

## THE PERISHED MADHHABS AND THEIR IMAMS IN HISTORICAL REVIEW

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### Abstrak

*This article aims to analyze the role of madhab scholars and their students and the state in perpetuating their schools. Every nation on earth has scholars in various fields of religion and the world. They respect and appreciate these nations for their role in building their society religiously, intellectually, and culturally. These scholars created Islamic civilization in Baghdad, Cairo, Kairouan, Damascus, and Andalus, etc. That civilization taught the world at a time of European ignorance of the Ages by conducting a qualitative descriptive analysis literature study. We found that some scholars did not influence their knowledge for various reasons, including the cleric Imam Al-Layth bin Saad, Tabari, and at-Thaur they are part of famous jurists of his time. This study discusses the doctrine of Al-Awza'i during the Umayyad period (138–206 AA/756–821 AD). It was the central doctrine of the first three Umayyad princes, Abdulrahman, Hesham, and A.L.-Hakam. This study also discusses the life of Al-Awza'i and his spread in Al-Andalus and the contribution of the people of Sham in transferring the doctrine to Al-Andalus because it became the primary doctrine of the Umayyad Emirate. in the era of Abdulrahman Bin Mo'awiyeh. In addition, the eminent scholars and Awza'i judges, the reasons behind this decline and doctrine from Al-Andalus were also discovered.*

**Keywords:** *Doctrines, hidden jurisprudence, historical, Islam*

### 1. Introduction

The schools of jurisprudence in Sunni Islam are not limited to the four well-known schools of thought, namely the Maliki, the Hanbali, the Shafi'i, and the Hanafi. There are many extinct sects, the Zahiri sect, the Sufyan al-Thawri sect, the Layth bin Saad sect, and the Awza'i sect. Most of the Islamic sects, Sunni and Shiite, have unanimously agreed that the origin of legislation in Islam is the Qur'an and the Sunnah. Still, they differed in the secondary sources of legislation such as consensus, analogy, opinion, and others, which caused the emergence of many doctrines. Islamic history books mentioned that the schools of Islamic jurisprudence approached 50 in the second century of migration. Some of them could survive, and others disappeared after they did not find a way to spread among the crowds of doctrines jurisprudential trends. The apparent doctrine, Sufyan al-Thawri, the

principle of al-Layth bin Saad, and the doctrine of al-Awza'i were at the forefront of the extinct schools. Virtual declaration Appeared in the third century A.H. in Iraq. It was named Daoud bin Ali Al-Isfahani, who is considered its founder. At the same time, Ibn Hazm Al-Andalusi is the reformed jurist who contributed to its definition and dissemination. The apparent doctrine relies on the Qur'an and Sunnah, the Istishab (the adherence of a thing to its original ruling as long as a legitimate changer does not change it), and the application denial of reason in legislation. "There is no opinion or reasoning in the legal rulings" is the rule upon which the apparent doctrine is based. The doctrine considers that the legal source is to take the legal phenomena texts from the Qur'an and Sunnah without justifying them, and in the absence of the text is based on the idea of companionship. The doctrine did not last long. And it faded after its founder, Daoud bin Ali, due to the lack of his followers and the alienation of people from him due to his absence of the ijthihad that enables the doctrines to continue, but Ibn Hazm Al-Andalusi's interest in the doctrine brought him back the luster in the fifth century A.H(Meirison, 2020). The lack of adoption of the apparent doctrine by one of the sultans and the lack of interest of scholars in it, due to the strictness of its jurists, hastened its extinction, especially since Ibn Hazm wrote the book "Al-Abti'l." He attacked the sources of legislation adopted by other schools of thought, such as analogy, opinion, approval, imitation, and reasoning. Some studies refer to the decline of the apparent doctrine and the burning of Ibn Hazm's books by the ruler of Seville, al-Mu'tad ibn Abbad, because of Ibn Hazm's loyalty to the ruler of the ruler Cordoba (Meirison & Saharuddin, 2021).

## 2. Method

We use literature study in discussing the extinct sects and have no place in a government. With descriptive analysis methods and qualitative approaches generated from the existing literature as well as previous information about schools of thought, it was found the factors for the survival of one school and the disappearance of another. Sometimes, the priests of certain schools have more abilities than others, but the priests' ability and breadth of knowledge have not yet become the dominant factor in the survival of the schools and thoughts they adhere to.

## 3. Discussion

## The Names of the Muqallid of Imams

Many imams strive in this era, and every mujtahid scholar has followers who follow from him the rulings of their jurisprudence, and some scholars have listed the names of imams who are imitated, so Imam al-Dhahabi said: (The imitators are the companions of the Messenger of God, may God bless him and grant him peace, provided that the chain of transmission is proven to them, then imams of the followers such as Alqamah, Masrouk, and Ubaidah. Al-Salmani, Saeed bin Al-Musayyib, Abu Al-Sha'tha, Saeed bin Jubayr, Obaidullah bin Abdullah, Urwa, Al-Qasim, Al-Sha'bi, Al-Hassan, Ibn Sirin and Ibrahim Al-Nakh'i. Then Kal-Zuhri, and Abu Al-Zinad, and Ayoub Al-Sakhtiani, and Rabia, and their class (الذهبي, n.d., p. 76).

Then as Abu Hanifa, Malik, Al-Awza'i, Ibn Jurayj, Muammar, Ibn Abi Oroba, Sufyan Al-Thawri, Al-Hammadin, Shu'bah, Al-Layth, Ibn Al-Majshon, and Ibn Abi Dhib. Then Ibn Al-Mubarak, Muslim the Negro, Al-Qadi Abu Yusuf, Al-Haql bin Ziyad, Waki', Al-Waleed bin Muslim, and their class. Then like al-Shafi'i, Abu Ubaid, Ahmad, Ishaq, Abu Thawr, al-Buwaiti, and Abu Bakr bin Abi Shaybah.

Then Kalmzni, Abu Bakr Al-Athram, Al-Bukhari, Daoud bin Ali, Muhammad Ibn Nasr Al-Marwazi, Ibrahim Al-Harbi, and Ismail Al-Qadi. Then as Muhammad ibn Jarir al-Tabari, Abu Bakr ibn Khuzaimah, Abu Abbas ibn Sarij, Abu Bakr ibn al-Mundhir, Abu Jaafar al-Tahawi, and Abu Bakr al-Khallal. Then after this pattern, ijthad decreased, abbreviations were developed, and the jurists went to tradition, without looking at the most knowledgeable, but according to the agreement, lust, adoration, habit, and country. If the student today wanted to go to Morocco for Abu Hanifa, it would be difficult for him as if he wanted to go to school for Ibn Hanbal) A.H (2007, شعبان & الثعالبي, p. 77/1).

Most of these scholars did not write for their doctrines to survive, so they disappeared in a short time, and others whose doctrines remained for a century, two centuries, or three - I will mention them in the next section - and among them are those whose doctrine has continued to our present time, and they are the four famous imams.

## The second topic: On the most prominent vanished sects:

In this topic, I will mention in its demands the eight most prominent schools of thought - which remained for a time after the death of their companions, may God have mercy on them, and then perished - translated to his Imam with brief features of the doctrine, and they are arranged according to the date of the birth of the Imam, the owner of the doctrine:(Sali, 2019) .

## The first requirement: the doctrine of Imam Hassan Al-Basri:

The owner of the doctrine is Imam Al-Hassan bin Abi Al-Hassan Sayyar Uysar, Abu Saeed Al-Hasan Al-Basri, the mawla of Zaid bin Thabit, born in Medina for two years remaining from the caliphate of Omar - may God be pleased with him - and he died in the year 110 AH (الذهبي, n.d., pp. 563–588/4).

Iyadh is considered among the imams of the codified and imitated schools of thought (2007, شعبان & الثعالبي, p. 77/1).

The madhhab of Imam al-Hasan al-Basri was inclined to opinion and analogy, and his madhhab disappeared with the spread of the Hanafī madhhab (Sarīrī, 2002, p. 125).

Al-Hassan excelled in the field of jurisprudence, and he had a fantastic view of jurisprudence. Fiqh represents the true nature of Islamic thinking and is known by knowledge of the scientific, legal rulings gained from its detailed evidence, and it has gone through multiple phases. In the first phase, it was called legislation in its broadest sense, and the legislative authority in this period belonged to the Messenger. May God bless him and grant him peace alone. The rulings were coming down gradually, and the Messenger gave a fatwa to the Muslims on their issues, a fatwa, present and fresh, which was in the process of emerging. In the second phase, I mean the era of the Companions and the Followers, may God be pleased with them, Islam spread and spread in vast areas, which forced the Caliph Omar, may God be pleased with him, to send the Companions to teach people and give them understanding. As a result of this expansion and the strife outbreak and differences of opinions, jurisprudence developed, and diligence and mujtahids appeared, and it emerged from that. The schools of jurisprudence have maintained our Islamic world from the first era until this day of the people (Yanggo et al., 2005, p. 57). In the era of the Companions, people used to refer to the Noble Qur'an and the Sunnah of the faithful Messenger, may God's prayers and peace be upon him, and then consult and gather the people of opinion and judge according to what they agreed upon. This period was characterized by standing at the phenomena of the texts without looking for the reason for the legislation or its wisdom. Easier than what he told them about others. And this is how the people of Medina followed the fatwas of Abdullah bin Omar, may God be pleased with him, and the people of Kufa followed in most cases the fatwas of Abdullah bin Abbas, may God be pleased with him. The people of Egypt followed the fatwas of Abdullah bin Omar, may God be pleased with him, and the people of Basra followed the fatwas of Abu Musa Al-Ash'ari and Imran bin Al-Hussein, may God be pleased with him. God for him. Hence the journey in seeking hadith, tracking it, collecting it, and delegating the people themselves for that, so the hadiths of the Messenger of God reached the remote countries. The fatwas of scholars were derived from hadith until the work

settled on the doctrine of Malik, al-Shafi'i, Abu Hanifa, and Ahmad ibn Hanbal (2007, شعبان & الثعالبي, p. 67).

In this climate full of scientific activity and hadith, if it is true, Al-Hasan Al-Basri was one of the pillars upon which Islamic jurisprudence was built - and his approach in jurisprudence was the tendency to talk and to stand firmly on what he had of the work of the companions. He added to this tendency to speak to say analogy, custom, and approval, and he declares That is when Abu Salama bin Abd al-Rahman asked him: "Do you see what people give fatwas to something I have heard or do you think?" Al-Hasan said: No, by God, we have not heard everything we gave a fatwa, but we saw better than their opinion for themselves. On passion and people's excuses, we see him committing a ruling for himself and giving fatwas to others contrary to him. For example, he did not take a fee for teaching, and at the same time, he paid the price to the teacher who teaches his nephew. (شعبان & الثعالبي, 2007, p. 211) Perhaps he derived some of the details of his jurisprudence from society and the environment and treated them according to the method of compulsion, not prohibition. So he widened the door of hatred and did not say what was forbidden except what was stipulated. He was merciful to people as much as he was careful and fearful for himself (Khudari, 1964, p. 99).

This comprehensive view in the jurisprudence of al-Hasan made him in the ranks of the jurists of the schools, and he is a model for the jurisprudence of evidence and the jurisprudence of the people of hadith. You can count him as Shafi'i once, Maliki once, Hanafi once, and Hanbali at other times. He may develop a jurisprudence that did not follow the doctrine of these prominent figures distinguished in some of his issues—examples of Al-Hassan's jurisprudential positions in brief (Hamdan, n.d., p. 91).

In the field of matters of purity, he used to see seawater as a purifier like most of the jurists, and he inferred the words of the Almighty: (If you do not find water, then perform tayammum with the good ground) and seawater is included in the generality of the word water. In the field of the rulings on cleaning one's body and the etiquette of abandoning one, he sees that a partial Istijmaar is made with three stones, and he sees that cleaning oneself with water is not good, and he said that urine is Makrooh (محمد, n.d., p. 81).

In the field of ablution, he sees that the name is obligatory like washing, and that washing the hands before inserting them into the vessel is mandatory for everyone who gets up from sleep, and that the beard does not have to be pickled instead, it is sufficient to wash its outer surface, and that only wiping part of the head is adequate as it is permissible to wipe over the turban, and that The ears are considered part of the head. He also said that it is acceptable to brush over the legs, and he read by dragging the feet in the verse: (And your feet to the ankles) and



considered that the arrangement in ablution is not obligatory. The worshiper may pray all with one ablution unless it occurs, and the same applies to tayammum. About the nullifiers of ablution, al-Hasan believes that touching a woman does not invalidate ablution at all - and that sleep invalidates ablution, whether it is a little or a lot, and that laughing in prayer necessitates ablution, and that shaking hands with a polytheist requires ablution as well (2014, الجزيري, p. 151). He kept them away from women in the call to prayer and the Iqaamah and disliked the call to prayer without purification. It was permissible to speak out of need during the call to prayer, and it was acceptable to call the call to prayer on the ferryboat - meaning the boat - and he saw the dislike of taking payment for the call to prayer (محمد, n.d., p. 71).

In the field of prayer work: Al-Hasan said that the opening Takbeer is Sunnah and not obligatory, and the worshiper should lower his hands while standing and raise his hands when bowing and growing from it, and he believes that seeking refuge before reciting Al-Fatihah in prayer is Sunnah - and the same is true in every rak'ah before repeating and that the name is legitimate at the beginning of Al-Fatihah And for good, there are narrations regarding reading from the Qur'an in prayer. One narration says that prayer is not permissible and invalidates the prayer. In that, it resembles the People of the Book, and another says that reading is disliked. Another says that it is permissible for the Imam, and a final narration permit reading in the nafl without the obligation. Concerning the provisions of forgetfulness, al-Hasan believes that if the Imam increases the number of rak'ahs and does not know until after he has finished, he prostrates for forgetfulness. His prayer is valid, and that he prostrates for forgetfulness if he forgets the middle Tashahhud. The Imam bears the forgetfulness and not on the one who forgot it behind the verse.

The Imam prostrates - and there is no prostration to the follower if the Imam does not prostrate. The follower prostrates with the Imam if he forgets before him and is preceded, whether the prostration is before or after. There is no prostration for forgetfulness in a light Sunnah such as aloud or secret in a wrong place. In the rulings on imamate, al-Hasan believes that if the worshipers are three or more, the Imam stands in front of them, and the one who is praying alone stands to the left of the Imam. And in the women leading women, there are two versions of it, whether it is permissible or not. He also sees the permissibility of killing a snake and a scorpion in prayer and conquest of the Imam and his response by the follower. With regard to the Friday sermon, al-Hasan believes that the Friday sermon is a Sunnah that it is permissible to pray without it and that greeting the mosque is desirable while the Imam is delivering the address, and that boasting a sneeze is acceptable during the sermon. There is nothing wrong with talking between the two discourses.

He said of the infidelity of the neglect of prayer and that the middle prayer is the afternoon prayer.

In the field of zakat and al-Fitr alms, al-Hasan held that there is no zakat on the money of the boy and the insane, and in narration, he specified that there is no zakat on gold and silver. He defined zakat on crops and fruits into four categories: wheat, barley, dates, and oil. Debt upon him - and concerning the al-Fitr charity, he said that it is obligatory according to the public, and it is only mandatory on the one who is addressed with fasting. Hence, it is not required on a small one, while the servant is also obligated to the offices.

In the field of fasting, it is sufficient to mention some of his views, as he saw Al-Hasan following the Imam in fasting and breaking the fast if there is an obstacle to sighting, and that fasting is not obligatory for the one who has seen the crescent alone - and that the testimony of two men only proves the sighting - and that voluntary fasting is valid whether the intention of the fasting person is or not - He permitted the great sheik to break the fast and feed a needy person for each day, as much as he admitted that for the pregnant and breastfeeding woman with making up for it - just as the traveler has the right to break his fast while he is at home if he intends to travel and go out, and he used to see that the boy is commanded to fast if he can bear it and that the infidel does not have to make up what he missed before his conversion to Islam

In the field of Hajj and Umrah: Imam Al-Hasan went to the view that Umrah is obligatory and that it is disliked for a Muslim to perform Umrah more than once a year - the months of Hajj with him are Shawwal, Dhul-Qa'dah, and the ten days of Dhul-Hijjah.

### **The second requirement: the doctrine of Imam Al-Awza'i:**

The owner of the doctrine is the sheik of Islam and the scholar of the people of Levant, Abd al-Rahman ibn Amr ibn Yahmad, Abu Amr al-Awza'i

He was born in Baababek in 88 A.H., lived in Beirut, and died there in 157 AH. It was said that he issued a fatwa on seventy thousand issues (الذهبي, n.d., p. 98).

He hated analogy and stood with the Sunnah. That is why he is considered one of the jurists of the Ahl al-Hadith school. His doctrine spread in the Levant and Andalusia thanks to his companions until the Shafi'i school of thought overtook it in the Levant and the doctrine of Imam Malik in Andalusia in the middle of the third century A.H., after about two hundred years of its spread (Sarīrī, 2002, p. 126).

### Imam al-Awza'i lineage and tribe

He is Abu Amr Abd al-Rahman ibn Amr ibn Yahmad al-Awza'i. Muhammad bin Saad said: "And Al-Awzaa' is in Hamdan." Al-Bukhari said in his history: "Al-Awza': a village in Damascus if it exits from the gate of Paradise."

### Childhood and upbringing of Imam al-Awza'i

Ibn Katheer said: "Al-Awza'i was raised in the Bekaa as an orphan in his mother's lap, and she used to move with him from country to country and discipline himself. The sons of kings, caliphs, ministers, merchants, and others were not wiser than him, nor pious, nor knowledgeable, nor articulate, nor reverent, nor dreamy. And no more silence than that."

### Features of the personality of Imam Al-Awza'i

#### The abundance of Imam al-Awza'i's knowledge and jurisprudence:

Imam Al-Awza'i is considered one of the prominent jurists who influenced Islamic jurisprudence, especially in the Levant and Andalusia. Al-Hafiz Ibn Katheer said: "The people of Damascus and the surrounding country remained on his doctrine for about two hundred and twenty years." Then his doctrine moved to Andalusia and spread there for a period. His order weakened in the Levant before the doctrine of Imam Al-Shafi'i, and in Andalusia, also in front of the doctrine of Imam Malik, who found supporters and students in Andalusia. At the same time, the doctrine of Al-Awza'i did not find the supporters and students. He performed the pilgrimage once and entered Mecca with Sufyan al-Thawri taking the reins of his camel, Malik bin Anas driving with it, and al-Thawri saying: Make room for the sheik. Until they sat him at the Kaaba, they sat in front of him, taking from him.

#### The worship of Imam Al-Awza'i, His Piety, and his Asceticism:

Bishr bin Al-Mundhir said: "Al-Awza'i was as if he was blind from reverence." Ibn Mushir said: "He used to live the night by praying and reciting the Qur'an." Al-Waleed bin Muslim said: "I have not seen anyone more diligent than Al-Awza'i in worship."

Imam al-Awza'i does not fear for the sake of God the blame of a blamer:

When Abdullah bin Ali - the uncle of the butcher who expelled the Umayyads from the Levant, and God Almighty removed their state at his hand - asked him about the Umayyads, saying: O Uzai, what do you see in what we have done by removing the hands of those who are unjust from the people and the country? Stress and bond are? Al-Awza'i said: O Prince, I heard Yahya bin Saeed Al-Ansari say, I heard Muhammad bin Ibrahim Al-Taymi say, I heard Alqamah bin Waqas say, I heard Omar bin Al-Khattab say, I heard the Messenger of God, may God bless him and grant him peace, say: "Actions are but by intentions, and every person has what He intended, so whoever emigrated to God and His Messenger, his emigration was to God and His Messenger, and whoever emigrated for worldly



benefits or for a woman to marry, his emigration was for what he emigrated to." Abdullah bin Ali got angry, then said: O Ozai, what do you say about the blood of Banu Umayyah? Al-Awza'i said: The Messenger of God, may God's prayers and peace be upon him, said: "The blood of a Muslim is not lawful except with one of three things: the soul for the soul, the adulterous adulterer's blood, and the one who abandons his religion and separates from the group." The Prince became enraged, then said: What do you say about their money? Al-Awza'i said: If it is in their hands what is forbidden, then it is forbidden for you as well, and if it is lawful for them, it is not lawful for you except by a legal means. So the Prince ordered him to leave, then called him to give him a gift, so Al-Awza'i took it and then gave it in charity (الذهبي, n.d., p. 89).

### Sheiks of Imam Al-Awza'i

He narrated on the authority of Ata bin Abi Rabah, Al-Qasim bin Mukhaimra, Muhammad bin Sirin a story, Al-Zuhri, Muhammad bin Ali Al-Baqir, Ismail bin Abdullah bin Abi Al-Muhajir, Qatada, Amr bin Shuaib, Rabia bin Yazid, Shaddad, Abi Ammar and Abda bin Abi Lubaba, Bilal bin Saad, Muhammad bin Ibrahim Al-Taymi, Yahya bin Abi Katheer, Abdullah bin Amer Al-Yahsabi, Makhoul, Abi Kathir Al-Suhaimi, and many creations (الذهبي, n.d., p. 90).

### Students of Imam Al-Awza'i

Malik, Shu'bah, Al-Thawri, Ibn Al-Mubarak, Ibn Abi Al-Zinad, Abd Al-Razzaq, Muhammad Ibn Harb, and many others narrated from him. It was narrated from him by some of his sheiks: Al-Zuhri, Yahya bin Abi Katheer, Qatadah, and others (الذهبي, n.d., p. 90).

### Al-Awza'i's books

- 1- The Book of Sunnahs on Fiqh.
- 2- Book of issues in jurisprudence.
- 3- The Siren book.
- 4- The Musnad book.

### Scholars' praise of Imam al-Awza'i

Abu Naim said about him in Al-Hilya: "The revered imam, and the preferred leader, Abd al-Rahman ibn Amr Abu Amr al-Awza'i, may God be pleased with him, was one of his time, and the imam of his time and time. ". Al-Hafiz Ibn Katheer said about him: "The great imam, the sign of the time... the jurist and imam of the people of Levant."

Imam Malik said about him: "Al-Awza'i was an imam to be emulated." Sufyan bin Uyaynah and others said: "Al-Awza'i was the imam of the people of his time." Muhammad bin Ajlan said: "I have not seen anyone advise Muslims more than Al-Awza'i." Yahya bin Ma'in said: "The scholars are four: Al-Thawri, Abu Hanifa, Malik, and Al-Awza'i."

## From the eternal words of Ouzai

Be patient with the Sunnah, stand where the people stand, say what they say, and stop what they refrain from, and whatever is within their capacity is sufficient for you. Knowledge is what came from the companions of Muhammad, and what was not reported by them is not knowledge (محمد, n.d., p. 78). The love of Ali and Othman can only be combined in the heart of a believer.

If God wants a people evil, He opens the door of argument for them and blocks the door of knowledge and action from them. Wellness is ten parts, nine of which are silence, and part of it is fleeing from people. He died in Beirut on Sunday 28 of Safar 157 AH / January 16, 774 AD, when he was one year under seventy. May God have mercy on him and placed him into his heavens.

### The third requirement: The doctrine of Imam Al-Layth bin Saad:

The doctrine owner is Imam Al-Hafiz, the Sheikh of Islam and the scholar of the Egyptian lands, Al-Layth bin Saad bin Abdul Rahman Al-Fahmi, born in Qaraqandha in the year 94 A.H.. He died in the year 175 AH. (الذهبي, n.d., pp. 131–136/8) He had correspondences and arguments with Imam Malik. He blamed Imam Malik for his exaggeration in invoking the actions of the people of the city and judging by witness an oath (Sarīrī, 2002, p. 126) Imam Al-Shafi'i said about him: (Al-Layth bin Saad is more knowledgeable than Malik, but his companions did not do it) (Sarīrī, 2002, p. 126).

### The doctrine of Al-Layth bin Saad

His doctrine is attributed to its founder Al-Layth bin Saad, the Imam of Egypt and its modernizer in the second-century A.H. His declaration was famous for its interest in the moral and spiritual aspect of Islam and was also renowned for its foundations that contradict the doctrine of Imam Malik. It relied on the correct hadiths (evidence) and not on what the city's people narrated that Malik relied on (the opinion). Al-Layth bin Saad did not write down his doctrine, knowing that he was a follower of jurisprudential traces and involved in history. The reason for this is likely that he did not find time to preserve his doctrine because of his preoccupation with the Egyptian ruler in managing the country affairs, which hastened the doctrine's demise after his death (2007, نووي & عبد الموجود, عادل احمد, p. 77).

### The fourth requirement: the doctrine of the revolutionary Imam:

The author of the doctrine is the Sheikh of Islam, the Imam of the custodians, the master of scholars working in his time, Sufyan bin Saeed Al-Thawri Al-Thawri Al-Kufi Al-Mujtahid. He was born in the year 97 A.H., and he died in Basra in the year 161 A.H. He is from the School of Ahl al-Hadith, and he had followers who issued fatwas regarding his madhhab, but they did not multiply, and his taqlid did not persist, so it vanished (Dasūqī et al., 1990, p. 185).

### **The fifth requirement: the doctrine of Imam Ishaq bin Rahwayh:**

The doctrine owner is the great Imam, Sheikh of the East, Ishaq bin Rahwayh Abu Yaqoub, born in 161 AH and died in 238 AH (الذهبي, n.d., p. 358/11). He is one of the greatest memorizers of imams who combined hadith, jurisprudence, piety, and Asceticism. His sect had followers called Ishaqiah (Dasūqī et al., 1990, p. 188).

### **The sixth requirement: The doctrine of Imam Abu Thawr:**

Imam Abu Thawr was born in 170 AH, and he died in the year 240 AH, and his birth and death were in Baghdad. (الذهبي, n.d., p. 75/12) The author of the doctrine is the hard-working Imam, al-Hafiz, the mufti of Iraq, Abu Thawr Ibrahim bin Khalid al-Kalbi. The Islamic nation has given birth to an infinite number of scholars in the various arts of science, especially in the sciences of Sharia and in particular in the science of jurisprudence and one of the top Islamic jurisprudence scholars whom God has exalted their destiny and kept their remembrance is Imam Abu Thawr. Imam Abu Thawr is Ibrahim bin Khalid bin Abu Al-Yaman Al-Kalbi Al-Baghdadi Abu Abdullah, known as Abu Thawr Al-Faqih, is one of the prominent scholars and hard-working imams (Halaq, 2018, p. 91).

This period in which the Imam lived is considered one of the most prosperous eras of Islamic jurisprudence, as he wrote down jurisprudence in this era of time. Imam al-Shafi'i and became one of the senior Shafi'i jurists, then adopted a new jurisprudential doctrine derived from the school of Imam al-Shafi'i. As for his qualities and morals: there is an agreement among Islamic scholars of different ages that Imam Abu Thawr was one of the imams in knowledge, virtue, piety, and Asceticism. And his merits and his leadership are more than to be counted" and more famous than to spread. Scholars have agreed on his authenticity, majesty, honesty, ingenuity, and leadership. Ibn Hibban describes him, saying, "Imam Abu Thawr was one of the imams of the world, jurisprudence, knowledge, piety, virtue, religion and goodness." On his stances, the saying that the Qur'an was created where it stopped like a smelly mountain, he says: The Qur'an is not created. The books of translations mentioned to Imam Abu Thawr several works, including the differences of Malik and Al-Shafi'i, the book "Ahkam al-Qur'an" and the book "Al-Mabsout fi fiqh", but it is unfortunate that the works of Imam Abu Thawr did not see the light and were lost early, as nothing remained of them except that his jurisprudential opinions were transmitted from him by many authors (محمد, n.d., p. 97). And Imam Abu Thawr had fatwas in agreement with the four schools (Hanafi, Maliki, Shafi'i, and Hanbali) or one of them. He also had fatwas in which he disagreed with the four imams, including the ruling on purification with wine, where Imam Abu Thawr believes that it is not permissible to perform ablution or ghusl because the name of water was dropped from him. And wine is like this, and

therefore the ruling is tayammum if he does not find water. He issued a fatwa that it is permissible for a Muslim to marry a Zoroastrian (محمد, n.d., p. 71). This opinion was transmitted from him by Ibn Qudamah and others. Imam Abu Thawr understood the pinion until Al-Shafi'i came to Baghdad, but he disagreed and reverted from the idea to the hadith. Ibn Abd al-Barr said: He was trustworthy in what he narrates and good consideration, except that he had an anomaly in which the majority disagreed with him. Al-Subki considered him one of the imitators of al-Shafi'i, who was declared by more than one that he was an independent mujtahid, so it was attributed to him by the ratio of the learner to the teacher, not the imitator to the imitator, but one of Imam is the jurist

#### **The seventh requirement: The doctrine of Imam al-Tabari:**

The doctrine owner is the Imam, the scholar, the mujtahid, the scholar of the age, Muhammad bin Jarir, Abu Jaafar al-Tabari, from the people of Amal Tabaristan; he was born in the year 224 AH and died in Baghdad in the year 310 AH (الذهبي, n.d., p. 26/7). Some scholars attributed it to the Malikis, and some attributed it to the Shafi'is, and it is verified that he is an absolute mujtahid. He had followers who cut off after four hundred (2007 شعبان & الثعالبي, p. 39/2). In his interpretation, he referred to the principles on which he relied in deducing rulings. This includes his saying: (The permissible and the forbidden can only be with a text, evidence, an origin, or an analog of an original). The original, according to al-Tabari, refers to the al-Qur'an, the Sunnah, and the consensus, and the counterpart to the original is the analogy (Dasūqī et al., 1990, p. 187).

#### **For the eighth requirement: The doctrine of Imam Dawood Al-Zahiri:**

The owner of the Madhhab is Imam Al-Hafiz Dawood bin Khalaf Al-Zahiri, the guardian of the Commander of the Faithful, the Mahdi, the leader of the people of Al-Zahir. His doctrine states that the legal source is the texts, so there is no opinion on a ruling from the rulings of Sharia, and those who adhere to this doctrine denied the idea of all kinds, so they did not take an analogy, nor approval, nor sent interests, nor pretexts, but they take the texts alone, even if the text was not, they took the rule of companionship, which is the original and established permissibility. By His \_ Almighty \_ : (He it is Who created for you all that is on the earth) and they decided many rulings with which they differed from the jurists. Instead, they left the opinion and adhered to the texts until they say commands in the utmost perversion. It is permissible for the ordinary person to imitate, but instead, he must strive, and if he is not able to do so, he asks someone else, but he does not accept the words of others unless he is presented with evidence from the Al-Qur'an and the Sunnah, or the consensus, Improves understanding of the Book and the Sunnah (الذهبي, n.d., p. 97/13).

The apparent doctrine spread in the third and fourth centuries, and some scholars considered it fourth after the principle of Abu Hanifa, Malik, and al-Shafi'i. In the East, in the fourth century, it was more prevalent than the doctrine of Imam Ahmed. Still, in the fifth century, the judge Abu Ya'la came and made the Hanbali school a place, thus displacing the apparent philosophy from the East and replacing it. (Sali et al., 2020) At the time when the evident doctrine in Andalusia made the efforts of the scholar Ibn Hazm, who had triumphed for the apparent doctrine and published it and authored books in it that immortalized the principle, and its virtue over the doctrine was obvious, may God have mercy on him vast understanding (محمد, n.d., p. 351/2). The apparent madhhab was destined to remain for a period of time, then began to weaken little by little until it ended in about the eighth century (1991, المدخل الى الفقه الاسلامي, p. 206).

### Revolutionary Doctrine

The Al-Thawri doctrine concerning Imam Sufyan bin Saeed Al-Thawri was famous in Kufa (Iraq) during the fourth century A.H. Al-Thawri established a principle of his own. He compared the people of opinion with the people of hadith. Its foundations are based on deducing rulings from the Qur'an and Sunnah and striving to issue fatwas that are easier for people. Al-Thawri proved his inclination towards facilitation and rejection of extremism, which made his followers increase in Iraq until the fourth century A.H. before it disappeared due to the lack of adoption of his doctrine by any political authority. He refused to take over the judiciary during the Abbasid Caliph Abu Jaafar al-Mansur and his son al-Mahdi and fled in hiding between countries (Iraq, Hejaz, Yemen) until he died.

### Al-Awza'i doctrine

The founder of this doctrine is Abd al-Rahman al-Awza'i. It was stated in the Book Sir Flags of the Nobles that Imam Abd al-Rahman al-Awza'i established an independent madhhab in which the scholars of Levant and Andalusian jurists worked and then died 220 years after its appearance. It is believed that it was the first school of thought adopted by the people of Andalusia. The people of Morocco also practiced it until the entry of the Maliki school of thought adopted today. Al-Awza'i built his doctrine on the adoption of the Sunnah interpretation of the Qur'an and the preference of opinion, ijihad, analogy, and blocking pretexts. However, his philosophy did not last long, although his jurisprudential views are still included in the books of Islamic jurisprudence. It is narrated on the authority of Al-Awza'i that he was very tolerant of the Christians and Jews of his time in the Levant. He stood in the face of the Abbasid Caliph Abu Jaafar Al-Mansur, who ordered their evacuation from the Levant due to a group of them revolting against him. Still, Al-Awza'i supported them and demanded the Caliph not to deport them, which was what happened (الذهبي, n.d., p. 711).



### **The cause of the Four Schools of Thought Persists and lasts until now**

As a result, religious, scientific, and judicial institutions are no longer confined to a particular school of jurisprudence so that the sect of its affiliates monopolizes its functions. To this, al-Maqrizi (d. 845 AH / 1442 AD) points out, saying: "There is no denomination left in the totality of the lands of Islam from among the sects of the people of Islam except these four sects and the Ash'ari creed. A judge was not appointed, and no one's testimony was accepted. No one was presented to preaching, leading, and teaching unless he imitated one of these schools of thought.

The jurists of these regions issued a fatwa during this length of time that it is obligatory to follow these schools of thought and the prohibition of anything else and work on this to this day (Halaq, 2018, p. 94). In this way, the idea of the "sectarian quartet" was firmly established and finally settled, and it became a firm foundation not only for Sunni jurisprudence but for all activities under its orbit, in the fields of education, judiciary, and religious advocacy, as if an agreement had been signed between Muslims - supported by religious fatwas - on the obligation to follow these doctrines and the prohibition of Engagement with others, as suggested by the apparent words of Al-Maqrizi (Hāmidī, 1429, p. 27). With this second article, we have finished those necessary premises that we saw as paving the way to talk about the development of the movement of legal schools in Egypt from its early history to the modern era. In the following article, God willing, we will review the emergence of the jurisprudential movement in Egypt and its development from the first century A.H. until the establishment of the Fatimid state in the middle of the fourth century (Elfia & Meirison, 2020).

#### **4. Conclusion**

Whatever the case, the four sects overcame the countries of the Islamic world, with a difference between them is the degree of spread and depth of impact, while the other sects disappeared. Ibn Khaldun, "Taqlid in the cities stopped at these four, and the imitators studied for others" Rather, it was believed that the door of ijtihad has been closed and that there is no way to invent a new madhhab to be added to the four madhhabs. Except in the rare, that is not judged or measured. The researchers worked hard to determine the objective reasons that could explain why these four sects rose to the ranks of the major sects and encountered that enormous spread in the home of Islam. In contrast, other denominations disappeared, and between emergence to extinction remained just a system of personal opinions of their owners.

He embraces it and believes in it, for it did not win someone to explain it and add to it what becomes with the accumulation of a complete doctrine or advocate for it in opposition to other schools of thought. There is a prerequisite for the sect's

transformation from being a mere personal sect that relies on the private opinions of its owner to the rank of the jurisprudence school as a collective systematic entity of a cumulative nature and a dominant cognitive authority, which is that its followers are prepared to adhere to it strictly (teaching and fatwas). Their jurisprudence plays a crucial role in building the doctrine to have their opinions and judgments, no less important and profound than the role of its first founder.

It took decades for the madhhabs to be completed and their methodological components to be fulfilled after the death of their founders, as mentioned above, and suppose this condition can explain the reason for the development of some personal sects - theoretical and methodological foundation - to become full-fledged doctrinal sects. In that case, there are other reasons we can understand why those sects spread so widely? Why has it been granted general acceptance and has gained sovereignty - and no other - over the Islamic regions? Perhaps the political support on the part of the authority was one of the most prominent reasons that historians, ancient and modern, relied on the context of the historical interpretation of the spread of these doctrines.

However, it was not the only reason for this phenomenon. It is historically proven that some sects enjoyed the support and backing of the state, for reasons that revolve, in general, on the desire to acquire religious legitimacy that goes beyond the legitimacy of force and conquest, which has been recognized as a way to reach power and seize the reins of power. And that desire - upon investigation - is not rooted in connection with the decisive transformation in the system of government in the Islamic state from a caliphate based on consultation and choice to an inherited monarchy that can only be attained by subjugation and domination.

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