Imam Al-Shafi'i's Standing On The Use Of Reason Through Al-Qiyas And Al-Istihsan In The Determination Of Law

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Abstract
The science of using reason based on philosophy is one of the sciences that was systematically introduced by Greek philosophers. This knowledge develops and also expands into the realm of Islamic knowledge. This to some extent influenced the thinking of some of the Muslim community at that time. Thus this paper will look at how Islamic scholars such as Imam al-Shafi'i learn and understand the concept of the use of reason systematically, what elements of the use of reason can be identified in the determination of law through *al-qiyas* and *al-Istihan*. How Imam al-Shafi'i used the use of reason as one form of argument in determining a law. Through the method of historical highlights and descriptive classification, this study emphasizes the element of using reason in the methodology of Islamic law through al-qiyas and *al-istihsan*. This study is done in the form of document analysis and observation to collect the main data and the data analysis method is done descriptively. The results of the study show that the discussion related to the use of reason is touched upon in the chapters of al-qiyas and *al-istihsan* by Imam al-Shafi'i. In fact, he was the first Islamic scholar to discuss al-qiyas in a systematic and organized manner. Thus as a conclusion, the application of the method of use of reason by Imam al-Shafi'i in *al-qiyas* is proof that he has the ability to master the field of use of Greek reason so that he is able to formulate *al-qiyas* with strict conditions, in order to curb the use of reason (*ra'y*) arbitrarily by someone in determining a law. Among the importance of the formula presented by al-Shafi'i in this regard is to give guidance and certain limits to Muslims who greatly glorify the use of reason to the point of acting beyond the limits of reason and setting aside religious guidance.
Keywords: Imam al-Shafi'i, Use of reason, *al-Qiyas*, *al-Istihsan*

Introduction

Intellect is a very special gift from God to human beings. Ahmad, M., Nateh. M. Y. & Ibrahim, M. R. (2017) stated in the debate on the works of Islamic tradition, reason is seen as an important element in human beings. It even becomes a defining element that distinguishes humans from God's other creatures.

In addition to the physical form that is indeed different, the intellect bestowed by Allahs.w.t. making humans capable of mastering other creatures, exploring this vast realm, becoming a caliph in order to govern the earth fairly and equitably, even most importantly, being able to know the Supreme Creator. In Islam, the mind has various functions and roles. One of the main things is to contemplate, think about and manage nature. This is a process in the first stage before a sane mind will take steps to the second stage which is to think about who created nature. Even thinking about himself.

The interaction between Islamic Civilization and Greek Civilization through translated books to some extent influenced Muslims to study the field of philosophy and some other fields of science such as doctorate, chemistry, astronomy and mathematics. In fact, it also covers aspects in the use of reason and thinking of Muslims such as the science of penmanship, jurisprudence, interpretation and Sufism. For example, the influence of philosophy to a certain extent permeates the field of *kalam* and the question of the position of reason alongside revelation to determine a truth, whether God has attributes or not (Sunawari, A. 2008).

In the field of jurisprudence, the same question arises, which is whether someone can establish law based on *ijtihad* based on reason such as the use of *al-qiyas*, *al-istihsan* and so on. In the field of interpretation about the use of al-qiyas or analogy, can someone interpret or interpret verses. Then in the field of Sufism, questions arise around the philosophy of value, the problem of dignity in the order, which is close to the problem of emanation theory.

Imam al-Shafi'i and the Role of Reason

Without reason and a true system of thought, humans are unable to distinguish and filter and sift between right and wrong, or between good and bad things. In fact, the nature of humans originally did not have knowledge and did not know anything (Khalid, et. al. 2021).

There is no denying that the *usul fiqh* scholars also apply the al-qiyas method in establishing laws. Imam al-Shafi'i himself has put the *al-qiyas* method in the discipline of usul al-fiqh on *fiqh* problems that do not have qati'i evidence or are clear from the Qur'an and hadith. In fact, al-Shafi'i is also said to have applied the *al-istiqra'* (inductive) method in determining the period of menstruation and *nifas* for women (Rashidi, M. & Fauzi, M., 2020).

Here the question arises whether it has also been influenced by Aristotle's mantic method or not? What is clear is that this method has existed since the time of the Companions and continued until the time of Hanafi, al-Shafi'i and others. More clearly through the birth of the sect and the formation of the proposed methodology. This shows that this method was indirectly born from the Islamic world itself without being influenced by the outside world (al-Nashar, A. S. 1977). Even in this case, al-Syafi'i is seen to be of the view that Arabs become ignorant and disagree after they tend to the influence and opinion of Aristotle and leave the vocabulary of the Arabic language (*al-Suyuti, 1947*).

The tendency of human thinking, cannot be separated from several factors that influence it, one of which is the trend and current of thought in its time. Zahrah, M. A. (1948), in his theory about a person's tendency towards knowledge. He said that the tendency is influenced by four factors, namely; first, natural factors gifted by God, such as analytical power,

memorization, rational thinking ability, eloquence, and the like. Second, the factors of the teachers who influence his knowledge a lot. Third, a person's interaction with certain groups and events. Fourth, the trend of thinking that develops at that time of a person's life.
Factors that affect a person's knowledge can happen to anyone, one of them is al-Shafi'i. His scientific sources, especially his theory of *al-qiyas*, can be seen based on the biography of intellectual development and the factors that influence this scientific tendency (Khadduri, M. 1961).

First, al-Shafi'i 's personality is the "perfect" human profile of his time. He was gifted with such intelligent and strong intellect that he was able to memorize the Qur'an at the age of seven. Al-Shafi'i is also a person with sharp analysis, strong thinking, and clean soul. Al-Shafi'i is a person who is persistent and diligent in learning, so that he is able to master various disciplines. This caused al-Shafi'i to have the ability to master philosophy (Zahrah, M. A. 1948; al-Salam, A. N. A. 1988, al-Jund, A. A. 1966).

Second, based on the influence of knowledge taught by his teachers, the concept of al-qiyas discussed by al-Shafi'i is seen to be derived from the method of parables or *tasybîh* in the science of rhetoric. This method was first introduced by al-Khalil Ibn Ahmad al-Farâhidi (d. 170 H), then continued by his student Sibawayhi (d. 180 H). Al-Shâfi'i (150-204 H) who lived in the era after Sibawayhi and he took the method of *tasybîh* from a scholar who specializes in grammar or *nahwu* and *balaghah* (Arabic literature). With this expertise, al-Shafi'i used it as a specific method to produce and generalize a law, which he called *al-qiyas*.

Third, al-Shafi'i tried to learn everything that was useful for the development of jurisprudence, such as the Qur'an, al-Hadith, language, differences of opinion, the opinions of various sects and some knowledge that used the method of ijtihad. This intellectual spirit of al-Shafi'i caused him to interact with those who had Greek logic, so that elements of Greek philosophy, especially Aristotelian logic, were known to some extent by al-Shâfi'i, albeit indirectly.

Fourth, during the life of al-Shafi'i (150-204 AH/767-812 AD) which coincides with the caliphate of Harun al-Rashid (786-808 AD), the trend of thought and the developing scientific atmosphere opened up a space for discussion and debate to Greek philosophy, especially Aristotelian logic. The existence of such rapid translation activities, interaction with people who had mastered philosophy in Baghdad, and support from the government at that time (al-Raziq, M. A. 1986), made Muslims increasingly interested in and studying Greek philosophy. The period of Caliph al-Ma'mun is said to be the peak of interaction and transfer between civilizations that happened so rapidly (813-833 AD). (W. Montgomery Watts. 1990).

As a result of the extensive activities of translating Greek sciences into Arabic, Greek philosophy is no longer seen as alien among Muslim scholars. So that there are some of those who discuss knowledge related to faith and the concept of divinity and also take part of the methods found in Greek philosophy, which is the philosophy of divinity and logic (Sunawari, A. 2008).
Then Muslim philosophers such as al-Kindi, al-Râzi, al-Fârâbi, Ibn Sînâ, Ibn Bâjah, Ibn Thufayl, and Ibn Rusyd, took almost all the traditions of Greek philosophy and they modified them to be in line with Islamic teachings. Likewise, what some Sufis such as al-Ghazâli, al-Hallaj did,

was also not separated from Greek philosophy. In short, the Greek philosophical tradition, to a certain extent, has spread and influenced some Islamic thought that includes the science of penmanship, philosophy and Sufism, even in Islamic law (*fiqh*) and ushul fiqh is also no exception (Sunawari, A. 2008).

Although at the time of al-Shâfi'i, the interaction of Islamic civilization and Greek civilization had not yet reached its peak, it was recognized that at that time, which was the reign of Harun al-Rashid, interaction between Islamic and Greek philosophies had occurred, even during the time of the previous Caliph, al-Manshûr (753-775 AD), Aristotle's logic has begun to be translated (Fakhry, M. 1986).

According to al-Salam, A. N. A. (1988), during the lifetime of al-Shâfi'i, there were at least three foreign civilizations that influenced the trend of thought and the scientific atmosphere at that time, namely the influence of the Persian civilization, the Indian civilization, and the Greco-Roman civilization.

Although the influence of the Greco-Roman civilization on the Arab-Islamic civilization is a dispute that can be disputed, but based on the sociological historian's review, there may have been an interaction between the two civilizations. Muslim thinkers such as Musa, M. Y, al-Salam, A. N. A. and al-Raziq, M. A. agree that there is a part of Islamic law (*fiqh* and *usul fiqh*) that is influenced by Greco-Roman civilization. The existence of this Greek element does not mean that all Islamic law is drawn from Greek civilization, but only some of it, which is the legal elements that are not clearly and firmly found in the Qur'an and the Sunnah, and it is detected that there are some Greek elements that do not contradict with the spirit of Islam, such as the spirit of rationality, the concept of al-qiyas, custom, and so on (Thalib, S. H. A. n.d; Musa, M. Y. 1954; al-Raziq, M. A. 1944; al-Salam, A. N. A. 1988).

It should be emphasized here, that there is the view of some scholars who say that the opinions and ideas of al-Shafi'i education are not the result of studies in the field of philosophy or theology, nor are they drawn from ancient eastern or western thought, but rather quoting from prophetic instructions whether from Quran and Sunnah. Therefore, it comes with Islamic thought that is pure from all forms of distortions and defects.

This is said to be so because al-Shafi'i's knowledge of the characteristics of the Arabic language is one of the important things that a linguist like him must be able to do. Therefore, al-Shafi'i's mastery in the field of Arabic is based on guidance and guidance from the logic of the Arabic language itself, not from the logic of philosophers. Al-Suyuti (1947) quotes the words of Abi Al-Hassan bin Mahdi: Muhammad bin Harun told us, Hamim bin Hammam told us, Harmala bin Yahya - an Egyptian jurist - said: I heard al-Shafi'i say: " What people do not know and what they disagree about is only because they left the language of the Arabs, and their inclination to the language of "Aristotle", and the Qur'an was not revealed, and the Sunnah did not come except on the terminology of the Arabs and the doctrine they are in dialogue, discourse, argument and reasoning, not in the terminology of the Greeks, and everyone has their own language and terminology.

However, according to Hilmi (2013), the scholars of *usul al-fiqh* who came after al-Shafi'i were seen as if confused between linguistic and logical studies. Even this confusion was seen at the beginning which can be said to be useful, then the percentage of logic increased in discussing the issue of *usul al-fiqh*, until the matter became impoverished and spread into later books. This results in some ambiguity and high confusion in understanding the principles of *fiqh*.

Among the forms of using reason in legal sources according to al-Shafi'i apart from al-Qur'an, al-Sunnah, al-ijma', the opinion of companions (*aqwal al-sahabah*) and *al-qiyas* are *al-istihan, al-masalih al -mursalah, sadd al-dharai' al-istishab* and *al-'urf*. According to al-Shafi'i,

the sources other than the five sources that he used in the construction and research of law, are not considered as sources of law that stand by themselves because those sources are more inclined to the widespread use of *al-ra'y*. However, there are among those sources used by him indirectly as will be explained later.

The Concept of *al-Qiyas* and *al-Istihsan*
Al-Qiyas is equating a problem that does not have a law in the text with a problem whose law is stated in the text because there is a similarity between the two problems that can be combined with the reason a law is made (*'illah al-hukm*) (Ibn Qudamah. 1342H; al-Shirazi. 1358H).

In the early stages of Islam, al-Qiyas was known as *al-Ra'y* (legal understanding) which was used as a general term to describe that it was from the element of *al-ijtihadiyyah*. Then al-Ra'y developed into a separate term and legal concept, known as al-Qiyas which can be distinguished from other forms of *al-Ra'y* and *al-ijtihad* (al-Asyqar, U. S. 1982).

The majority of scholars think that the al-Qiyas method can be adopted and used as an argument in determining a law based on several arguments, among them the Qur'an, al-Hadith and the deeds or actions of His Majesty's companions (al-Bardisi. 1969). In fact, it is processed and studied based on its suitability with the times and local traditions. This will give rise to several methods of ijtihad from Islamic scholars.

Among the examples of the values of the flexibility of *al-Qiyas* is what once happened during the reign of 'Umar al-Khattab when some of the government employees told that there were some of his people who had horses that were of such high value that one horse reached the price of a hundred camels and hundreds of goats. Then 'Umar said; "We take zakat from 40 goats, while we don't take it from horses". Then he ordered to take zakat on horses based on the most important *al-qiyas* (*qiyas al-awla*) that is if goats are obligatory to be zakat, then zakat on horses is of course more obligatory. This view is held by Imam Abu Hanifah (al-Qaradawi 1990). Among other examples to show the flexibility of the use of al-Qiyas is that there are some scholars who analogize or compare the food that can satisfy the habit in a country in the case of zakat fitrah is based on a hadith of Rasulullah s.a.w. which mentions dates, grapes and wheat (al-Qaradawi 1990). The values of flexibility in al-Qiyas are acknowledged by al-Muzani himself who is a supporter of Imam al-Shafi'i. He asserted that the jurists since the time of the Prophet SAW, will now and continue to use the analogical approach (*al-Qiyas*) in fiqh problems and problems related to religion (al-Qaradawi 1990).

Therefore, scholars place it in the fourth place in the source of Islamic law after the Qur'an, hadith and al-Ijma'. The *mujtahidin* scholars adopted *al-Qiyas* to establish laws that are suitable for cases where there is no solution in the Qur'an, al-Hadith and al-Ijma'. Therefore, based on the information above, *al-Qiyas* is a systematic and flexible analogy and approach to realize a law by using a metaphorical process.

As for *al-Istihsan*, there are various definitions put forward by scholars for *al-istihsan*. Among them, *al-istihsan* is changing something from *al-qiyas al-jali* (clear analogy) to *al-qiyas al-khafi* (hidden analogy) or excluding detailed problems from comprehensive concepts or general methods due to nas or arguments that require the change to take place for the purpose of bringing benefits and rejecting harm (Zaydan, A. A. 1979; al-Zuhayli, W. 1986).

Some scholars added that al-istihsan is a mujtahid who changes from one law on a comparable problem to another law because there is a more important consideration that requires the change (Hasan, H. H. n.d).

Among the examples of *al-istihsan* that are considered to have the values of flexibility is *al-istihsan* which is based on *'urf* such as a transaction or *'akad istisna'* which is telling others to do something. For example making a shirt by giving a wage or being paid while the transaction is done for something that does not exist. According to the original law, the transaction is not valid but it becomes valid by using the *al-istihsan* method because it is a transaction that has been carried out habitually among people without anyone rejecting or denying it (al-Qaradawi 1990).

Another form of *al-istihsan* that is considered to have flexibility values is that a doctor is allowed to see the patient's private parts while conducting health examinations, treating and treating. This is based on an exception to the general rule that prohibits it. The reason is simply to remove the danger and harm that befalls the patient (al-Qaradawi 1990).

Among the common examples in most countries then and now is the use of toilets. Although a small service fee is charged, it is not determined how long one can stay in it, without determining how much water, soap, tissue, electricity and so on have been used, even though it was originally prohibited (al-Qaradawi 1990).

Based on the explanation above, it is clear to us that any scholar who uses *al-istihsan* with only common sense without being guided by scriptures or arguments, he is not considered to be using *al-istihsan* in the true way. In fact, they follow lust that is not recognized by the scholars. Imam Shafi'i once asserted that a person is not considered a *mujtahid* when making sharia, but it is prescribed if the mujtahid uses *al-istihsan* (al-Ghazali n.d).

The explanation above shows that *al-istihsan* is one of the sources of Islamic law in the form of *ijtihadiyyah* which can be applied in various problems. This is because it is like *al-Qiyas* and is included among the legal sources that are only incidental. Furthermore, it cannot be adopted in problems involving worship and also cannot contradict the evidence of *naqli* which consists of al-Qur'an, hadith and *al-ijma'*. With this, the disagreement among the scholars about the argument of *al-istihsan* is only from an external point of view, whereas when observed more deeply, the disagreement among them does not occur.

The Use of Reason Based on Al-Qiyas According to al-Shafi'i
Although al-Shafi'i is seen to have no direct relationship with the Greek philosopher Aristotle, but according to Taufikurrahman (2009), al-Shafi'i's theory of *al-qiyas* is also seen to contain elements of Aristotle's logic. The theory of *al-qiyas* introduced by al-Shafi'i is a formulation and modification from the era before him, although it is still not systematic and independent. Although al-Shafi'i did not specify the specific conditions for *al-qiyas*, but philosophically it is still implied when scholars after him issued the conditions of *al-qiyas*, namely *asl, far'*, *hukum al-asl* and *'illat qiyas* based on examples- example presented by him. It turns out to have characteristics in common with the logic of Aristotle's syllogism. Both aim to obtain a true conclusion based on the two premises of the statement.

From another point of view, there are different characteristics between al-qiyas in the proposal of *al-fiqh* and Aristotle's syllogism method. The difference between *al-qiyas al-mantiqi* and *al-qiyas al-usuli* can be seen from several aspects such as the form of arrangement, position and relationship with the revelation text, the position of ijtihad on it, the form of *juz'i* (specific) and *kulli* (overall) arguments, as well as his position is based on the dignity of confidence (Rashidi, M., Fauzi. M & Faizul, M. 2018). According to al-Nashar, A. S. (1977), in fact the birth of the legal method had already existed in the Islamic world before the Greek influence appeared. This proves that it was free from the influence of Greek

methodology until the 5th century Hijrah when it was mixed with Aristotle's logic in Islamic sciences.

According to al-Shafi'i, *al-qiyas* is equating a problem whose law is not found in the text with a problem whose law is stated in the text because there is a similarity (*tasybih*) between the two problems that can be adjusted to the causative factors of a law are determined (*'illah al-hukm*) (al-Shirazi, 1358H; Ibn Qudamah, 1342H; Zahrah, M. A. 1948). Al-Shafi'i (1309H) asserted that there are two main principles that must be met to convict al-qiyas:

i. Every problem and event that happens in human circles at every time and when can be explained by Islamic law. This explanation is expressed in two forms either through the text clearly or the correct reasoning about the text. Thus *ijtihad* is a real way of making arguments about the text. This kind of *ijtihad* is called *al-qiyas*.

ii. Sharia knowledge is conveyed to humans through *dilalah al-nas 'ala al-hukm*, especially those related to laws expressed in two forms. First; knowledge that includes the outer and the inner that can be obtained with certainty (*qat'i*) in the texts of the Qur'an and the Sunnah which are narrated mutawatir. Second; knowledge at birth can only be obtained in an uncertain form (*zanni*) from the point of view of belief. It can be found in the Sunday hadiths, *al-ijma'* and *al-qiyas*. Thus the mujtahid should exert all his abilities to produce an accurate and satisfactory legal decision. The mujtahids are not charged with sin if their ijtihad is wrong on the conclusion of the law that they do not see.

Therefore according to Imam al-Shafi'i (1309H), *al-qiyas* can be equated with ijtihad. This is because, in order to do something ijtihad must first use the al-qiyas channel. Imam al-Shafi'i accepts al-qiyas as one of the sources of law to know a law that is not clearly stated in either the Qur'an or the Sunnah. In the meantime, ijtihad based solely on reason without having certain foundations from the Qur'an and the Sunnah is incorrect. On this principle, he rejected al-istihsan adopted in the Iraqi school and *masalih al-mursalah* held by the Hijaz school.

Imam al-Shafi'i (1309H) put several conditions that should be met in the use of al-qiyas so that it can only be performed by those who are qualified. Among the conditions highlighted by Imam al-Shafi'i is that they must be proficient in the knowledge of the Arabic language, understand the content of the Qur'an in a deep way, especially from the point of view of *nasikh* and *mansukh* (understanding the law of abrogation), general and especially, knowing about al-Sunnah and the opinion of *al-salaf* scholars from among the companions, understanding the concept of disagreement (*ikhtilaf*) that occurs in al-Sunnah and a person with high intellectuality. In addition, Imam al-Shafi'i (1309H) divided al-qiyas from the point of view of clarity and strength of *'illah* on al-far' (*al-maqis*) into three parts:

i The Most Important Al-Qiyas (*qiyas awlawi*)
This kind of al-qiyas occurs if the al-'illah found in the branch of the problem (*al-far'*) is stronger and clearer than the al-'illah found in the base of the problem (*al-asl* or *al-maqis 'alayh*). Among the examples presented by Imam al-Shafi'i is that the prohibition of something that is small in the text of the Qur'an and the Sunnah can bring the same or more prohibition on something that is large.

ii Similar Al-Qiyas (*qiyas musawi*)

Al-qiyas like this happens when the *al-'illah* found in *al-far'* is similar in position to the *al-'illah* found in *al-asl* (*al-maqis 'alayh*). For example, the punishment (half the punishment compared to those who are free) is based on the text found in surah al-Nisa' verse 25. The verse describes the punishment imposed on female slaves who commit adultery. Thus it also shows that the same punishment is imposed on male slaves because the same from the point of view of the nature of female slaves.

iii *Al-Qiyas* The Weak (*qiyas da'if*)
Al-qiyas like this happens when the *al-'illah* found in *al-far'* is less clear and weak compared to the al-'illah found in *al-asl* (*al-maqis 'alayh*). Among the examples mentioned by Imam al-Shafi'i is the prohibition of selling (usury) all types of food that can usually be weighed and measured such as oil, honey, sugar and so on unless they are similar and in cash should not be equated with the prohibition of selling (usury) dates with dates, wheat with wheat except the same or similar and in cash as found in the text of the Prophet's hadith. It is considered a method of measurement and *al-'illah* for other foods that can be weighed and measured.

However, the majority of scholars do not consider the position of the first *al-qiyas* (*qiyas awlawi*) and the second *al-qiyas* (*qiyas musawi*) as *al-qiyas*. In fact, they think that the first position of *al-qiyas* is a parallel argument (*dilalah al-muwafaqah*) or an argument based on the text (*dilalah al-nass*). While Imam al-Shafi'i requires such matters (*dilah al-muwafaqah or dilah al-nass*) to be placed under *al-qiyas* (Zahrah, M. A. 1987).
Similarly, the position of the second *al-qiyas* (*qiyas musawi*), the majority of scholars put it under the equality between men and women from a legal point of view in the implementation of the law that is responsible for *syarak* (Zahrah, M. A. 1987).
Imam al-Shafi'i also explained that there are some passages contained in the Qur'an and the Sunnah that cannot be abrogated because they are used in a limited way. For example, the problem of taking prayer water. In the text of the Qur'an, it is mentioned that washing the feet is one of the pillars of taking water for prayer. According to Imam al-Shafi'i (1309H), when Rasulullah SAW wiped both *khufs* instead of washing his feet, it should not be equated with requiring him to wipe his turban instead of wiping his head. This is because the facility given by syarak is only for wiping the *khuf*, not for wiping the turban.
Therefore, it can be concluded that in the early stages of the development of the Islamic scientific tradition, al-Shafi'i, as a pioneer of the methodological discipline of jurisprudence, implicitly seemed to interact with Aristotle's logical philosophy (the use of reason) because there are some methodological similarities between the two although he is seen to directly reject Aristotle's logical philosophy. Or maybe the similarity is seen because of the way of thinking and the use of common sense, that is, it has a common value for common sense.

Use of Reason Based on *al-Istihsan* According to al-Shafi'i
Al-Shafi'i (1993) only accepts the use of reason in the context of *al-qiyas* only. Therefore, he strongly rejects the use of *al-istihsan* proposed by Iraqi jurisprudence as a source of law. He debated specifically regarding the cancellation of al-istihsan (*ibtal al-istihsan*) as found in his book *al-Umm*. Rejecting the use of *al-istihsan*, he (1309H) also presented his views in the book *al-Risalah*:

"Ijtihad cannot be done unless it is based on things that are ordered. While ijtihad that is ordered is based on things that are either clear or similar. It is forbidden for someone to do *al-istihsan* if it contradicts the khabar, which is al-Qur'an and al- Sunnah".

There are six reasons presented by Imam al-Shafi'i (1993) why he rejected the use of *al-istihsan*. First; The adoption of *al-istihsan* as a source of law seems to illustrate that syarak allows all problems that arise in human circles without any law from syarak. That assumption clearly contradicts the word of Allah SWT which means:

"Do people consider that they are left alone (without being held accountable)" (Surah al-Qiyamah (75):36)

Therefore, it is wrong to consider syarak to leave something as it is without a clear law from the text and a solution based on al-qiyas.
Second; There are many verses in the Qur'an that command to obey Allah and His Messenger and prohibit from following lust. Every problem that arises among people must be referred to al-Qur'an and al-Sunnah or the solution is based on al-Qur'an and al-Sunnah. While *al-istihsan* does not include the solutions advocated by syarak, it is even considered as an addition that is made up without being based on evidence that can accept it as a source of law.

Third; The Prophet SAW never issued a fatwa based on *al-istihsan*, even His Majesty SAW did not speak according to lust. Instead, His Majesty waited for a revelation from Allah SWT to explain the problems that arose among people at that time. For example, His Majesty SAW was once asked about a man uttering *zihar* words to his wife, "You follow my views like my mother's back". His Majesty SAW did not issue a fatwa based on *al-istihsan*, in fact His Majesty SAW postponed the answer until revelation was revealed explaining the law of zihar and expiation. Therefore, if a person is allowed to issue a fatwa according to his own taste or based on *al-istihsan*, then His Majesty SAW will do it and approve it. Whereas His Majesty SAW forbade such an act because it was not based on the text.

Fourth; The Prophet SAW canceled and rejected the fatwa presented by his companions based on *al-istihsan*. This incident happened when the friend took action himself to kill a man who was still considered a kuffar soldier even though he had said before he was killed by the friend, "I have converted to Islam because of God". The reason that caused the friend to kill the man was based on *al-istihsan*. According to the view of the prophet's friend, the man who was killed uttered those words to escape from being killed by the friend. But the friend's actions were not recognized by the Prophet SAW.

Fifth; Ijtihad in *al-istihsan* is not based on precise provisions and a balance that can be used as a reference to measure between right and wrong as found in *al-qiyas*. Every matter that is decided will be in vain and cannot be interpreted if a judge, mufti or mujtahid performs ijtihad based on *al-istihsan* that does not have accurate provisions and balance.

Sixth; Ijtihad based on *al-istihsan* will encourage the widespread use of ijtihad. It can be done not only by those who know about al-Qur'an and al-Sunnah, but by anyone who has a sharp

mind and thoughtful ideas based on the welfare of mankind. While this kind of solution is not accepted by Sharia.

Based on the six reasons above, it clearly shows that every legal conclusion must be guided by the text of the Qur'an and the Sunnah and the understanding in any way of the text. He never accepted an understanding that was not based on the scriptures.

Conclusion

Based on this phenomenon, it can be said that the concept of *al-qiyas usul fiqh* since the time of al-Shafi'i has contained elements of reasoning. In other words, the application of the use of reason from the Greeks into the concept of al-qiyas and *usul al-fiqh* is seen to have begun to be detected since the time of al-Shafi'i and it spread along the following period.

This study found that there are figures or trends that are open and friendly with Aristotle's logical philosophy, but there are also those who strongly oppose it. Meanwhile, Imam al-Shafi'i's stance which is moderate accepts it but needs to go through the process of screening and Islamization. The reaction caused logical philosophy to assimilate with various Islamic disciplines. This kind of interaction indirectly illustrates Islam advocates an attitude of openness in celebrating knowledge even if it comes from non-Muslims and at the same time remains firm in guarding the principles of religious teachings.

Imam al-Shafi'i is considered one of the figures who created the famous "philosophical science", which is the knowledge of "principles of *fiqh* or *usul fiqh*", and he is also considered one of the people who fueled the emergence of philosophical thought in Islam", such as which was said by al-Raziq, M. A. (1944) in his book "*Tamhid li Falsafah al-Islamiyyah*" and most scholars and researchers who have the same stance as him."

This is what makes scholars and researchers from the east and west consider al-Shafi'i equivalent to Aristotle in the Arab and Islamic world, as N. J. Coulson and others say;

"It was his work of reform that made the jurists of his time call him the "reformer of the second century."

Similarly, Joseph Schacht justified the statement when he described al-Shafi'i by saying: "He is a source of vigilance in the idea of Islamic jurisprudence."

However, for the Ahl al-Sunnah wa al-Jama'ah as explained, the position of reason is not the main focus, it is simply a method of argument that is a strengthening of the argument of *naqli* (Zahrah, M. A. 1987). *Ahl al-Sunnah wa al-Jama'ah's* reasoning method of reason is different from the *Mu'tazilah* school which holds that reason is the main source of arguments in the creed compared to naqli arguments, as well as different from the other side which too rejects the role of reason such as the *Mujassimah* school or *Mushabbihah* and Hashawiyyah (Rashidi, M & Fauzi, M. 2020).

In conclusion, facing the current challenges, the Muslim community needs to realize that the importance of reason in understanding religious issues is very important, but it is not free from misunderstandings. The contribution to the body of knowledge is that the true intellect will always be in line with the true naqal (al-Quran and hadith), and clashes will only occur if humans are not able to understand correctly one of the wills of reason or naqal. But if both are at the same level of truth, we need to look at the true meaning of the naqal. In its contextual perspective, the two ways should be worked on, combining the two or tawaqquf (resilience) and looking at different lenses.

Therefore, to final convince from this paper, our scholars especially al-Shafi'i have composed many methods using reasonings in understanding religious texts. Among the results that we can see is the birth of *Usul al-Fiqh*, *Mustalah Al-Hadith*, the concept of *Al-`Am* and *Al-Khas*, *Al-Mutlaq* and *Al-Muqayyad* and so on. It is an effort to create harmony between reasonings and naqal. Indeed, these are the main contributions gathered.

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