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From Ikhtilaf to Eklektisisme: Tracing Qodri Azizy's Evolutionary Perspectives on Islamic Legal Concepts

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Abstract
This article delves into and elucidates the framework of Qodri Azizy's Islamic legal thought as a prominent Muslim intellectual in Indonesia. Qodri Azizy's contemplations on eclecticism, which emerge from specific situations and contexts, are considered crucial for national legal development. The analysis employs normative and hermeneutical approaches, encompassing significant works such as "Ikhtilaf in Islamic Law" and "Reformasi Bermazhab.". Fazlur Rahman's hermeneutics of the double movement provide an understanding of the concept of eclecticism in Islamic law. His educational environment in the United States, particularly the concepts of ikhtilaf, madhhab, and talfiq, influences Qodri's thoughts. His criticism of scholars who don't look at the history of Islamic law leads people to think that legal opinions are set in stone and can't be changed. Qodri says that legal opinions from the past come from the interaction and dialectical process of ideas, highlighting how relative they are. In the In today's world, Qodri's ideas are still important because he stresses that legal truth is relative and that opinions that seem strong can be supported by opinions that seem weak. We refer to this as eclecticism.

Keywords: *Eclecticism, Qodri Azizy, Hermeneutic.*

Abstrak
Artikel ini menggali dan menjelaskan kerangka pemikiran hukum Islam Qodri Azizy sebagai seorang intelektual Muslim terkemuka di Indonesia. Pemikiran eklektisisme Qodri Azizy, yang muncul dari situasi dan konteks yang spesifik, dianggap penting bagi pembangunan hukum nasional. Analisis ini menggunakan pendekatan normatif dan hermeneutis, yang mencakup karya-karya penting seperti "Ikhtilaf dalam Hukum Islam" dan "Reformasi Bermazhab". Hermeneutika Fazlur Rahman tentang gerakan ganda memberikan pemahaman tentang konsep eklektisisme dalam hukum Islam. Lingkungan pendidikannya di Amerika Serikat, khususnya konsep ikhtilaf, mazhab, dan talfiq, mempengaruhi

pemikiran Qodri. Kritiknya terhadap para sarjana yang tidak melihat sejarah hukum Islam membuat orang berpikir bahwa pendapat hukum sudah dipatok dan tidak dapat diubah. Qodri mengatakan bahwa pendapat hukum dari masa lalu berasal dari interaksi dan proses dialektika ide, yang menyoroti betapa relatifnya pendapat-pendapat tersebut. Di masa kini, gagasan Qodri masih penting karena ia menekankan bahwa kebenaran hukum bersifat relatif dan pendapat yang tampak kuat dapat didukung oleh pendapat yang tampak lemah. Kami menyebutnya sebagai eklektisisme.

Kata kunci: *Eklektisisme, Qodri Azizy, Hermeneutik*

INTRODUCTION

The issue of national legal sources is a crucial aspect of the study of legal scholarship today. The tension between religious law and secular law is challenging in many countries, including Indonesia. Academic studies that focus on national legal sources make religious law and secular law run side by side in a country. Legislators and academics need to understand social development and changing values in society. For instance, we can encourage the positive values of religious law to serve as the foundation for national law. Once that is done, Islamic law principles and rules must be prepared in all fields for adoption into national law (Ali, 2017). This is possible because Indonesia declares itself as a state of law. There are four institutional models that explain why religious law and secular law need to coexist in a state. These are formal institutionalization, which means replacing the constitution with religious norms; Islamization of national law, which means making legal products based on religious norms; expanding the power of religious courts; and incorporating elements or ideas of Islamic law into national law (Imron, 2016). Of the four models, the fourth model is considered more flexible or can run side by side in a country. This fourth model is essentially the same as other sources of law, which seek to formulate religious values into the form of articles of legislation.

The model of incorporating religious values into laws and regulations is considered the best, and it does not invite prolonged polemics. Academics, argumentators, and sociologists can insert religious norms and advance the principle of expediency (Zoelva, 2012). The religious values adopted in the article can also be drawn on issues of justice, equality, and benefit to create a fair system for all citizens. States have successfully implemented this pattern through regulations on zakat, waqf, hajj, sharia banking, religious courts, and marriage. Religious values guided by the community become material for the formation and development of national law. Religious values can be raw materials because the character of religious law is intact (*takamul*), balanced (*wasathiyah),* and moves according to the needs of the times (*harakah*). (Ash-Shiddieqy, 2001)

In the formulation of legal norms, religious norms contain principles that direct and conduct guidance. The principle of directing and guiding, if associated with the sanctions system, is more about prevention than enforcement. When the value has been adopted, it no longer needs to be called sharia norms because it has been transformed into a state law that is generally accepted and followed by the entire population of Indonesia (Asshiddiqie,

2021; Isharyanto, 2016). When the adoption of religious values has become an article of negotiation, it is no longer a religious article but a law that applies to all Indonesian people. If we look at history, the idea of incorporating religious values into legislation began in 1960 (Fuad, 2005), starting from Hasbi Ash-Shiddieqy, Hazairin, Munawir Sjadzali, Abdurrahman Wahid, Masdar Faris Mas'udi, Ali Yafie, Sahal Mahfudz, to Qodri Azizy. The parties began to come up with how to ideally make religious law the source of national law, including Qodri Azizy. Unlike his predecessors, Qodri offered an eclectic idea in the relationship between religion and state, to strengthen that religious law and secular law go side by side in the state.

The eclectic argument holds that Indonesian legal sources combine rather than conflict. The opinions or doctrines of jurists (mujtahid) often influence religious law, allowing it to adapt to societal changes. Since ancient times, scholars thought freely to make legal doctrines/opinions. Scholars in drafting legal opinions compete and influence each other so that mutual opinions are strengthened. Therefore, if religious law goes side by side in Indonesia, it is because the value of religious law has been accepted scientifically (legal discipline), as well as through the process of democratization. The difference between religious law and secular law is in the source of its legal taking (its ontology). In the context of national legal development, religious law, customary law, and secular law influence each other. Because of legal eclecticism, it is fitting that the formation of legal legislation must be critical in sorting out legal opinions (Azizy, 1996, 2003; Choir, 2009).

Researchers have presented numerous previous studies on Qodri Azizy using a variety of approaches. A study by Hefni (2022) noted Qodri's rejection of efforts to formalize Islamic law and the absolute use of Western legal theory. Indonesian scholars often apply Western ideas to Islamic law without taking into account the spirit of the law that is unique to Indonesia, which is why the adoption of Western law was turned down (Hefni, 2022; Itmam, 2019; Sulistyaningrum, 2022; Yudarwin, 2018). In line with Hefni, Umam (2019) found that Qodri's eclectic legal thinking was based on a democratic and academic approach. Meanwhile, in Indonesia, progress in the study of law tends toward Western legal theory, and Islamic legal science has its own path, so it is difficult to find common ground to frame the Indonesian version of the law. In the context of comparative law, an eclectic approach has been taken by many scholars, including Arcuri, Leckey, Örücü, Palmer, Beckmann, Postu, and Yang Li-Jing (Arcuri, 2007; Leckey, 2017; Örücü, 2010; Palmer, 2012; Postu & Rusnac, 2023; von Benda-Beckmannn & von Benda-Beckmannn, 2006). These studies highlight the value of an eclectic approach to legal scholarship to encourage inclusive and diverse perspectives.

Even though previous reviewers have studied it extensively, none of these works fundamentally review the principles of legal eclecticism initiated by Qodri Azizy. Additionally, this article's goal is to talk about Qodri's ideas on the eclecticism principles, which are used to bring together legal scholarship that is based on Western theory, Islamic

legal science, and Indonesian customary law in order to make a form of legal scholarship that is uniquely Indonesian. Qodri's concept of legal eclecticism is crucial as it enables us to comprehend that constructing law with an Indonesian essence, incorporating Western, Islamic, and customary legal theories, necessitates a foundation of democratization and scholarship, which is achieved through the selection of opinions from the top three legal sources. In the context of democratization, the formulation of legal theory sometimes adopts Western law. Still, in specific contexts, it adopts customary law or Islamic law, so whatever legal theory is used, it has gone through an academic process so that there are no longer any claims of applying the formalization of religious Sharia to national law. Thus, the selected national legal provisions result from interactions and discussions of various legal source theories.

DISCUSSION

History of Legal Eclecticism

The study of the law of eclectics started long before Qodri Azizy initiated it. The study of eclecticism began as early as Neo-Platonic. Philosopher Al Kindi adheres to eclecticism, which combines the ideas of Plato and Aristotle and makes Neo-Pythagorean the foundation of all sciences. Al-Kindi reconciled religion (relying on revelation) and philosophy (relying on ratio or reason), which were contradictory in his era. Al Kindi reconciled philosophy and religion by realizing that he could apply every valuable Greek thought alongside pre-existing Islamic thought. Greek ideas relevant to Islam were taken away, while irrelevant ones were left. In this way, Al Kindi became known as a philosopher, astrologer, chemist, ophthalmologist, and musician. Plotinus (205 AD-270 AD) is said to be a thinker who developed the theory of eclecticism, which is understood as a school that combines colorful teachings into one new teaching. After that, Cicero attempted to reconcile Judaism with the Greek philosophical thought of Plato (Aizid, 2017; Schmid, 1958).

In the development of law in the world, there has been, and always has been, eclecticism in the legal system. Eclecticism means human openness. In the 21st century, Qodri Azizy began to introduce eclecticism in every argument. From an etymological perspective, eclecticism originates from Greek eclectics, signifying the act of selecting or the process of selecting multiple sources. In the Indonesian Great Dictionary, eclectic is defined by efforts that are in the nature of choosing the best from various sources. The word eclectic plus 'ism', would mean taking the best of all systems. People who do things by taking the best from various sources are called eclectic. In the Indonesian thesaurus, eclectic has the same meaning as selective, which seeks to discriminate, be picky or cautious.

Terminologically, eclecticism means the effort to choose the best from various sources or from various existing systems. One can interpret eclecticism analytically or select the most suitable options. In communication science, eclecticism is a philosophy

that takes existing theories and sorts out which ones are approved and which are not so that they can be in harmony with all theories and have useful and acceptable values. Eclecticism is a scientific approach that combines various sources into a single actual formulation based on the evolution of human thought. Eclecticism leads to syncretism, and in combining existing ideas, we see less of the context and validity of an idea. Eclecticism, when viewed from the perspective of Arabic, seems to have a similar meaning to *talfiq*. If eclectic means choosing something (law) among which is better, then *talfiq* means practicing more than one opinion (*madhhab*) that is considered good. The idea of eclecticism is more of an academic approach, not an understanding or process for building a school (ism). The idea of eclecticism is to shape national law critically by choosing elements of legal doctrine that apply in Indonesia. Qodri-style legal eclecticism is a scientific method that combines different sources into a single formulation based on how human thought has changed over time (Al Ikhlas et al., 2022; Dkk, 2020; Redaksi, 2014; Tim Penyusun Kamus Pusat Bahasa, 2008).

Qodri Azizy's Legal Eclecticism

Qodri Azizy's Islamic legal thought departs from the way he studied Islam by comparing legal opinions from one school to another, then expanding from the laws of one country to another. *This comparison concludes that jurists (mujtahid) greatly influence the essence of Islamic law, which is subject to change in response to social changes.* In Islamic law, disagreements or decisions have been common since the beginning of Islam. Studies on Islam should give priority to the teaching of dissent or difference of decision, not to agreement (*ijma*). According to Azizy (1995), teaching about dissent is more practical and will be relevant in the future. Laws other than Islam are based on human thought, while Islam is revealed by itself. However, between Islamic law and other laws, there is a mutual influence; therefore, the development of law in the world will occur in complementarity (eclecticism) between legal systems.

Qodri Azizy reminded us that the Indonesian legal system is very different from the Dutch legal system. In the formation of national law, it must hold a critical attitude in choosing various sources and legal doctrines that apply in Indonesia. Both Islamic law and customary and Western have the same position as sources of raw materials for national law. Moreover, Qodri Azizy invites scholars who study Islam to choose the right perspective. Qodri does not want Islam to be 'plundered' by Western ways that think Islam can be examined from any angle, with any freedom (Azizy, 2001; Yulianti, 2003).

In a book entitled *Reformasi Bermazhab* published in 2003, Qodri began the concept of eclecticism on the basis that the study of Islamic law could provide attribution to the development of national law. When Islamic jurists have been able to place Islamic studies into national law, it will have the consequence that Islamic jurists will be able to place the position of Islamic jurisprudence (fiqh) as a material for legal

science, place the opinions of the fuqaha as a doctrine of legal science, and place books on Islamic law into the *Rechtboek* in the context of legal studies, especially national law. When Islamic jurists can present what is required by the science of law, then the material of Islamic law will naturally become the raw material of legal science (Azizy, 2003).

The study of Islamic sciences, including Islamic law, practiced by people in the world, is a must, so any material or topic sourced from Islamic science is directed and oriented to implementation and contextualization. The study of Islamic law is not imaginary or groundless. The development of Islamic studies in the modern era can be carried out inductively, empirically, and independently. The inductive approach in question is to study Islam to draw generally accepted conclusions from a specific point of view. The empirical approach in question sees or describes conditions in the field as they are. The intended independent approach is not to be bound by dogma or attachment to any school. When Islamic law covers all human actions (other than creed), then this is a consequence of the five principles of law (al ahkam al khamsah). The results of the study will change the view of absolute truth in every scientific study. Qodri borrowed the thick description theory from Clifford Geertz's (Book of the Interpretation of Culture) in studying cultural interpretation— in this case, the interpretation of socio-cultural science into Islamic law. This thick description theory examines in depth the definitions that are considered to have the same meaning. In an action or an action that looks identical, there is a hierarchy of meanings that are stratified objects. Then, a researcher must know and analyze what happened. In this way, what stands out is that an interpretation (culture) will give space and movement to the subjectivity values of a finding or theory from the scientific process. In the picture above, Qodri tries to explain that there is a mutual influence on legal thinking in the legal system. In a legal system in the world, there is always a mixture of views or several views with methodological rationales so that the strongest opinion (*tarjih*). Qodri claims that eclectic legal thinking can solve a legal problem.

For instance, a variety of eclectic methods can explain the concept of madhhab. Most opinions say that following the imam's opinion word-for-word (*aqwal*), following the imam in his method (*manhaj*), or following the imam by creating a method is what the word "madhhab" means. The public opinion says that following the imam by creating a method includes the part of "beri tihad." By thinking eclectically, in madhhab, people can follow the opinion of the imam of the madhhab, but the community can also differ with the imam of the madhhab as long as they still consistently follow the methodology (*manhaj*). If this approach is used, then the concept of transfer madhhab (*talfiq*) must be updated because the concept of *talfiq* never stops. The concept of *talfiq* in practice occurs to complement (eclectic) the opinions or theories of imams of other schools of thought. The eclecticism of Islamic law occurs between schools, such as the

Hanafi School and the Maliki School. Imam Shafi'i rejected the concept of *istihsan*, but in his book, his essay mentioned it.

Hermeneutical Analysis of Qodri Azizy's Legal Eclectics

A character's thoughts can be studied from various points of view. One famous study is the discipline of hermeneutics. Hermeneutics is part of ethnographic studies that emphasizes analysing data in text form. (Raco, 2010) The hermeneutic method looks at the culture and places oneself in context (Dreyer & Pedersen, 2009; Ricoeur, 2021). In the context of this study, if you look at the definition of hermeneutics, the appropriate data analysis used is the data or statements of the character described according to the context. The primary source of hermeneutic data analysis is the written work of the object studied, namely the work of Qodri Azizy.

Qodri's ideas on Islamic law, contained in several of his military books, *Hukum Nasional Eklektisisme Hukum Islam dan Hukum Umum*, *Reformasi Bermazhab: Ikhtiar Menuju Ijtihad Saintifik-Modern*, *Pendidikan Agama untuk Membangun Etika Sosial*, *Islam dan Permasalahan Sosial*, and several scientific articles published in reputable journals. Despite the widespread presentation of Islamic law as a doctrine, it has also found its way into rules or laws. He straightforwardly criticized the idea that makes the science of *ushul fiqh*, *qawaid fiqhiyah*, an unchangeable dogma.

Qodri's argument that criticizes *fiqh*, from *ushul fiqh* to *qawaid fiqhiyah*, is a crystallization of the arguments built earlier. Qodri's series of criticisms began in 1995, when he argued about the problem of dissent in the ijtihad process. In his books *Ikhtilaf* in Islamic Law (1995) and Juristic Differences in Islamic Law (2000), Qodri made it clear that *ikhtilaf*, which is when two or more jurists disagree, was a normal part of the development of Islamic legal thought. *Ikhtilaf* in Islamic Law Islamic jurists have long discussed and accepted the concept of *ikhtilaf*. This difference of opinion (*ikhtilaf*) arises from the implementation of ijtihad or occurs in the process of interpretation of the text of the Qur'an and Sunnah, as well as the use of reason (ijtihad). The use of *ikhtilaf* is based on the understanding that Islamic law is neither rigid (absolute) nor flexible. Various schools have accepted *ikhtilaf*, including Shafii, and even *ikhtilaf* is carried out in the same school. The Shafiyya School, for example, has carried out the practice of *ikhtilaf* as a basis for the development and discussion of various legal theories and interpretations within its madhhab. *Ikhtilaf* is divided into two types, namely, *ikhtilaf* in clear agreement and *ikhtilaf* from the practice of ijtihad.

The recognition of sincerity certainly challenges the existence of absolute opinions or dogmas in Islamic law. *Ikhtilaf* fosters a dynamic implementation of intellectual traditions among Muslims, enabling them to adapt to changing situations and conditions. *Ikhtilaf* is a broader concept that includes differences of opinion among Islamic jurists regardless of their affiliation with different schools of thought. There are

many reasons for *ikhtilaf*, such as different ways of interpreting the Qur'an and Sunnah, using different sources, and using different methods in the process of *berijtihad*. With ijtihad, which is independent and has certain methodologies, the results of legal reasoning in the text will produce diverse answers.

Critical argumentation continued in 1996 from an article entitled The Concept of Madhhab. Having previously criticized absolute dogma through the role of *ikhtilaf*, the concept of madhab itself now faces criticism. In his argument, Qodri explained that the madhhab, or school of thought, in Islamic law has clear boundaries. *Mazhhab* is the result of the free-thinking of scholars from the early days of Islam, so the result of thought is not a dogma or rigid rules. Initially, scholars from their respective regions attributed the madhhab to them. But over time, the names of the regions were replaced by individual names, as was the case with Abu Haneefah, Malik, Shafi'i, and so on. Factors such as individual thinking, consensus, and local influence lead to individual agreements between individual schools. If drawn in modern times, the question of holding on to one school rigidly seems to be its own dogma. Therefore, Qodri, through his article, emphasizes the importance of Muslims understanding the boundaries of madhhab because by understanding limits, Muslims will understand the diversity of opinions in Islamic legal thought to be able to respect differences of opinion among existing madhhabs. Understanding the boundaries of madhhab helps us appreciate and acknowledge that there is more than one approach to understanding and applying Islamic law. If this understanding is taught more broadly to Muslims, it would be important as a means of preventing conflicts and disputes among Muslims due to differences of opinion in legal matters.

The argument about the limits of the School of Thought was raised when this idea was raised, and then we can see that this idea emerged at a time when Qodri was at his intellectual peak when he completed his doctoral studies at The University of Chicago in 1996. During his six years in the United States, Qodri's thinking capacity increased rapidly. Knowledge, experience, association, and social circumstances change the mentality of thinking so that it becomes more and more open. Increased thinking capacity does not just happen because of a supportive environment. According to Syafii Maarif, Qodri learned a lot with Indonesian students and professors at the University of Chicago from Prof. Fazlur Rahman. The supportive learning environment made Qodri and Indonesian students who received education in America when returning to Indonesia slowly become intellectuals such as Nurcholis Madjid, Amien Rais, and Ahmad Syafii Maarif. All of these figures have a teacher in common, namely Fazlur Rahman, a modernist figure who is also a professor of Islamic thought at The University of Chicago, where Qodri Azizy pursued master's and doctoral education. Fazlur Rahman apparently influenced Qodri Azizy's ideas on Islamic law and social ethics.

The argument about the concept of madhhab was strengthened and refined until it became an intriguing one that was published in a book entitled Reformasi *Bermazhab*

(2003). The arguments in the book corroborate previous opinions about the boundaries of the school and are refined with other themes such as ijtihad, *ikhtilaf*, and social ethics. In the book, Qodri categorically rejects the perspective that separates the concept of madhhab and the concept of *berijtihad*. Orientalists often study Islam by juxtaposing diverse perspectives, such as black and white, abangan, *santri priyayi*, integral and separate, among others. This is similar to how people who are not Muslim think about Islamic teachings and their doubts about them (Geertz, 2013; Goldziher, 1981). In terms of the separation point of view, people who follow the madhhab way of thinking are considered to have never touched the practice of ijtihad. On the other hand, people who have a supporting perspective of ijtihad never practice or follow the opinions of other scholars (*taqlid*, *ittiba*, or *madhhab*). Qodri critically challenges this dichotomous view by redefining the concepts of *madhhab* and *ijtihad*.

The definition of madhhab starts with descriptions of the concepts of *taklid*, ittiba, and madhhab. *Taklid* means believing the opinion of a scholar without knowing the basis or reason. *Ittiba* means believing the opinion of a scholar by knowing the reasons. Madhhab means the foremost school in Islamic law to which Muslims adhere. A brief definition raises the assumption that the practice of ijtihad is part of the *madhhab*. The activities of *madhhab* can be traced historically from the way scholars understand Islamic teachings, interpret Islamic law, and the history of the development of Islamic thought. If we trace it carefully, then the conclusion we obtain is that madhhab activities are not the same as *taklid*. *Taklid* is the lowest form of madhhab because it follows the opinion of scholars without knowing why, while the highest category of madhhab is the development of methodology (*manhaj*) or a system of thinking about Islamic law. Thus, *madhhab* people also carry out earnest activities to conduct research and study Islamic law (*ijtihad*).

One of the concepts in madhhab in question is changing madhhab (*talfiq*). When a person reaches the highest level of the madhhab (developing methodology), it means that he doesn't have to follow the imam's opinion based on what he says (*aqwal*), but instead must follow his methodology (*manhaj*), going even further in the direction of developing his methodology and no longer following the *manhaj* imam of the existing school. People in the madhhab may disagree with the imam's words or imam if they follow the *manhaj*. The problem of migration (*talfiq*), according to Qodri in the current era, needs to be reviewed because it identifies madhhab with followers of madhab. In the history of the development of Islamic legal thought, the *manhaj* of each school has never ceased to develop, but there has been an eclectic process or a process of complementing each other. The methodological school has historically been practiced and further developed by the Shafi'iyah scholars of *Thabaqat*, and this group is still considered a follower of the Shafi'i school. It seems that Qodri was interested in Imam

Shafii's expression, saying, "*Hum rijal wa nahnu rijal*" (they are figures; we are also figures).

In historical developments, especially in the formative phase of the madhab, scholars had their own views or attitudes according to their personal preferences. Scholars belonging to the madhhab category, capable of developing their own opinions, occasionally contradict their imams. At the end of the 3rd and 4th centuries, scholars attached themselves to the existing major *madhhab*. However, madhhab scholars developed their own ideas despite disagreements with their imams. For example, Imam Al Thahawi attached himself to the Hanafi School, but in historical reality, he developed his own thought, which was considered theoretically more advanced than the Hanafi School. This model of At Thahawi turned out to be carried out by other scholars in the following period, namely binding themselves to the theoretical or methodological level. Qodri, in his conclusion, asserted that in the process of madhhab, there was a mixing of several views (eclecticism). Based on the methodological madhhab, the scholars of later generations chose and used the strongest opinions (*rajih*) and developed their own opinions within the madhhab. The development of the madhhab concept is inextricably linked to the *Imam's* journey within it. Qodri's texts outline ideas about Islamic law and social ethics.

Firstly, Fazlur Rahman's review of double movement hermeneutics allows us to understand Qodri's concept of eclecticism in Islamic law from both historical and contemporary perspectives. From a historical perspective, the public absorbed Qodr Aziziy's texts on the eclecticism of Islamic law through books published in 2003 and 2004. We have been gathering the raw material for the book since 1995. Because the text of the book was published later, Qodri complemented the latest problems in accordance with the condition of Indonesia, which is still struggling with the post-reform legal system. Ideas about Islamic law was influenced by his environment, including his educational history in the United States. Open thinking in an open environment motivated Qodri's mind to examine several subjects of study on Islamic law that did not develop. Several main problems were found in some of these studies, including *ikhtilaf*, madhab, and other concept problems. The study's results revealed a weakness: scholars of Islamic legal concepts were unable to interpret historical contexts, as the legal opinions incorporated into Islamic legal theory were shaped through a dialectical process. This means that legal opinions are not purely based on personal thoughts, but rather a patchwork of ideas based on other scholars' thoughts.

Qodri's opinion holds relevance in today's context, as some readers view legal opinions as unchangeable dogmas. Legal opinions generated by scholars are built through a dialectical process that complements each other so that quoting certain legal opinions should not make it an unchangeable dogma but a legal opinion whose truth is relative. Under current conditions, it is possible that there are several legal opinions that differ from other scholars' opinions that contain truth, so the opinions of other scholars

can also be chosen to be taken as legal opinions. Qodri indirectly encouraged Muslims to habitually differ in the interpretation of legal texts so that later, the best opinion was found based on the results of dialectics with other interpreters. From several existing opinions, there must be a process of complementing each other so that opinions that are considered strong are essentially contributed by weak opinions.

Second, Farid Esack's circle hermeneutic review says that Qodri's idea of the eclecticism of Islamic sciences is to be able to use a freeing interpretation to solve problems in the present day. Qodri didn't agree with Rahman's ideas about separating religion and general science. He thought that this was wrong because it stopped scientific progress and couldn't solve the problems of a time that was becoming more advanced right away. In Esack's view, hermeneutics is the study of how and why people interpret expressions. It starts with the nature of the text and what it means to understand it. It then looks at how the biases and assumptions of the person interpreting the text affect the understanding and interpretation of the text. The hermeneutics of the liberation circle serve as an aid in understanding the meaning of the text (Saputra, 2022). When Esack was applied to Qodri Azizy's work, especially when it came to the eclecticism of Islamic law, Qodri tried to reinterpret important ideas in Islamic law, such as *ikhtilaf*, madhab, and ijtihad, assuming that there had been a change in how people understood these ideas towards a dogmatic understanding. During that era, scholars developed the concepts of *ikhtilaf*, madhhab, and ijtihad to solve problems. Therefore, Qodri seeks to rebuild the understanding of the concept of dogmatics and place it again in its position as part of the way scholars' structure legal arguments in solving problems.

When it comes to modern issues, Qodri's ideas show how flexible Islamic law can be. The author says that scholars' opinions on current events should be read again to see what legal reasons were used to make the decision, how the opinion was written, who it was written for, and if the situation has changed, whether the opinion is still valid. Qodri has encouraged today's generation to be more courageous in choosing the opinions of the strongest scholars regardless of methodological differences. According to Qodri, strong scholarly opinions must be built by dialectics with other opinions so that strong opinions occur in the process of complementing each other (eclecticism) with other opinions. Therefore, future generations should not hesitate to choose the strongest opinion even if the basis of the school is different.

The third part of Muhammad Syahrur's review of hermeneutics breaks down Qodri's idea of Islamic legal eclecticism into three main parts. These are the condition of being (*kainunah*), the condition of processing (*sairurah*), and the condition of being (*shairuurah*). Thus, the problem of Islamic law cannot be separated from history as a condition of the process that develops and changes in each era to achieve the goal (Fatah, 2017). In understanding religious texts, Shahrur used a linguistic approach he

called *manhaj al-tarikhi*. Using Shahrur's approach to interpretation, the published texts of Qodri's words cannot be separated from their historical context (*kainunah*), which was talked about in the last section. There are still disagreements and conflicts in arguments about the diversity of Islamic law, which includes the ideas of *ikhtilaf*, madhab, and ijtihad. These disagreements happen because of disagreements with other thinkers and disagreements with the circumstances at the time (*sairurah*). As his goal (*shairuurah*), Qodri came up with an idea about the need for complementary views (eclecticism) in determining legal opinions. Historical fact shows that schools limited by *manhaj* and sources of law (*adillah*) actually complement and influence each other's opinions. At the level of implementation, creating a madhhab method needs a way for different points of view to interact and complement each other, similar to how it was in the early days of Islam. Legal opinions and developed methodologies should not be inanimate objects without interpretation or development.

Moreover, Qodri expressed his viewpoint on the origins of Islamic law and the ways in which early Islamic society addressed the issues of the era. The statement was contained in a book entitled *Pengantar Ilmu-Ilmu Keislaman*. Qodri clearly explained the existence of democracy in the early history of Islam. From the Prophet Muhammad's time until the Imam Mazhab's time, there has been a democracy of opinion. In the democratic process, expressing opinions and participating in solving problems becomes a very common thing to do. Scholars of the era never established a dogma that later legal opinions could not challenge. In fact, Abu Haneefa, a renowned scholar, demonstrated courage in addressing social issues when confronted with the opinions of the *Tabiin*. Moreover, in the process of democratization, scholars dialectically exchange ideas to give rise to a stronger opinion. That is the process of eclecticism that Qodri tries to convey in his various arguments.

The argument of eclecticism of Islamic law is indeed, at first glance, an ideal opinion because it filters various opinions and selects the best opinions to use as legal opinions. Since the Prophet's abandonment, scholars have spent their time understanding nash by verse, even words. Scholars also studied the history and social circumstances at the time of the verse's descent. Despite their efforts, scholars continue to uncover some problems that are not directly resolvable through Nash's understanding. Therefore, scholars who do not want to miss the problem use their intellect or thinking power to answer through argumentative and inductive reasoning. The outcomes of this thinking have greatly influenced modern life.

With the analysis above, this article at least makes an essential contribution to the study of law, especially the epistemology of Islamic law. Qodri's thinking started with the concept of differences of opinion in Islamic law (*ikhtilaf*). Then it developed it scientifically by referring to the principles of democratization, giving rise to a new concept called legal eclecticism. The contribution of this article is quite relevant to the epistemological models of Islamic law. We need to find solutions for diverse legal issues.

However, quite a few scholars are trapped in dogmatic interpretations of religious sources without understanding the social context in which the current condition of society exists.

On the other hand, Indonesian scholars prefer Western legal theories because they are considered modern without looking at the Indonesian social context. Meanwhile, the desire to popularize local legal theory has not been appropriately explored. Therefore, formulating dialogue between opinions from various legal sources is essential to obtain the best opinion reference to be applied in the Indonesian context. If Qodri Azizy's model of legal eclecticism is used, the process of taking opinions, theories, and even legal policies may progressively have a modernist, religious, and local wisdom spirit. In the author's opinion, this thinking is excellent to apply amid efforts to formalize Islamic law in Indonesia through various legal instruments. Efforts to promote Islamic law can and are validly offered if they use the correct epistemology. One epistemology is legal eclecticism, where the most superior theories or opinions are chosen as the basis for policy arguments. However, according to the author, the offer of a legal eclecticism approach is still in the form of a big picture and has not yet been structured operationally. The author hopes that future researchers can continue this idea by translating it into a more detailed operational form so that it can have a broad impact on legal reviewers.

CONCLUSION

Qodri Azizy's thought in Islamic law as legal eclecticism can be understood through his scientific works published since 1995, which cover important aspects such as ikhtilaf, mazhab, talfiq, and ijtihad. When viewed from a historical perspective, Qodri's environment, particularly his educational history in the United States, influences his thought. Qodri pointed out a major flaw in Islamic legal scholars: they don't know much about the history of legal thought. This is because Islamic legal opinions are formed through a process of dialogue. In the present context, Qodri's opinion is relevant because it challenges the dogmatic view of Islamic law, encouraging it to result from a relative dialectical process. Qodri's eclecticism can also be interpreted using hermeneutic perspectives such as the double movement, Farid Esack's circle, and Muhammad Syahrur. This idea of eclecticism is directed to address contemporary challenges with a liberating interpretation, emphasizing a shift in the understanding of key concepts of Islamic law, such as *ikhtilaf*, *mazhab*, and ijtihad. With a clear language approach and a deep understanding of the historical context and current circumstances, Qodri encourages open dialogue and dialectics between legal sources to achieve the most appropriate law for Indonesian society.

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