lil method has actually existed since the time of the prophet, it is stated that Hasan bin abi Thalib narrated a hadith when there was a Jewish body being carried on the road, the prophet stood up worried that the body of the infidel was higher than the Prophet Muhammad SAW, so the prophet stood up. There are others who state that the prophet stood up because of respect for the angel who took the life of the corpse, so that respect for the corpse applies generally, namely the bodies of infidels and Muslims. (Ibid..,)

Mahmud Syaltut stated that indeed Some scholars understand the text textually and others understand it contextually based on `illah. For example, the understanding of scholars regarding the hadith that commands to keep a beard. In responding to this issue, some scholars forbid shaving a beard, makruh and some allow it. According to Syaltut, actually the prophet's command to dress or the attitude of appearance such as having a beard or shaving it includes the consideration of good and bad according to the customs of his environment and not on the basis of religion, so that people who do not have a beard are not immediately considered as people who oppose the teachings of the prophet, and vice versa, people who have a beard as ittiba` to the prophet. (Ibid.,). In the matter of beards, the Tarjih Council has not yet made a decision, but if seen from the many Muhammadiyah scholars who do not have beards, it can be concluded that Muhammadiyah adheres to the direction as stated by Mahmud Syaltut above, namely having a beard or not, is closely related to customs and propriety.

In the matter of ta`lil al-nash, the Tarjih and Tajdid Council agreed to use `illah in understanding. There are two tarjih rules that indicate this problem, namely; ta`lil can be used to understand the content of the Qur'anic and hadith evidence as long as it is in accordance with the

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objectives of sharia. As for the rule "al-hukmu yaduru ma`al `llah wujudan wa`Andaman" in certain cases can be applied. (Ibid.,) The use of evidence to determine a law is done in a comprehensive, complete, complete and inseparable manner. (Ibid.,)

From the two principles of tarjih that have been stated above, it can be concluded that the Tarjih and Tajdid Council uses ta`lil al-nash in determining a law. Many tarjih decisions can be used as examples, such as; Friday sermons using Indonesian, Friday sermons not using sticks, the permission of women to leave the house without being accompanied by a mahram provided that their safety is guaranteed and they are protected from slander. An interesting current example related to the use of the ta`lil al-nash method is the tarjih fatwa regarding the permissibility of transferring the slaughter of dams to the homeland. The fatwa issued on 24 Ramadhan 1447 H, coinciding with March 13, 2026, emphasized that the provisions for the location of the slaughter of dams stated in the Qur'an are not included in pure worship for which the reason is unknown, but rather include ta`aqquli which can be analyzed through the ta`lil al-nash and maqashid al-syari`ah. In short, with a lengthy explanation of approximately fourteen pages, the Tarjih Council emphasized the permissibility of slaughtering animals in the country. (https;//muhammadiyah.or.id accessed May 15, 2026 at 16.00).

1. Ta`lil al-nash in the Tarjih Decision Concerning Image Law.

If we read the hadith books, we can find many hadiths which expressly forbid drawing living creatures, in fact Allah will punish the perpetrator with a very painful punishment in the afterlife. In this article several hadiths are presented as material for study;

اخبرنا قتيبة قال حد ثنا شفيان عن عبد االرحمن بن القاسم عن ابيه عن عائشة قالت قدم رسول الله صلى الله عليه

وسلم من سفر وقد سترت بقرام على سهوة لى فيه تصاويرفنزعه وقال اشد الناس عذابا يوم القيامة الذين يضاهون

بخلق الله (رواه النساء)

(Al-Hafidz Abu Abdurrahman Syu`aib bin `Ali bin Bahraini Sunan bin Dinar An-Nasa`i, Sunan Nasa`i, First Edition (Semarang: Thaha Putera, 1930)

حدث نا ابوبكر بن ابى شيبة حدثنا وكيع عن اسامة بن زيد عن عبد الرحمان بن القاسم عن ابيه عن عائشة قالت سترت سهوة لى تعنى الداخل بستر فيه تصاويرفلما قادم النبي صلى الله عليه وسلم هتكه فجعلت منه منبوذتين فرايت النبي صلى الله عليه وسلم متكئا على احداهما (رواه ابن ماجه)

(Al-Hafidz Abdurrahman Muhammad bin Yazid Al-Qazwaini, Sunan Ibnu Majah, Cet. I (Semarang: Thaha Putera, 1954)

The first hadith narrated by Imam Nasa'i from `Aisyah states that Allah will punish people

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who make or imitate Allah's creation with very painful torture. The second hadith narrated by Imam Ibnu Majah from `Aisyah RA; states that when the image of a living creature is not complete, the prophet does not forbid it.

In general, if all the hadiths about images are collected, they can be grouped into five (5) things, namely :

First, the hadiths state that the person who will suffer the most severe punishment in hell is the person who imitates the creation of Allah SWT. Second, the hadith which explains that angels will not enter a house in which there are pictures or statues of living creatures, third, the hadiths which state that the Prophet always removed curtains containing pictures of animals or living creatures because they made him always remember the world, fourth, the hadiths which state that people who make statues will be ordered to bring them to life on the Day of Judgment, and fifth, the hadiths which state that `Aisha tore up cloth with pictures that had been removed by the Prophet to make pillows. (The Tarjih and Tajdid Council Team of the Muhammadiyah Central Leadership, Tarjih Fatwas: Questions and Answers on Religion, 4th Edition (Yogyakarta: Suara Muhammadiyah, 2009).

The Tarjih and Tajdid Council in responding to the arguments regarding the law on drawing has the following views:

الصورت حكمها يدورعلى علتها وهي ثلاثت اقسام قسم للعبادة فحكمه حرام بالنص وقسم للتعليم فحكمه جائز وقسم للزينة وهي قسمان قسم لا يخاف معه الفتنة فجائز وقسم يخاف معه الفتنة ان كانت معصية فمكروه وان كانت شركا فحرام كصورة الانبياء والصالحين وبما ان المجلس يرى ان صورة لااستاذ العالم كياهى احمد دحلان مؤسس الجمعية المحمدية يخاف منها الفتنة قرر المجلس الترجيح بحرمة اتخاذها زينة

(Central Leadership of Muhammadiyah, Muhammadiyah Tarjih Decision Association)

From the qarar tarjih quote above, the following information is obtained: first: images or statues for worship are haram based on the text, second, images for educational and teaching purposes are permissible, third, images for adornment are of two (2) types; without worrying about causing slander, the law is permissible, if the image causes slander, the law is also two (2); if slander causes sin, the law is makruh, if it causes slander of polytheism, the law is haram, such as images of prophets and pious people. In the qarar tarjih above, there is also information that installing a photo of KH. Ahmad Dahlan, the Tarjih Council initially forbade it because the context of that era was worried that a cult of personality would occur. However, in the footnotes of the Collection of Tarjih Decisions, it is explained that the prohibition has been revoked, because the `illah which was used as the basis for the previous decision no longer exists. In the following

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explanation, the Muhammadiyah Tarjih Council is of the opinion that the arguments regarding the law on depicting living creatures are fundamentally contradictory, necessitating an integral and comprehensive approach to draw proportional legal conclusions. The Tarjih ruling is explained in detail in the paragraph above. Two terms in the ruling need to be clarified: slander and maksiat. The ruling explains that if an image evokes slander of sin, it is makruh (reprehensible), and if it evokes slander of idolatry, it is haram (forbidden). Citing the book Lisanul `Arab, the Tarjih Council explains that the word slander has many meanings, from the lightest such as shame, stain to the most serious meanings such as misguidance and kufr. The second word is maksiat which is linguistically the opposite of obedience and has various meanings, including disobedience and error. To avoid misunderstandings, the Tarjih Council explains that the meaning of slander and immorality that leads to the law of makruh is only slander and the lightest immorality is limited to mistakes, such as making caricatures of national figures to mock them. However, if the immorality in question is the opposite of obedience and is an act of disobedience, then it is clearly haram, such as making obscene writings that arouse lust and statues of gods to be worshipped. It should also be noted that continuous mistakes also lead to immorality, therefore, even though they are makruh, they must be avoided. The Tarjih Council further explains that the law related to drawing is taken based on several considerations, the first is that the issue of drawing and sculpture art is the legal area of ma`qulul ma`na which can be understood logically through rational reasoning analysis. Second, the prohibition on making statues and images of living creatures can be seen in the context of the Prophet Muhammad's struggle to eradicate idol worship and establish pure monotheism. If it is not prohibited, it will certainly cause new problems in the faith. Meanwhile, if there is no concern about damaging the faith, such as children's dolls, then there is no prohibition. Third, in modern times, the creation of statues and living creatures is mostly not for worship, and sometimes even has benefits such as for anatomy lessons. Fourth, in the Qur'an, the condemnation of statue makers is because they are worshiped and believed to be incarnations of God, while the statues made by the Prophet Solomon (peace be upon him) are not condemned because they are not for worship. (https//web.suaramuhammadiyah.id accessed May 14, 2026 at 08.00 WIB.)

As a consequence of the Tarjih Council's view above, it also extends to the sale and purchase agreement for images of living creatures and statues. In this matter, the Tarjih Council's response still follows the line of thought of ta`lil al-nash hukuim images of living creatures that have been decided. Seeing that the art of drawing now has high aesthetic value, its economic value is also increasingly growing. The sale and purchase agreement for fine art and statues has

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also received special attention from the perspective of whether it is permissible according to Islamic law. In principle, the Tarjih Council permits the sale and purchase agreement for images of living creatures and statues that do not give rise to slander, sin, and polytheism based on the generality of QS. Al-Baqarah (2); 275 regarding the recommendation of buying and selling and the prohibition of usury. In line with this verse, the Tarjih Council cites the fiqh principle of al-ashlu fi al-mu`amalah al-ibahah, which means the original law of muamalah is permissible. In detail, the Tarjih Council explains as follows; First, if a picture or statue is made for worship, then it is haram. Second, if a picture or statue is made for educational and teaching purposes, then the law of buying and selling such objects is permissible or halal. Third, if a picture or statue is for jewelry, then the sale and purchase of such objects is divided into two: first, if it does not cause slander, the law is permissible, and second, if it causes slander of polytheism, luxury, and showing off human genitals, then the law of the sale and purchase of such objects is haram. (https//web.suaramuhammadiyah.id accessed May 14, 2026 at 8:00 PM WIB).

In other words, in this case, the Tarjih Council is guided by the very famous fiqh principle: al-hukmu yadur ma`al `illah wujudan wa `Andaman. A concrete example is the prohibition on displaying images of KH. Ahmad Dahlan, which is temporary in nature, on the grounds of concern for the emergence of polytheism caused by an excessive cult of personality. However, when the concern is no longer there, the law changes with the revocation of the previous prohibition.

The Islamic law on images was explored by the Tarjih Council using the Istiqra` ma`nawi approach or thematic induction as proposed by Asy-Syatibi. With this approach, understanding religious texts is not merely a formal verbal expression. All related arguments are collected and studied holistically and integratedly so that the resulting understanding is not piecemeal. In an effort to explain the Tarjih Decision on this image issue, it is worth mentioning the following statement from the Fatwa Division Team of the Tarjih Council: first, the Qur'an does not contain a prohibition on making images or statues. The condemnation of statues during the time of the Prophet Ibrahim (peace be upon him) was because statues or idols at that time were used as worship, in the belief of the people at that time, God reincarnated in these idols. In other words, statues at that time were a core part of polytheism. However, the Qur'an's attitude is very tolerant of artistic works of art, including the statues displayed in the palace of Prophet Solomon (peace be upon him). The art of relief painting and sculpture during the time of Solomon's prophethood had nothing to do with idolatry or divinity. In QS. As-Saba` verse 13 Allah says which means: "They (the jinn) always worked for Solomon according to his will. Among them (making) tall buildings, statues, plates (as big) as pools and pots that remained (on the stove). Work, O family of David, to

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be grateful. Very few of My servants are grateful." (https://quran.nu.or).

In the understanding of the Tarjih Council, the prohibition of making pictures and statues is haram because of others and is not haram lidzatih. Second, the Prophet's prohibition on the activity of drawing, painting and statues is closely related to Islam's struggle to eradicate polytheism which, if left unchecked, is feared to give rise to new beliefs, but when dolls are used as toys and pictures are cut, the Prophet did not forbid it because the `Illah no longer exists. Third, painting and sculpture in modern times have no connection with religious understanding and no Muslims worship them, but rather have more benefits such as for teaching, remembering historical events, and others. Based on this, the Tarjih Council decides the law on pictures in various ways according to the motivation and consequences that arise, as stated in the Collection of Tarjih Decisions. (Tarjih and Tajdid Council Team of the Muhammadiyah Central Leadership, Tarjih Fatwas).

As a comparison regarding the law of drawing living creatures among scholars, it is worth explaining the opinion of Sheikh Muhammad bin Shalkih Al-Utsaimin as follows: the first type, pictures that contain complete body parts are not allowed to use them. The second type of picture in the form of body parts, in this case can be detailed as follows; pictures that are hung to glorify such as kyai, ulama, and figures are haram. Second, pictures that are hung to commemorate are haram, third, pictures hung for decoration are haram, and fourth, drawing on carpets, pillows and others by citing the opinion of Imam Al-Nawawi this is permissible. The fifth type, pictures that include difficult matters such as pictures in magazines, newspapers, and books, this is mubah on the basis of difficulties to be avoided. (https;//muslim.or.id accessed May 19, 2026 at 18.00 WIB) Likewise, Sheikh Yusuf al-Qaradhawi and Muhammad Ali Ash-Shabuni. In this context, both have slightly different views. According to Sheikh Yusuf Al-Qaradhawi, the forbidden images are those that are physical and have shadows, while Muhammad Ali Ash-Shabuni, the forbidden images are hand-painted images that are imitations of living creatures and have physical forms and shadows. (Dusturiyah Journal. Vol. 10. No. I. (January-June). 2020. 34-107) In principle, the fatwas of scholars have diversity with various considerations according to the rules of ushul fiqh and aspects of appropriate benefits as long as they do not conflict with the principle of monotheism in Islam. Likewise, the Muhammadiyah Tarjih Council explores evidence holistically so that a more comprehensive `illah is obtained so that it has varied views according to the motivation and effects it causes.

CONCLUSION

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From the discussion outlined on the previous page, there are several things that the authors can conclude, namely:

1. Ta`lil al-nash has actually been used since the beginning of the growth of Islam, including during the caliphate of Umar bin Khatab. Umar, who was crowned as a leading expert on ra'yu at that time, radically and bravely interpreted texts from the Koran and hadith in order to achieve the stated purposes of Islamic law, such as; He did not include mu'allaf among the eight groups of zakat recipients, on the grounds that Islam during the time of his caliphate was already strong enough to even leave the Arabian Peninsula. Umar bin Khatab's path was followed by later ushul scholars such as the Maturidiyah, Hanafiyah and Mu`tazilah. However, the ta`lil method is not accepted by some ulama, especially dhahiriyyah ulama who tend to be textualists in understanding religious texts, including Asy`ariyyah ulama.

2. The Tarjih Council makes a decision on images according to the presence or absence of `illah, it is forbidden if it causes polytheism, it is permissible if it is used for education and teaching and other beneficial things, it is permissible if the image is used as decoration and does not cause slander, it is makruh if it is used as decoration but causes slander that leads to sin, and it is forbidden if the slander it causes leads to polytheism. This tarjih decision refers to `Illah which is extracted from all the evidence related to the problem of images, both the Qur'an and Hadith, in a holistic and comprehensive manner with an istiqra` ma`nawi approach, so that the results of the decision are not necessarily black and white, but rather vary according to the motivation and effects caused.

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