



Exploring The Epistemological Basis of Ushul Fiqh (Priority Fiqh By Yusuf Al-Qardawi)

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Abstract: This article explores the epistemological foundations of Ushul Fiqh, particularly focusing on the concept of Priority Fiqh as articulated by Yusuf Al-Qardawi. In the contemporary context, Muslims face numerous challenges in prioritizing religious obligations and ethical considerations amidst a rapidly changing world. Al-Qardawi's approach emphasizes the need for a systematic framework that aids in discerning the priority of Allah's commandments, thoughts, and charitable actions. Through a qualitative analysis of Al-Qardawi's writings and relevant literature, this study elucidates the methodologies he proposes for addressing the complexities of modern Islamic jurisprudence. The findings highlight the significance of prioritization in Fiqh as a means to navigate moral dilemmas and enhance the application of Islamic principles in daily life. Ultimately, this article contributes to the discourse on Islamic legal theory by advocating for a renewed understanding of Fiqh that is responsive to contemporary needs while remaining rooted in traditional scholarship.

Keywords: Priority Fiqh, Yusuf Al-Qardawi, Ushul Fiqh

Introduction

Muslims are people who believe in the religion brought by the Prophet PBUH selflessly by practicing and fighting for the truth of Islam in their daily lives. This struggle is carried out without asking for any reward in order to get pleasure from Allah SWT. With the great desire to practice the teachings of Islam, one must know clearly and correctly about Islam. In addition to understanding, Muslims must also have a sense of togetherness and unity in fighting for the goals of Islam in daily life. (Khatib, 2004: 3)

Along with the development of the times, there are changes in various fields such as technology and science, coupled with differences in the situation and conditions of society. For example, there are people who are left behind in the development of science and technology, there are also people who are so advanced in their environment. Some differences like this can cause differences in thinking or viewpoints regarding the understanding of sharia law.

The law of sharia itself is divided into two, namely the law of wadh'i and the law of taklifi. According to most scholars (jumhur ulama), there are five taklifi laws, namely mandatory, mandub, haram, makruh, and finally mubah (Zuhdi, 1990: 5). This taklifi law is the guideline in determining the level of law, starting from those related to commands, prioritizing what is obligatory, followed by sunnah, to prohibitions. In fact, there is no human society that does not change, that is the conclusion of the muqaddimah of Ibn Khaldun (1989: 157). The main changes in social conditions that cause changes in society include:

1. Geographical transformation of community housing
2. Political transformation that is able to change the order of communication
3. Technological transformation in communication mechanisms
4. The transformation of science due to the advancement of education
5. Welfare transformation caused by economic, political and other developments. (Hasan, 2003: 22-23).

Changes in community conditions have a major impact on the application of Islamic teachings. This can be seen from various aspects of Islamic society's life, both materially and spiritually, from various points of view, social, economic, political, legal, and others. As a result, the balance of priorities in the ummah is disturbed. Currently, Muslims face various challenges in various aspects of life, such as economy, politics, religion, and culture. This challenge arises from outside as well as within Muslims themselves, this problem must be faced. (Qardhawi, 2006: 13)

The current reality is that Muslims who are facing various expansion challenges are not aware of the situation they are facing. They have not yet risen, in fact, there are still those who are at odds with each other, some who continue to argue about ijthadiyah that never ends, while others focus more on one type of practice while ignoring other practices. In addition, some also do nothing and do not know how to act.

One of the things that is not useful and does not produce anything is a discussion which the ancients known as Al-Munaaqasyaat al Biizanthiyah or Byzantine-style discussion. This discussion was a lengthy debate that took a lot of time, but the participants never reached a clear conclusion. (Qardhawi, 2003: 389)

The scholars give an example of the debate carried out by the Byzantine or Constantinople priests, namely about which question comes first, chicken or egg? In other words, are eggs created first and then incubated by the hen, or are the chickens that exist first and then produce eggs? This debate went on for a long time with the clergy not coming to any conclusions. (Ibid)

This case shows that humans are often trapped in things that are not useful without thinking about which ones should be prioritized. As a result, every action taken is less meaningful, both for oneself and others. In fact, the essence of human deeds is to provide benefits, either personally or for others more broadly.

In addition, Qardhawi observed that in various Arab and Islamic countries there is a striking difference, namely the tendency to prioritize things related to art and material luxury over aspects of science and education. (Qardhawi: 13) Regarding the activities of

young people, sports often receive more attention than intellectual exercise. It is as if maintaining youth assets only means maintaining physical condition. In fact, does human being only consist of his body? Or does it also involve the ratio and psychological aspects? (Ibid)

According to Sahrin Harahap, the development of human resources based on Islamic values is also important for youth activities. The development of human resources has a strong theological foundation in Islam, because in this teaching, strong believers are more loved by Allah SWT than weak believers. In addition, Allah SWT will also not change the fate of a group before they change their own lifestyle. For this reason, Allah SWT provides very clear and meaningful instructions in Surah Ar-Raad verse 11. (Lajnah Pentrans Al-Quran, 2010: 251)

هَٰ مُعَقَّبَاتٌ مِّنْ بَيْنِ يَدَيْهِ وَمِنْ خَلْفِهِ ۖ يَحْفَظُونَهُ ۖ مِنْ أَمْرِ اللَّهِ إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّىٰ يُغَيِّرُوا مَا بِأَنْفُسِهِمْ ۚ وَإِذَا أَرَادَ اللَّهُ بِقَوْمٍ سُوءًا فَلَا مَرَدَّ لَهُ ۚ وَمَا لَهُمْ مِنْ دُونِهِ مِن وَّالٍ

"For him (humans) there are angels who always take turns guarding him, from front and behind. They guard it at the command of Allah. Indeed, Allah does not change the condition of a people before they change their own condition. And if Allah wills evil against a people, then no one can resist it, and there is no protector for them but Him."

From an Islamic point of view, a person who possesses these qualities is considered a resource capable of planning a better future. On the contrary, those who do not have these criteria are considered less qualified and classified as poor. (Harahap, 1997: 92) In addition, according to Hasan al-Banna, the decline of Muslims is caused by several factors, including:

1. Differences in political views, fanaticism, power competition and position are some of the factors that cause this. In fact, Islam has warned about these things and advocated caution against power, even advising to avoid it if necessary.
2. Differences in religious and sectarian views, deviations from religious teachings such as underestimating the Book of Allah SWT and the Sunnah of the Prophet PBUH, fanaticism towards certain opinions, and the tendency to argue without results.
3. Caught up in luxury and lust.
4. A government that is trapped in an effort to maintain power without paying attention to the welfare of its people. (Al-Banna: 155-156)

To overcome the problems of the ummah mentioned above, some scholars who are the heirs of the prophets try hard to find the best solution for the good of the ummah. The goal is that this problem does not drag on and that people can realize their mistakes.

One of the contemporary scholars who is very concerned and consistent in encouraging the revival of Islam is Sheikh Dr. Yusuf Qardhawi. He analyzes the problems of the ummah today and offers concrete solutions that are relevant but still adhere to the original principles. One of the important thoughts is the need to determine the scale of priorities in various areas of charity, especially in the present day. This idea is outlined in his book *Fi Fiqhil Aulawiyat* (New Studies in the Light of the Quran and Sunnah).

In general, Qardhawi understands fiqh as the science of Islamic law that covers various aspects of life according to Islamic teachings. Given the complexity of the people's lives and the number of charities that must be done, while time and resources are limited, it is necessary to determine priorities in carrying out these charities. This is important so that the people are not trapped in carrying out charity that should be prioritized but is instead set aside, or vice versa. In his work, Qardhawi explained priorities in various fields, including priorities in science and thought, fatwas and da'wah, charity, commandments, prohibited things, and priorities in the field of reform.

Al-Qardhawi emphasized the study of Priority Fiqh on determining the order of charity that must be prioritized or prioritized. Thus, less important things should not take precedence over more important things. An important charity should not precede a more important charity. Something weak (marjuh) should not take precedence over something strong (rajih). "Ordinary" things should not take precedence over more important things. What should be done first must be done first, and what should be postponed, needs to be delayed. Small things don't need to be raised, and important things should not be overlooked. (Ibid: 9) His argument is based on the Word of Allah, namely the Qur'an Surah Ar-Rahman verses 7-9. (Lajnah Translator of the Quran, 2010: 532)

And the heavens lifted it up, and put the 1 Mi1 Zazan, 7 Thou shalt not obey 1 in the 1 Mizan, 8 And guard the 1 Weights in 1 Measure, and do not fear the 1 Weights 9

"And the heavens have been exalted and he has created the balance, that you may not break the balance. And establish that balance justly, and do not diminish it."

This thinking shows that in the view of religion, values, laws, implementation, and the granting of obligations have different levels. Not all of them are on the same level. Some are considered big, some are small; some are the main ones, some are just branches; Some are harmonious, and some are just complementary. Some issues have a primary (essential) position, while others are only secondary. Some have high levels and some have lower levels; Some are considered primary, and some are less important. (Ibid: 9)

It is interesting to note that Priority Fiqh differs from classical Fiqh in many aspects of charity. Classical fiqh is the result of ijtiḥad that translates the universal values of Islamic law contained in the Quran and Sunnah. Islamic law listed in Fiqh books looks more operational. The term Fiqh is specifically used for the branch of shari'a science that discusses sharia laws related to amaliyah taken from detailed evidence. (Madkur, 1960: 41-42)

Qardhawi also explained that Fiqh functions as a tool that regulates the role of Muslim civilization in accordance with Islamic law. Thus, the role of civilization carried out will be in harmony with the will and commands of Islam. (Qardhawi, 1999: 7)

Priority Fiqh is the result of ijtiḥad that focuses on determining the priority of charity by placing everything in a proportionate and fair order, both in the form of law, value, and charity. (Qardhawi, Op Cit: 9) The main reference in Priority Fiqh is directly from the sources of Islamic law, namely the Quran and the Sunnah, which are also the basis for classical Fiqh.

What he wrote in his book is actually not new in Islam. The Qur'an and the Sunnah of the Prophet PBUH already contain many nash that show the priority of charity. If further

research is carried out in classic books such as *Ihya Ulumiddin* by Imam al-Ghazali, *Qawaidhul Ahkam fi Mashalihil Anam* by Izzuddin bin Abdussalam, *Majmu' Fatawa* by Ibn Taymiyyah, and *I'lamu Muwaqqiin* by Ibn Qayyim, the substance of Fiqh Prioritas has been found in many places. In this study, al-Qardhawi may not be the first, but he can be considered as a scholar who reintroduced this concept to the ummah with a new approach. He also admitted that these classic works inspired many of the writing of Fiqh Prioritas.

According to Qardhawi, Muslims are currently facing problems related to priority parameters. Whether consciously or not, among Muslims there has been confusion and irregularity in determining the priority scale of Allah's commandments, thoughts, and forms of charity.

Some Muslims often have difficulty distinguishing which commands and deeds should be prioritized or postponed, as well as which should be prioritized or delayed. This confusion in setting a priority scale can be very dangerous if left unchecked. Therefore, it is necessary to immediately strive to overcome this problem and clarify the problem.

Here are some of the problems that are often faced by many Muslims that are still happening today:

Many ignore the fardhu kifayah which is very important for the ummah as a whole, such as improving the quality of science, industry, and skills in warfare that can make the ummah truly independent. This includes ijihad in fiqh matters, the spread of Islamic da'wah, the establishment of a mutually agreed government, and against a government that is tyrannical and deviates from the teachings of Islam.

They also often ignore some of the obligatory 'ain or perform it imperfectly, such as the obligation of amar ma'ruf and nahi mungkar, which are mentioned in Islam before the obligation of prayer and zakat when explaining the characteristics of the believing community.

Their attention tends to be focused on some pillars of Islam more than others. Some focus more on fasting than prayer, so in the month of Ramadan, we rarely find Muslims who eat during the day, especially in villages. However, many of them, especially women, are lazy to perform prayers. There are also those who never bow down to ruku' and bow down to Allah. In addition, there are those who pay more attention to prayer than zakat, even though Allah always associates the two in the Qur'an. Ibn Mas'ud even said that praying without zakat has no benefit.

They focus more on sunnah acts than obligatory and obligatory acts. Many increase dhikr and prayer beads, but forget social obligations such as treating parents well, friendship, good neighboring, loving the weak, taking care of orphans and the poor, and getting rid of social and political evils and tyranny.

They tend to pay more attention to individual worship such as prayer and dhikr than to social worship that is very beneficial such as jihad, fiqh, improving friendship relationships, working together in kindness, advising in patience and compassion, advocating justice and deliberation, and maintaining human rights, especially protecting the weak.

Lately, many of them have focused more on furu'iyah issues and neglected the main issues. In fact, our predecessors have warned that ignoring the main points will never achieve the goal. They neglect basic foundations such as aqidah, faith, monotheism, and sincerity in defending the religion of Allah.

Another mistake that is often made is to be busy fighting makruh and syubhat things more than fighting haram things that are clear and widespread, or to restore lost obligations. For example, many focus too much on the controversial issues of halal and haram, such as pictures and singing, while ignoring issues that are definitely haram. They seem to be more concerned with this problem of khilafiyah than with the larger problem related to the sustainability of the ummah, which is currently quite worrying.

Included in this category is a very great concern for minor sins while ignoring the more dangerous major sins. These major sins include violations of religious teachings, such as divination, witchcraft, shamanism, making cemeteries a place of worship, vows, slaughtering for the dead, asking for help from the dead, and asking them to meet the necessities of life or avoid disasters. In addition, the great sins also include social and political malpractice, such as neglect of deliberation and social justice, loss of human freedom and human rights and honor, handing over affairs to the unscrupulous, malpractice in voting, deprivation of people's wealth, caste system, and extravagance and luxury that corrupt the people's mentality. (Ibid: 19-21)

One example is Yusuf Qardhawi's view that helping fellow Muslims who face hunger, unemployment, and the threat of enemies of Islam is more important than performing the sunnah Hajj and Umrah. According to him, from the point of view of sharia and fiqh, obligations that must be fulfilled immediately must take precedence over obligations that can be postponed. In this case, the hajj is an obligation that can be suspended and does not have to be carried out immediately according to some imams of the madhhab. (Ibid: 16)

Furthermore, Imam al-Ghazali also rejected the attitude of his contemporaries who only focused on studying fiqh and similar sciences, while at the same time, there were no Muslim doctors in their country and all Muslims had to rely on Jewish or Christian doctors. Muslims surrender their health and awrah completely to these doctors, even though they violate the provisions of existing religious law, such as the ability to break the fast for those who are fasting or do ayamum for the wounded.

To understand more deeply about the problems that develop in society related to deviations from the priority scale, it is necessary to analyze Yusuf Qardhawi's concept of priority fiqh. The concept of Qardhawi seeks to evaluate various priority issues from the perspective of Islamic law with various arguments, with the aim of clarifying thinking, strengthening methodologies, and formulating a new paradigm in fiqh. Finally, this concept is expected to be a reference for practitioners in the field of Islam.

The study of Priority Fiqh has been explained in the Qur'an Surah atTaubah verses 19-20:

أَجْعَلْنٰمْ سِقَايَةَ الْحَاجِّ وَعِمَارَةَ الْمَسْجِدِ الْحَرَامِ كَمَنْ ءَامَنَ بِاللّٰهِ وَالْيَوْمِ الْآخِرِ وَجَاهِدَ فِي سَبِيلِ اللّٰهِ ۚ لَا يَسْتَوُونَ عِنْدَ اللّٰهِ
وَالَّذِينَ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ 19

الَّذِينَ ءَامَنُوا وَهَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللّٰهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ أَكْثَرُ دَرَجَةً عِنْدَ اللّٰهِ ۚ وَأُولَٰئِكَ هُمُ الْفَائِزُونَ 20

"Are those who give drinks to those who perform Hajj and take care of the Grand Mosque, are you the same as those who believe in Allah and the next day and wage jihad in the way of Allah? They are not the same in God's eyes. Allah does not give guidance to the wrongdoers (v.19). Those who believe and migrate and wage jihad in the way of Allah with their wealth and soul are of a higher status in the sight of Allah. They are the ones who have won (20)." (Q.S. Taubah: 19-20). (Translation Team, 2012: 189)

The study of priority Fiqh is a topic that is considered very important, because this study aims to solve problems related to confusion and irregularity in assessing and giving a priority scale to Allah's commandments, thoughts, and deeds. This study will discuss which should come first and which should be postponed, as well as determine what needs to be prioritized or set aside in the order of Allah's commands and the Prophet's instructions. What's more, this kind of chaos is already widespread among Muslims today.

Based on the background that has been explained earlier, the main focus of this paper is how Yusuf Qardhawi's concept of Priority Fiqh in setting the priority scale of a charity. Through this research, it will be known whether Yusuf Qardhawi provides a conceptual understanding of Priority Fiqh used in determining the scale of charity priorities or not.

In this study, we will also highlight various priority issues from the perspective of Islamic law with various arguments, with the hope of improving understanding, strengthening methodologies, and formulating a new paradigm in Fiqh, so that it can be a reference for Islamic practitioners. (Ibid: 5)

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Methodology

In the research on the concept of Priority Fiqh offered by Yusuf Al-Qardhawi, we use qualitative research methods. This method allows us to dig into a deep understanding of Al-Qardhawi's thought through the analysis of the text and context. Qualitative research can be conducted by means of literature studies, where researchers collect and analyze various sources, including books, articles, and Al-Qardhawi's own works. With this approach, researchers can understand how Al-Qardhawi formulates a scale of priorities in charity and how this is relevant to the current social and religious context. (Pahleviannur, MR., dkk, 2022: 27).

Furthermore, the content analysis method can also be applied to research Al-Qardhawi's writings. In content analysis, we will identify the main themes, arguments, and concepts that emerge in Al-Qardhawi's works. In this way, researchers can categorize and interpret ideas related to Priority Fiqh, as well as assess their impact on contemporary Islamic thought. This method also allows researchers to compare Al-Qardhawi's views with those of other scholars, thus providing a broader perspective on the issues facing Muslims today. By combining these two methods, the research will result in a comprehensive and in-depth understanding of Priority Fiqh according to Yusuf Al-Qardhawi, as well as its relevance in the modern context. (Sitasari, NW. 2022: 78-79).

Result and Discussion

A. Life Biography of Yusuf Qardhawi

Famous by the name Yusuf Al-Qardhawi, he has the surname Yusuf bin Abdullah bin Yusuf Al-Qardhawi which is used as his full name. Yusuf Al-Qardhawi was born on September 9, 1926 in Saft Turba, Egypt, his name began to appear at the beginning of the 20th century when he tamed the polemic between reformed and professionals, which emerged around the beginning of the 14th century until the 19th century. (Khalilurrahman, 2011: 174) Yusuf al-Qardhawi is a contemporary thinker, scholar and intellectual who lives a simple life. When he was two years old he lost his father. Then, after his father died, he was cared for and raised by his mother, but when he was still in his fourth year of ibtidaiyah and he was fifteen years old, his mother died and was called by the Almighty. Before he died, His mother was still able to witness her only son memorizing the entire Quran and mastering its tajweed laws well at the age of nine years and ten months. (Ghazali, 2012) So he was nicknamed Syaikh by his relatives and the people the village made him the imam at a relatively young age, especially during the morning prayer. Most worshippers cry when praying behind Yusuf al-Qardhawi. (Talimal, 2001: 3)

In its educational history, the al-Azhar branch educational institution became the place of Yusuf Al-Qardhawi's achievements when he was in Madrasah Ibtid'aiyyah to Madrasah Thanawiyyah. Because of his unusual intelligence, one of his teachers gave him a degree "*Allamah*" (A person who has a very broad knowledge). At the time of his graduation from Public High School, he achieved the second rank at the Egyptian national level. (Ibid: 4) When Madrasah Ibtid'aiyyah and Thanawiyyah completed his education, he continued his education at the Faculty of Ushuluddin of Al-Azhar University, Cairo, Egypt with a special Arabic language study program. (Saprida, 2016: 51) Within two years he was able to complete it as well as win the first best student out of 500 students in obtaining an International diploma and teaching certificate. In 1960 he obtained a Master's equivalent diploma in the fields of Qur'an and Sunnah sciences after studying at the Higher Institute for Research and Research on Islamic Issues and Its Development for three years. (Encyclopedia, 2003: 1448) In addition, the Doctoral degree was also successfully achieved in 1973 with a summa laude rank with a dissertation entitled *Az-Zakat wa Atsaruhā fī Hill al-Masyakīl al-Ijtima'iyyah* (Zakat and its influence in solving social problems) or called *Fiqh Zakat*. (Talimal, Op cit: 4)

Yusuf al Qardhawi's career began as a lecturer and teacher in various mosques. In addition, he was also a mentor at ma'had al-Aimmah (Academy of Imams), an institution supervised by the Egyptian Ministry of Endowments in 1956. In 1959, he moved to a new position as general leader in the field of Islamic Culture at Al-Azhar University, Egypt. He carries out duties as a supervisor of prints and all work related to the field of da'wah (Hamzah, 2017)

Yusuf al-Qardhawi occupies a vital position in the movement of Contemporary Islam, especially in the world of Islamic thought and da'wah. He is famous as one of the scholars who is very productive in writing seminar papers, articles in various magazines and newspapers as well as a large number of books. Yusuf al-Qardhawi wrote various disciplines of religious science in his books that from the past until now and even for the future can be used as guidelines and memories as very valuable intellectual works. The number of books that have been written by Yusuf al-Qardhawi reaches hundreds of books as described by Tarmidzi M. Jakfar. (Adam, 2020: 86)

In several popular works, there are at least 55 books by Yusuf al-Qardhawi that have been translated into Indonesian, including the following.

1. *Min Hady al-Islam Mu'asirah fatwa* which is translated into Indonesian with the title of contemporary fatwas.
2. *Fiqh Zakat* translated into Indonesian and English.
3. *Fiqh Aulawiyat* which is translated into Indonesian with the term Fiqh Prioritas
4. *Fiqh Maqasid Syariah* which is translated into Indonesian as Fiqh Maqasid Syariah.
5. *Al-Halal wa Haram fi al-Islam* which is translated into Indonesian with the title Halal and Haram in Islam.

Yusuf Al-Qardhawi was once faced with such an important event. The Second World War and Israel's atrocities against Palestine and Arab countries so that the establishment of the state of Israel was an event that had an impact on Qardhawi both in terms of spirituality and material. Since 1948, when the Arab and Israeli Wars occurred, the capitalist class fell to the communist countries in 1968 and the seizure of Al-Quds and the Aqsa mosque. Yusuf Al-Qardhawi admitted that he did not isolate himself from these events.

Yusuf Al-Qardhawi approached the political and social issues of Arab and Islamic countries seriously and objectively as they occurred and due to his deep scientific background. His various literary works in magazines and daily news are proof of Yusuf Al-Qardhawi's seriousness in exploring political issues in Arab countries to this day. (Qardhawi, 2000: 9)

B. The Development of Yusuf Al-Qardhawi's Thought

The greatness of Yusuf al-Qardhawi's way of thinking in the field of religion and politics was greatly influenced by the thought of Sheikh Hasan al-Banna. The thought of Al-Azhar scholars also has a role in his broad scientific insight. Yusuf al-Qardhawi has a big role in answering ethical issues in business comprehensively. In an effort to erode the centric

madhhab, Yusuf al-Qardhawi used his moderate attitude so as not to be influenced by the trap of blind fanaticism. In addition, his progressive and innovative fiqh thinking comes from his attitude of tasamuh (tolerant) so that he is not trapped in confusion, but is actually able to contribute to answering contemporary problems comprehensively. (Sutopo, 2015: 106).

Imam Hanafi is a scholar figure who provides color in Yusuf al-Qardhawi's mindset, especially in the field of fiqh. Imam Hanafi's mindset has the power of rationality so that the applicable law is logical and full of high fiber protection and binding power. The book of Hanafi fiqh is a daily book that Yusuf al-Qardhawi studied before entering college. (Qardhawi, 1994: 9)

Yusuf al-Qardhawi in addition to pursuing his Islamic sciences, he also pursued general sciences, namely: philosophy, medicine, physics, biology, sociology, and anthropology. This knowledge is useful for broadening views when facing a conflict so that representatives of views from various dimensions will produce a fatwa that responds to the benefits of society in general.

The Qur'an and the sunnah became Yusuf al-Qardhawi's close grip in his method of thinking, then saw the orientation of the benefit in every thought on the determination of Islamic law for human beings and the social approach in the development of the times remains a consideration in every expression of his opinion so that it is synchronized with the condition of the ummah today. The Qur'an and the Sunnah are very rational and synchronous assessments with the concept of the source of the law itself, namely *Shahihul li kulli makan wa zaman* (Relevant for all times and places). (Mudrika, 2013: 34)

If you look at the facts, Al-Qardhawi has several methods in understanding the sunnah, especially the hadith, there should be three ways that he does to understand the hadith to determine an Islamic law. First, hadith must be understood based on the instructions contained in the Quran, because hadith is the second determinant of an Islamic law after the Qur'an, whose postulates should not be controversial with the Quran. If a hadith is contrary to the Qur'an, then it can be ascertained that the hadith is not sahih (false) or our point of view is wrong in understanding the hadith. (Suyadi. A and Rodiana. D. 2007: 9).

Second, Yusuf al-Qardhawi also has a method in dealing with controversial hadiths, namely the method of *Al-Jam'*, this method combines the two controversial hadiths. According to him, controversial hadiths must be saved from existing, meaning that both hadiths must be saved, not just taking one so that the other is ignored. According to him, controversial hadith is not interpreted as a hadith that cannot be practiced, but must first solve the problem by combining or compromising it. (Suryadi, 2001: 87)

Third, judging from today, so many hadiths that have experienced a shift in value from the text to the context or the hadith are no longer relevant to the current conditions. According to al-Qardhawi, the hadith must be understood by going to the background where the situation and conditions and the purpose of the hadith are. Thus, we will not be deceived by hadiths that at first glance are not suitable or that are contrary to today's conditions. In the end, irrelevant hadiths do not mean that they cannot determine a law, but

must be understood or studied first from the point of view of the contextual meaning of the hadith and not the text of the hadith. (Al-Qaththan, 2010)

The activities are very diverse and very wide and extend to many spaces and sides, making his devotion not only to Muslims. Some of his services include: in the field of science, in the field of fiqh and fatwa, in the field of da'wah and direction, in the field of seminars and congresses, in the field of Islamic economics, in social charity, efforts to revive the ummah and his involvement in world institutions.

The complexity of Qardhawi's thinking is inseparable from his efforts to declare that the door of ijtiḥad was not closed after the death of the Prophet, even though many people opposed it. According to Qardhawi, the door of ijtiḥad is not closed, which means maximum effort in producing fiqh law from its basics through serious thinking and research ((Hidayat and Rosele Op Cit:77) He also emphatically said that no one can close it after it has been opened by the Prophet (peace and blessings of Allah be upon him). Someone is not appropriate to say "We do not have the right to do ijtiḥad". From this expression, how anti-Al-Qardhawi is to the opinion that the door of ijtiḥad has been closed. In fact, he demanded a positive response from all parties authorized to perform ijtiḥad. (Qardhawi, Op Cit, 1987: 74-76)

According to Yusuf al-Qardhawi's glasses, priority fiqh is a very important topic to be studied and even implemented, especially in the current contemporary era. Substantial of priority fiqh itself is able to provide a solution to the lack of balance, especially from the aspect of religion used in providing an assessment of problems, thoughts and deeds, prioritizing some cases over others; which things should come first, and which things should be ended; and which matters must be placed in the order of the seventy steps of the command of Allah SWT and the guidance of the Prophet (PBUH).

C. Priority Fiqh According to Yusuf Al-Qardhawi

Before we explain about Priority Fiqh, it would be good for us to explain the meaning of Classical Fiqh. In Fiqh language, it means knowing something by understanding or having a good understanding of what is meant. (Philip and Bilal, 2022) Meanwhile, in terminology, according to Imam Jurjani, Fiqh is defined as sharia laws that concern practice followed by detailed postulates (tafsih). Fiqh is a branch of knowledge that is compiled through ra'yu and ijtiḥad that requires reasoning and study, therefore the mention of Faqih towards Allah is not allowed because there is nothing or one thing that is beyond the reach of Allah's knowledge. (Zuhdi, 1990) We also present another view from Sumanto al-Qurtuby who sees that Fiqh is a study of Islamic science that is used to take legal action against a case by referring to the provisions of Islamic law. (Al-Qurtuby, 1999) In this understanding, Fiqh has a dynamic nature. Then furthermore, Fiqh is a method of studying law on reality. In the further development of Fiqh, it is possible to interpret religious texts contextually. (Nastain, et al., 2023: 87-113)

From the explanation of the experts above, a conclusion can be drawn that states that Fiqh is a set of sharia laws related to the actions of mukallaf from detailed evidence, while it can also be interpreted as classical means traditional. Therefore, all classical Fiqh is a set

of sharia laws that have to do with the deeds of mukallaf from detailed postulates that are traditionally arranged. From this, if Muslims are fixated on the discussion of classical Fiqh without more understanding, Fiqh cannot provide a solution to face the many problems of life that have emerged. The actualization of Fiqh itself is carried out to achieve a Maqasid al-Shari'ah that is free from a taqlid. Meanwhile, priority Fiqh is clarified in Contemporary Fiqh which discusses problems that arise today. It appears as a form of response to the development of science, legal issues, and social status that are ongoing in society.

In this case, Yusuf Al-Qardhawi revealed in one of his books, although it is not clear how much priority Fiqh is needed, because in this matter Islamic law will be able to face the times and is still difficult to apply. In priority Fiqh, he defines the term by placing all things according to their portions fairly, both in terms of law, value, and implementation. Something that is initially done must take precedence, based on the judgment of the sahih Shari'ah, which is guided by the light of wakyu and illuminated by reason. So that something that is not important does not take precedence over something important. Something important does not take precedence over something more important. Something that is not strong (marjuh) does not take precedence over something strong (rajih). And something ordinary does not take precedence over something important. In this case, it can be concluded that something that should be done first must come first, and what should be done last must be done last. A small thing does not need to be raised and something important should not be ignored. So with this all problems are placed in their place in a balanced and balanced manner and not exaggerated and reduced. (Qadir, 1965)

Basically, such as values, laws, implementation, and the provision of obligations from a religious point of view, are different from each other, all are not at the same level. There are small ones and some are large, some are main, some are branches, some are high, some are low, and some are main and some are not main, so in the implementation of charity is considered the highest level. This is intended so that no person carries out behavior outside reasonable limits, or vice versa, completely lacks the requirements. From the presentation presented by Yusuf al-Qardhawi, it can be seen that he prioritizes health in a charity. The benefits that have been determined by the Shari'ah are not in the same place, but are at different levels as determined by the Ushul Fiqih experts, they divide the benefits into three orders, namely: dharuriyyat, hajiyyat, and tahsiniyyat. This division is based on needs and priority scales. The order of this division in stages will be seen as the levels are in conflict with each other. In this context, the dharuriyyat stage takes the first position, followed by hajiyyat, and tahsiniyyat. The level of dharuriyyat is to maintain the needs that have the most important properties for human life. (Fauza, 1964) (Shihab, 2003)

Therefore, according to Yusuf al-Qardhawi, Islamic law must be enforced because it is a rule that not only regulates the relationship between man and other human beings but also regulates the relationship between man and his God. In order to realize this, a priority scale is needed in implementing it. However, Muslims ignore this so that there is an imbalance in various fields of charity. (Hidayat and Rosele, 2024: 73-87)

D. Legal Basis of Priority Fiqh

Priority fiqh has clear legal references, namely the Qur'an and Hadith, both of which are sources of Islamic law that cannot be doubted. The Qur'an and hadith as sources of Islamic law have direct instructions about priorities in charity, there are several verses that show the meaning of priority in charity, including: (Ifandy and Hasanah, 2024)

You made the watering of the pilgrim and what he saw the free mosque as one who believed in God and for the last day and struggled for the sake of God they are not equal to God and God does not guide the unjust people.

أَجْعَلْتُمْ سَقَايَةَ الْحَاجِّ وَعِمَارَةَ الْمَسْجِدِ الْحَرَامِ كَمَنْ ءَامَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَجَاهَدَ فِي سَبِيلِ اللَّهِ لَا يَسْتَوُونَ عِنْدَ اللَّهِ ۗ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ

"Are those who give drinks to those who perform the hajj and take care of the Grand Mosque, are you the same as those who believe in Allah and the next day and wage jihad in the way of Allah? They are not the same in God's eyes. Allah does not give guidance to the wrongdoers." (QS. At-Taubah 9: Verse 19) (Lajnah Pentashihan Mushaf Al-Quran, 2020)

Those who believe, and strive hard in the way of Allah, with their lives and their souls, are the greatest in the sight of Allah, and it is they who are the winners.

الَّذِينَ آمَنُوا وَهَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ أَكْثَرُ دَرَجَةً عِنْدَ اللَّهِ وَأُولَٰئِكَ هُمُ الْفَائِزُونَ

"Those who believe and migrate and wage jihad in the way of Allah, with their wealth and soul, are of a higher degree in the sight of Allah. They are the ones who have won." (QS. At-Taubah 9:Verse 20) (Ministry of Religious Affairs, 2020)

The verse expressly explains that there are levels in charity, jihad in the verse is the highest level of practice from giving drinks to people who carry out the hajj and taking care of the Grand Mosque. Ibn Juzi mentioned in his tafsir at-Tashil li Ulumil Tanzil stated that the Quraish tribe is proud of their practice by giving drinks to people who are performing Hajj and taking care of the Grand Mosque, so Allah SWT explains that jihad in the way of Allah is better or more afdal. However, in reality, Muslims are not aware of this, their attention is diverted to charity that is sunnah rather than charity that is obligatory. They perform the hajj many times, while their brothers or neighbors need help from them.

Meanwhile, in the hadith, a number of measures are also found to explain which charity, values, and groupings are the most important and aim to explain the position of one with the other has different levels. A hadith explaining these levels, the Messenger said:

Congregational prayer prefers the feat prayer (individual) twenty-seven degrees (agreed)

"Congregational prayer exceeds praying alone by twenty-seven degrees. (Mutafaqun'Alaih)"

By paying attention to the hadith above, we can see a number of parameters related to the explanation of charity, values, and obligations that are the most important, best, and most loved by Allah SWT. In the hadith, it is explained that congregational prayer is better

than praying alone. Therefore, with this, Fiqh must have a strong foundation in the Qur'an and the sunnah, but on the other hand it must also be able to interact with the times.

E. Priority Scale in Providing Assistance to Muslims Who Are Wronged When Performing the Hajj

Yusuf al qardhawi has a fairly unique understanding of charity priorities. This uniqueness lies in how he prioritizes charity in helping fellow Muslims who are wronged, tortured, and even expelled from their own homeland.

It can be seen in some of the information that appeared in the mass media, how the atrocities and crimes of Israel slaughtered Muslims in Palestine. Palestinians are evicted, killed, their houses demolished, agricultural products taken, and so on. Not only in Palestine, but in Bosnia Muslims get the same treatment.

The empirical facts show how the attitude of the world's Muslims who are indifferent to the military aggression that occurred in Palestine and Bosnia. They allow their fellow Muslims to experience atrocities even to the point of being killed in a sadistic way. He considers this problem not the responsibility of Muslims in general.

So the question arises, how to help Muslims from the threat of cruel evil? Should we fight by taking up arms against the disbelievers as a form of jihad? Or help by sending logistical assistance in the form of food and basic necessities?

Beforehand, let's discuss what the meaning of jihad itself is. In the view of orientalist and western nations, jihad is referred to as a holy war to call for Islam. Bernard Shaw as mentioned by Muhammad Hussein Fadlullah stated that Islam was spread by war. (Fadlullah, 1985) From this understanding, an understanding emerges that jihad is the legality of religion to commit acts of terrorism. Which in the end gives a bad stigma to Islam that Islam is a religion of terrorism.

Salman A'udah has given a definition, that jihad is a command of Allah that has been listed in the nash of the Qur'an at that time and allows Muslims to fight. In this case, he divided that jihad has several stages; First, Muslims are ordered to wage jihad in a peaceful way, namely through da'wah. Second, Muslims can go to war if they feel wronged. Third, they are ordered to fight when they are fought. Fourth, Muslims are commanded to fight all polytheists because they are fighting Muslims.

Salman A'udah's opinion provides a definition that jihad in the context of war occurs gradually as commanded by Allah SWT to the Prophet PBUH. This also provides an understanding that war can be carried out if it is in a depressed condition and in a forced state as self-resistance and defending rights. It is clear that the wars waged by Muslims are passive, not active. (A'udah, 1993)

Furthermore, Hasan Albana in the book Yusuf al qardhawi has the view that jihad has a very loose understanding. Even jihad, according to Hasan Albana, is included in political discussions. Jihad can be in the form of verbal, written, and hand-written struggles in the form of statements about the truth that must be upheld, especially tyrannical power. (Qardhawi, 1980)

Al Qardhawi also provided a broad feed on the meaning of jihad. Jihad can be implemented in aspects of society such as politics, education, economy, and some of them.

Furthermore, he gave an example, jihad in military education, not only contains things with nuances of war, but how military jihad integrates with faith, morals, and spirit. This is because the word jihad is often juxtaposed with the word *anfus* to declare such a meaning.

Based on the above understanding, it can be concluded that in the current context they need more assistance in the form of logistics or funds, both in the form of clothing, food and other basic necessities than having to participate in the war to take up arms on the battlefield. This is in accordance with what Hamas political bureau Khalid Misa'al said in his speech to students in Sudan.

Meanwhile, Muslims in other parts of the country are still busy performing the hajj. They are willing to sacrifice their possessions just to perform the worship. In fact, in the Qur'an there is already a provision that explains that the act of struggle is more important than the hajj, namely in surah At-Taubah: 19-21.

According to Yusuf Al-Qardhawi, there is already a sharia law that states that obligations that need to be carried out immediately must take precedence over suspended obligations. Hajj in this context is a worship that can be suspended, while saving Muslims who experience tyranny is an obligation that must be carried out immediately.

From this, Yusuf Al-Qardhawi understood that the Islamic ukhuwah in Muslims has faded. Ukhuwah Islamiyah that is found in the lives of Muslims, it is necessary to learn how the Qur'an guides it. The Qur'an has given quite objective, broad, and competitive instructions regarding Islamic ukhuwah, this is explained in surah Al-Hujurat: verse 10.

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلَحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

"The believers are actually brothers. Therefore make peace between your two brothers and fear Allah, so that you may have mercy." (Q.S al-Hujurat verse 10)

From his opinion, it can be concluded that Yusuf Al-Qardhawi always prioritizes the benefit in his ijtiḥad. And this benefit is the main priority point in determining charity. He also referred to the Qur'an and Hadith.

According to Yusuf Al-Qardhawi, philosophy or rules in life must be based on the Qur'an. The principles of life and belief system, worship and the nobility of morals, self-control, clarity of mind, orderliness of association, the creation of peace, happiness in life, the upholding of values in society, all of these will not be achieved unless they are built on the foundation of the Qur'an. It indicates that all these lives are based on the Qur'an as a guideline for the life of a Muslim.

Thus, it can be seen from the works of Yusuf Al-Qardhawi, that his works are in line with his opinions with the Qur'an and Hadith, all of which are under the corridor of the meaning of Sharia (*objective legal*). Therefore, Al-Qardhawi has a quite unique advantage in the books written by him. In addition to the language used is easy to understand, sharp and evidence-based analysis, long and comprehensive descriptions, even though they are criticizing other people's opinions, they are still polite. This is what makes him respected by anyone. (Qardhawi)

F. Priority in Learning Da'wah

As observed by Yusuf Al-Qardhawi on the behavior of Islamic youth, that a teenager who has a brilliant advantage leaves his school, because he participates in da'wah and tabligh.

Da'wah is seen from the meaning of language is invitation, calling, invitation. Da'wah in terms is a science that contains various ways and guidelines, how it should attract human attention to adhere, approve, and carry out an ideology or opinions of a specified work.

Meanwhile, da'wah according to Islam is to invite people in a wise way to the right and right path in accordance with the commands of Allah SWT, for the benefit and salvation of humans. Based on this understanding, the meaning in the context of this discussion is Islamic da'wah, because to invite people to the right path must go through the right path and knowledge and ability are needed. (Umar, 2004)

Learning is a process to get a job, according to Yusuf Al-Qardhawi if a Muslim leaves his job, then who else wants to do something that brings benefits to Muslims? Learning is as important as da'wah, Kamal Salamah said that in surah Al-Muddatsir verses 1-4, it is the basis of the Prophet's determination to immediately rise up and shoulder the mission of the treatise that he received from Allah SWT, and then conveyed to mankind. So the Prophet stepped forward to carry out the orders of the treatises regardless of the challenges and obstacles that would hinder him.

Based on the description above, it can be concluded that learning and da'wah are very important. Because knowledge of Islam can be achieved by studying and da'wah. However, if these two things are at the same time, then learning is prioritized over preaching. The reason is, how is it possible to preach, if knowledge of Islam is minimal.

G. Priority Scale in Giving Donations for Da'wah on Donations for Mosques

Yusuf Al-Qardhawi once saw a Muslim spend a huge amount of money to help build a mosque in an area where there are many mosques. However, they were asked to make a donation to Islamic da'wah, so they did not respond at all because they believed more in building stones than in building people.

Based on what Yusuf Al-Qardhawi has seen, that the priority scales for Muslims are no longer balanced. Muslims no longer focus on the scale of charity priorities. If we pay attention to the role of mosques and da'wah, it will be clear that the more important and great benefits of da'wah are. (Harahap, 1997)

M. Quraish Sihab explained that mosques have at least 10 roles as owned by the Prophet's Mosque, namely

1. Places of worship
2. Consultation and communication place
3. Educational places
4. Sisal compensation place
5. Military training grounds
6. Places for the treatment of war victims

7. Dispute settlement venues
8. Halls and reception areas
9. Prisoner of war
10. Religious defense center

This function is very difficult to realize today. However, it does not mean that the mosque can no longer function as mentioned above. So to restore the role and function of the mosque, da'wah is needed from Muslims to explain the role and function of the mosque. As required by Allah in Surah An-Nahl: 125.

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُجَّةِ وَالْمَوْعِظَةِ الْحَسَنَةِ ۚ وَجَادِلْهُمْ بِالَّتِي هِيَ أَخْسَنُ ۚ إِنَّ رَبَّكَ هُوَ
أَعْلَمُ بِمَنْ ضَلَّ عَنْ سَبِيلِهِ ۚ وَهُوَ أَعْلَمُ بِالْمُهْتَدِينَ

"Call (people) to the way of your Lord with wisdom and good teaching, and debate them in a better way. Indeed, your Lord He knows best who has gone astray from His ways, and He knows best who has been guided." (Q.S an-Nahl: 125)

In this verse, Allah swt gives guidelines to His Messenger on how to invite people (da'wah) to the way of Allah. The way of Allah here means the religion of Allah, namely the Islamic sharia revealed to the Prophet Muhammad (saw). Allah swt lays the foundations of da'wah for his people to hold in the future in carrying out the task of da'wah. (Anon t.t)

Yusuf Al-Qardhawi considers that Islamic teachings are special teachings that are realistic and easy in all aspects, as well as clear laws with evidence that is easy to understand, aiming to create the benefit of human beings and their development both in this world and in the hereafter.

Conclusion

The conclusion regarding Yusuf Al-Qardhawi's thoughts on Priority Fiqh shows that this concept is very relevant in the context of the lives of Muslims today. In Al-Qardhawi's biography and thought are described, emphasizing his educational background and experiences that shaped his views. Al-Qardhawi is known as a scholar who is able to integrate classical tradition with contemporary challenges, so that he can make a significant contribution to Islamic thought, especially in setting a priority scale in charity. This shows that Al-Qardhawi's thinking is not only theoretical, but also practical and applicable in daily life.

An in-depth discussion of Priority Fiqh according to Al-Qardhawi, where he emphasized the importance of setting a priority scale in various aspects of life, including in charity, fatwas, and da'wah. Al-Qardhawi identified that many Muslims are confused in determining which should come first and which should be postponed. Therefore, he offers a clear framework to assist Muslims in making the right decisions based on shari'a principles. Thus, Fiqh Prioritas is an important tool to address the challenges facing Muslims in the modern context, as well as to ensure that their actions are in accordance with fundamental Islamic values.

In its continuation, the book can apply Priority Fiqh in various situations, such as in providing assistance to Muslims who are wronged and in the context of da'wah. Al-

Qardhawi emphasized that in every action, it is important to consider the urgency and impact of the charity. By formulating a clear scale of priorities, Muslims can be more effective in carrying out Allah's commands and following the Prophet's instructions. Al-Qardhawi's overall thinking on Priority Fiqh provides a valuable guide for Muslims to navigate the complexities of modern life, so that they can contribute positively in society while still adhering to religious principles.

With a review, Usul fiqh is one of the most important sciences in daily life to understand Islamic law as a whole and also dynamic. Therefore, we wrote some suggestions, including:

1. The Qur'an and hadith are an obligation to be used as a guideline and also a guide in daily life
2. The concept initiated by Yusuf Al-Qordhawi is related to priority fiqh, so it should be used as an input for consideration to consider the priority scale in doing a charity in daily life.
3. For prosecutors, fiqh should be a priority for consideration in determining the certainty of Islamic law on the problems that are happening and also faced by the ummah.

The work of Yusuf Al-Qordhawi gives us an inspirational contribution to continue to spread Islamic law so that it is fair and also relevant to face the challenges of today's increasingly complex life.

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