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METHODOLOGY OF IJTIHAD JAMA'I: A MECHANISM FOR CONTEMPORARY FATWA ISSUANCE

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Abstract

As time and period progress, issues that arise nowadays become more sophisticated and complex. Nonetheless, due to the adaptability of the ijtihad mechanism, Sharia, which is the rule that governs human civilization, is still able to offer a solution for every arising problem. Similar can be said regarding ijtihad, which is an instrument that renders Sharia's dynamic, relevant and susceptible solutions. Ijtihad is now more likely to be performed collectively, which permits scholars with different areas of expertise or sub-expertise to discuss together and then decide on a fatwa based on the discourse. The ijtihad jama'i is performed by fatwa committees or organizations and institutions akin to it, as well as conferences and assemblies that tackle issues from the perspective of Sharia. It is organized systematically at the global, national, or institutional level. In addition, the ijtihad jama'i nowadays performs authoritatively, and the fatwa issued by it is bound to law and has legal significance. Thus, this study proposes an ijtihad jama'i methodology that encompasses the stages in resolving issues that arise. The study employed a content analysis and identified five stages for methodology of ijtihad jamā'i, namely al-taṣwir, al-takyif, al-mushawarah, bayan al-ḥukm and al-ifta'. This ijtihad jama'i methodology would be beneficial to stakeholders such as fatwa committees, majma' fiqh, majma' buḥuth, conferences, seminars, fatwa, and research institutions in various domains, which are directly involved in resolving contemporary issues that necessitate fatwa issuance.

INTRODUCTION

The relevance of Sharia to this day is a result of the existence of ijtihad as an instrument that preserves the harmony between revelation and reasoning (Kamali, 1991). Revelation, as the primary source of Shariah, stopped with the death of the Prophet SAW. However, problems arise on a continuous basis, ijtihad has become an indispensable instrument in resolving them. Therefore, with the mechanism of ijtihad, new problems that arise without the presence of Sharia texts can still be solved in addition to uncertain Sharia texts (*zanni*) or texts that have multiple interpretations (*wajh*) which can also be unraveled (Juma'ah, 2004).

However, the mono-disciplinary nature of modern scholarship, in which a scholar's expertise is merely in one discipline, makes ijtihad seem incapable of providing optimal solutions to the arising complex Sharia issues. This is exactly the case because each scholar only has a comprehensive understanding of one field, whereas the issues that arise demand a broad understanding of several fields. Realizing the difficulties that individuals may face in exercising ijtihad, al-Shalabi (1982) opined that ijtihad should be performed collectively. He also indicated that this could be achieved by establishing "The Juristic Assemblage" (*al-Majma' al-Fiqhi*) or "The Supreme Council for Religious Law and Legislation" (*al-Majlis al-A'la li al-Fiqh wa al-Tashri'*). Thus, ijtihad *jama'i* enables each scholar to complement others.

Additionally, ijtihad *jama'i* is now performed in an organized and systematic manner, supported by the government or ruler. According to Hassan (2003), the first formulation of ijtihad *jama'i* was authoritatively materialized during the Ottoman Empire which promulgated an Islamic Civil Code (*Majallah*) during the Tanzimat period. A seven-man Committee of Jurists (the Committee of the *Majallah*) was appointed under the chairmanship of Cevdet Pasha to compile the law of transaction based on the Hanafi legal school, which would then be applied throughout the Empire. Subsequently, today, ijtihad *jama'i* has evolved into an institution with a specific authority to carry out ijtihad collectively when deciding fatwas in a nation or state (Al-Qardawi, 1996). As a result, the instituting ijtihad *jama'i* can provide solutions that are more contextual with the current reality due to the assemblage of diverse expertise areas in final fatwa decision-making.

Considering the reality of ijtihad *jama'i* as a mechanism for a fatwa issuance nowadays, it must clearly fulfil the requirements for a fatwa decision-making. Therefore, this study examined the methodology of ijtihad *jama'i*, which comprises of a few stages that must be fulfilled in the determination of a fatwa collectively.

CONCEPT OF IJTIHAD *JAMA'I*

The ijtihad *jama'i* is a compound of two words. The first word, ijtihad, is extensively discussed in the usul fiqh turath literature. From an etymological viewpoint, ijtihad refers to putting an utmost effort and endeavor (Ibn Manzur, 1993). In line with the etymological definition, usul fiqh scholars use this term to describe the utmost effort and attempt made by the jurists to issue a legal ruling or *hukm*. According to al-Amidi (2003), ijtihad is exerting all efforts to attain the ẓann of a *hukm* in such a manner that an individual senses (within himself) an ability to expand further effort.

The second word is *jama'i* which derived from the verb *jama'a* that carries the meaning of to gather separate things (Al-Farabi, 1987). As the word *jama'i* is compounded with the word ijtihad, this necessitates the practice of ijtihad to be collective rather than individual. As a recently coined phrase, ijtihad *jama'i* has been defined by several contemporary scholars. Al-Sharafi (1997) defined ijtihad *jama'i* as the outpouring energy and effort by the jurists in issuing the *ẓann* of Sharia ruling employing istinbat methodology. The final Sharia ruling is made based on the agreement and consent from all or most of the jurists, following their extensive deliberations and debates. Without specifying the istinbat as a methodology of fatwa issuance collectively, al-'Attar (1996) defined ijtihad *jama'i* as the consensus of more than one mujtahid following a discussion on a specific Sharia ruling in which they used full force and effort to deduce the Sharia ruling from its sources and arguments. Meanwhile, Al-Raysuni (n.d.) generally defined it as the discourse of a group of scholars and experts in providing a final decision that corresponds to the ijtihad-related topic.

In addition, al-Khalid (2009) included research as part of ijtihad *jama'i* as he defined it as an outpouring effort of research, discussions, and debates by a group of jurists to establish Sharia ruling on problems in the form of *ẓann*. Apart from that, al-Huli (2009) defined it as the outpouring effort by a group of jurists to study and conduct a discourse utilizing usul fiqh methodology to issue Sharia ruling, either through *aqli* or *naqli* argument, and *qat'i* or *ẓanni* evidence. Al-Majma'i (2014) defined it as the outpouring energy of a group of scholars who gather to decide on a Sharia ruling pertaining to a problem that arises.

Based on the stated definitions from various contemporary scholars, it can be concluded that ijtihad *jama'i* is an outpouring effort by a group of jurists in establishing Sharia ruling throughout a process of research, discussions, and debates between and among them. The establishment of the Sharia ruling is then determined according to the consent of the majority or all the jurists.

Although the term ijtihad *jama'i* is coined by contemporary scholars, the practice of ijtihad *jama'i* is not newly discovered and implemented. In fact, it has long been practiced by the Prophet SAW and his companions to resolve various problems. Justification of ijtihad *jama'i* is associated with the revelation in the execution of shura through verse 38 in Surah al-Shura and verse 159 in Surah Ali-'Imran (al-Majma'i, 2014). The concept of ijtihad *jama'i* is interpreted as containing the notion of shura as its foundation as the terminology of shura refers to the process of gathering experts' viewpoints on a subject matter to get a solution that is closest to the truth (Al-Khaliq, 1997). Hence, ijtihad *jama'i* is a process of gathering and analyzing the opinions of experts or a group of jurists on an issue that necessitates the Sharia law to come up with a solution that is closest to the truth, which is known as a fatwa. Thus, the nature of shura is more general than ijtihad *jama'i,* in which shura involves solving more general problems, including matters outside the context of Sharia law. The shura is also a recommendation by the Prophet SAW in a hadith recorded by al-Tabarani:

> I ('Ali bin Abi Talib) said to the Prophet, 'O, Prophet, (what if) there is a case among us, while neither revelation comes, nor the Sunnah (tradition of the prophet) exists.' The Prophet replied, '(You should) have meetings with the scholars, or in another version: the pious servants and consult with them. Do not decide only by a single opinion.

Furthermore, Saidina Abu Hurairah RA claimed that he had never seen someone conferred with the Prophet SAW's companions more than himself (Al-Asqalani, 1959). Throughout his life, the Prophet SAW had consulted his companions on a wide range of issues, including the decision to evacuate Medina in the battle of Uhud, determining the method of calling Muslims to prayer and deciding on the military expedition for the captives of Badr (Al-Majma'i, 2014; Al-Bukhari, 2001; Al-Naisaburi, n.d.). After the Prophet SAW's death, the caliphate al-rashidin continuously practiced the ijtihad *jama'i*, for instance, Saidina Abu Bakr RA in determining those who refused to pay zakat (Al-Shirazi, 2003), as well as Saidina Umar RA in deciding the punishment for drinking alcohol and the law of abortion. In truth, the practice of ijtihad *jama'i* does not end there; it is carried on by the tabi'in and the next generation to the present day.

SIGNIFICANCE OF IJTIHAD *JAMA'I* AS A MECHANISM FOR CONTEMPORARY FATWA ISSUANCE

Ijtihad has been practiced for centuries (Al-Nawawi, n.d.). Scholars nowadays perform ijtihad *juz'iy*, which is an ijtihad on a single issue or field (Al-Tusi, 1993). This ijtihad *juz'iy* confines a mujtahid to resolve one problem within his expertise but not others, making the institutionalization of ijtihad *jama'i* a significant modern organizational development in which specialized committees are in charge with collective fatwa-giving. The practice of ijtihad *jama'i* establishes mujtahid *juz'iy*'s expertise that complements each other through research, debates, and discourse in deciding a Sharia ruling. This is in accordance with the complexity of problems nowadays, which necessitates the interweaving of varied expertise. With the ijtihad *jama'i* performed, the integration of knowledge and expertise in resolving issues can be attained. Besides that, ijtihad *jama'i* can ensure that each expertise and sub-expertise complement each other in the requirement aspect for a mujtahid like a fiqh expert working with hadith experts, tafsir experts and Arabic language experts. They also complement each other to understand the current reality such as social sciences, economics, medicine, and other fields (Al-Majma'i, 2014).

Furthermore, compared to ijtihad that is executed individually, collective discourse with various experts contributes to more in-depth, comprehensive, and exhaustive discussions. As a result, ijtihad *jama'i* is more likely to issue an accurate fatwa (Kurdum, n.d.). When there is a diverse range of viewpoints and ideas hurled, the argument will mature. One person may grasp something that the other may not comprehend, or one person may remind something that the other may have forgotten. As a result, the discourse via ijtihad *jama'i* can narrow the gap in difference of views or *khilaf* by bringing together the different ways of thinking and opinions and raising the ummah's confidence in the decided fatwa (Shamsuddin & Ismail, 2018).

Aside from that, there is a fatwa that will directly affect the public, notably individual's relationships with the surrounding community, making ijtihad *jama'i* so significant to be practiced. This is because faults in ijtihad have a profound impact on interpersonal relationships in general. Thus, ijtihad *jama'i* can minimize the chance of faults in ijtihad by issuing fatwas based on extensive debates and discourse amongst experts (Al-Ghallayini, 2009). Furthermore, considering today's ijtihad *jama'i* which is applied through fatwa organizations or institutions,

Muslims can be reunited by referring to a single authoritative and transparent source, preventing conflicts and misunderstandings within the community (Al-Attar, 1996). This can also preclude the contradiction of fatwas from one individual to another as it leads to confusions and conflicts within the community due to attempts of issuing fatwas without conducting extensive studies or research. Meanwhile, to avoid fatwa issuance by the non-qualified, authoritative ijtihad *jama'i* is the ideal approach as each member must meet the qualifications established by the fatwa committees, organizations, or institutions. Ijtihad *jama'i* also allows for checks and balances of every viewpoint puts out by the members. As a result, issuance of fatwas is either overly rigid by limiting them to the basis of classical fiqh only and ignoring the changing nature of times, or fatwas that are decided too loosely to the point of ignoring Sharia rules and regulations, which can be avoided. According to al-Qardawi (1996), the practice of ijtihad *jama'i* through *majma' 'ilmiy* results in fatwas that are far from social or political pressure.

Furthermore, the issuance of fatwas without substantial monitoring and control reduces the precision of the fatwas, and the public prefers to accept fatwas that they feel are appropriate and in line with their desires, even without relying on the correct Sharia reasoning and argument. As a conclusion, the matter can be rectified with a fatwa issued after a rigorous procedure and process by the organizations and institutions that carry out ijtihad *jama'i*, such as Islamic Fiqh Academy (*Majma' al-Fiqh al-Islamiy*) and fatwa committees at the international and national levels.

CURRENT PRACTICE OF IJTIHAD *JAMA'I* BY VARIOUS FATWA AUTHORITIES

Ijtihad *jama'i* at present is practically carried out through Fiqh academies, fatwa committees and institutions, research academies in various fields associated with Sharia legal ruling, including conferences and seminars. It is conducted at several levels, including global, national, and institutional, to provide solutions to the concerns raised from the perspective of the Sharia (Masud et al, 1996). The practices of ijtihad *jama'i* at the international level such as the Academy of Islamic Researches (*Majma' al-Buhuth al-Islamiyyah*) in Egypt, the International Fiqh Academy (*Majma' al-Fiqh al-Islamiy al-Duwali*) in Jeddah and The Fiqh Academy (*Majma' al-Fiqh al-Islamiy*) in Mecca are organized to settle disputes and issues concerning Muslims globally, and its membership represented few countries around the world (Barakah, 1996; Idris Migha, 1996). Nationally, ijtihad *jama'i* is initiated by the government or ruler of a specific country to resolve concerns pertaining to Muslims in that country. For example, the General Administration for Ifta' in Kuwait, the Board for Shari'a's Ifta' (*Majlis al-Ifta' al-Shar'i*) in Sudan, the Advisory Council (*al-Majlis al-Istishari*) and the Council of Islamic Ideology (*Majlis al-Fikr al-Islami*) in Pakistan, Majelis Tarjih Muhammadiyah and Bahtsul Masail Nahdhatul Ulama (NU) in Indonesia and the Fatwa Committee of The National Council in Malaysia ('Ata, 1996; al-Hasan, 1996; Al-Mazkur, 1996; Black & Hosen, 2009; Hussain, 2013; Al-Abri, 2017; Maksudin 2017; Imam Mustofa, 2017).

There are also institutions that practice ijtihad *jama'i,* the discourse is focused on solving specific concerns in accordance with the instututions' nature and scope. For example, the Islamic Council for Fatwa and Shari'a Supervisory in the Kuwaiti House of Finance (*Bayt al-Tamwil al-Kuwaiti*), the Supreme Council of the Shari'a Supervisory Board for Banking and Financial Institutions in Sudan, the Sharia Advisory Council of Bank Negara Malaysia, as well

as the Sharia advisory council of other banks in other countries resolve on matters related to arising issues in Islamic financial institutions. This is to ensure Shariah-compliance in all aspects of their operations and address resolutions that solely and specifically affect them internally. The International Shari'a Council for Affairs Related to Zakat under the House of Zakat (*Bayt al-Zakah wal Amanah al-'Ammah lil Qadaya al-Zakah al-Mu'aṣirah*) in Kuwait performs the ijtihad *jama'i* by assembling Sharia scholars and experts to particularly examine the issue of zakat. Meanwhile, the Islamic Organization for Medical Research (*Al-Munaẓẓamah al-Islamiyyah lil 'Ulum al-Ṭibbiyah*) only addresses matters concerning medical science from the perspective of Sharia (al-Mazkur, 1996; al-Hasan, 1996). Furthermore, ijtihad *jama'i* is performed through the initiatives of research institutes and universities which bring together experts to debate on specific issues through conferences and academic seminars (Al-Abri, 2017).
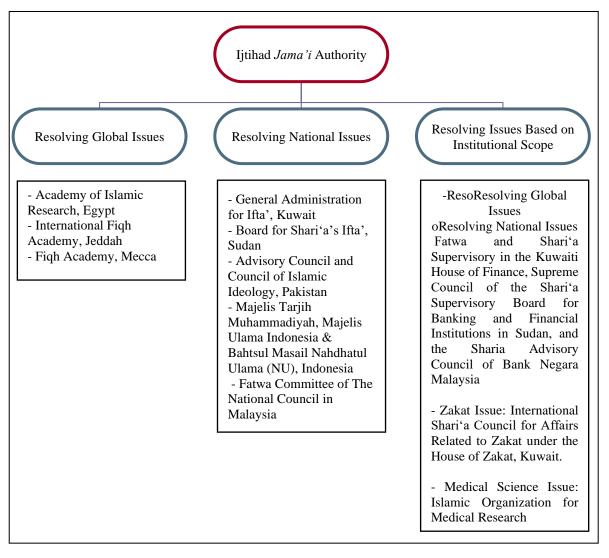

Figure 1:   Ijtihad *Jama'i* Based on Resolving Issues ('Ata, 1996; al-Hasan, 1996; Al-Mazkur, 1996; Black & Hosen, 2009; Hussain, 2013; Al-Abri, 2017; Maksudin 2017; Imam Mustofa, 2017)

It is no coincidence that Muslim minority countries also have their own fatwa authority to resolve issues concerning Muslim minorities in their individual countries, which may differ from the nature and situation in majority Muslim countries. In Australia, there is no dominant fatwa-issuing authority. It is both a reflection of the voluntary nature of *ifta'* tradition and of the diversity within the Australian Islamic community. Ijtihad *jama'i* has been performed by a few Islamic organizations, namely Australian Federation of Islamic Council (AFIC), the Australian National Imams Council (ANIC) and Darulfatwa Islamic High Council (Black & Hosen, 2009). However, in Singapore, ijtihad *jama'i* is being performed by an authoritative fatwa committee of Majlis Ugama Islam Singapura (MUIS) and chaired by the mufti of Singapore (MUIS, 2022). Likewise, in Canada, fatwas are issued by the Ifta Department of Canadian Council of Muslim Theologians which is comprised of qualified muftis or scholars (Jucanada, 2022).

Country	Ijtihad *Jama'i* Institution
Australia	Australian Federation of Islamic Council (AFIC), the Australian, National Imams Council (ANIC) and Darulfatwa Islamic High Council
Canada	The Ifta Department of the Canadian Council of Muslim Theologians
Singapore	Fatwa Committee of the Majlis Ugama Islam Singapura (MUIS)

Table 1.   Ijtihad *Jama'i* Institutions in Several Minority Muslim Countries (Black & Hosen, 2009; MUIS, 2022; Jucanada, 2022)

Performing ijtihad *jama'i* via bodies, committees, and institutions with the authority to appoint and select their members is subjected to the standards established by those entities. The Academy of Islamic Reseaches demands its members to have a postgraduate degree from al-Azhar University or any other universities that offer Islamic studies, or to have experience in conducting scientific research related to Islamic studies, or to have been a teaching staff for a higher education center in the field of Islamic studies for at least five years, or to have served as an officer in the field of judiciary, law or fatwa for at least five years. In addition, the rules of *al-Majma' al-Fiqhi al-Tabi' li Manzimat al-Mu'tamar al-Islami* in the sixth article specify that members of the *majma'* must be jurists, academics, and experts in diverse disciplines of Islamic knowledge. In addition to that, the ninth article states that the members of *majma'* must have substantial experience and understanding in the field of Islamic studies in general and Shariah knowledge, including a wide knowledge on the Islamic world's contemporary reality and Arabic language (Ismail, 1998).

In conclusion, members of ijtihad *jama'i* must have knowledge, understanding or experience in the field of Islamic studies and Sharia. According to Sano (n.d.), an individual must have expertise in the field of knowledge to qualify for ijtihad. Meanwhile, al-Qardawi (1996) stated a higher requirement. According to him, the qualification of a master's degree or a doctorate degree is a good indicator that the person is qualified to perform ijtihad. This is because such qualifications enable an individual to deepen a particular topic or problem from

all aspects and able to explain the legislation, as well as contribute to the body of knowledge certified by other scholars.

METHODOLOGY OF IJTIHAD *JAMA'I*

In essence, ijtihad *jama'i* is a practice of issuing a fatwa, thus making it necessary to fulfil the methodology for an ijtihad, namely *al-taṣwir*, *al-takyif*, *bayan al-ḥukm* and *al-ifta'* (Juma'ah, 2008). In addition, it must be complemented by *al-mushawarah* as a pillar of performing ijtihad *jama'i* to distinguish it from an individual ijtihad (Al-Komaiti, 2021). All institutions, organizations and committees that execute ijtihad *jama'i* need to adhere to the methodology which includes of five stages.
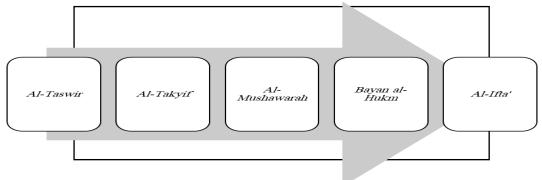

Figure 2: Methodology of Ijtihad *Jama'i* (Juma'ah, 2008; Al-Komaiti, 2021)

Al-Taṣwir

Al-taswir is the stage of acquiring a clear and comprehensive overview, knowledge and understanding of a problem (Abdul Latif, 2010). This stage is closely attributed to the issuance of a fatwa because the fatwa is issued based on a declaration about the nature of the problem, its characteristic, and indications (al-Hanbali, 1997; al-Rasini, 2021). According to Muhammad al-Husain (2010) and Mahmud Al-Banna (2010), four criteria must be fulfilled at the *al-taswir* stage (Muhammad al-Husain, 2010; Mahmud Al-Banna, 2010);

a. Obtaining detailed information about the problem to be solved.
b. Addressing questions to the experts to deepen and broaden the understanding of the background issue at hand.
c. Understanding of the terminology used.
d. Questioning the meaning of what the *mustafti* is attempting to express when there are ambiguities and confusions of the situation that he provides.

In the context of its implementation through ijtihad *jama'i*, *al-taswir* is carried out at the stage of preparing the paperwork before an issue is discussed and subsequently settled. The method of acquiring an overview through the preparation of paperwork may differ from one authority to another. At the Central Bank of Malaysia, before presenting a paper to the Sharia Advisory Council, the referring party must create a proposal outlining the background of the

issue referred to, as well as the suggested structure or instruments (Mustafa & Ab Rahman, 2021). For the International Fiqh Academy, the paperwork is created by a group of academy's members who are determined based on their expertise to explore, examine, and study all elements of the subject to gain an accurate overview before presenting it (Idris Migha, 1996). Whereas, the preparation of papers regarding any issue of the economy, social and public system at the Organization of Great Jurists (*Hai'ah Kibar al-'Ulama'*) in Riyadh will include one or two non-Sharia field experts. It is also assisted by a special unit under the Organization of Great Jurists, namely *al-lajnah al-dāimah li al-buḥūth al-'ilmiyyah wa al-iftā'* (Muhammad al-Mutlaq,1996). In the Kuwaiti House of Finance, the stage of providing information and details for an overview is carried out by a representative from the unit that poses the question. This is because the function of the ijtihad *jama'i* performed at the Kuwaiti House of Finance is to handle internal problems of the institution that entails Sharia compliance in its operations (al-Mazkur, 1996).

Al-Takyif

Al-takyif is the stage of adapting to arising problems with problems already addressed by the scholars (Ali Jum'ah, 2008). *Mu'jam Lughah al-Fuqaha'* defined *al-takyif al-fiqhi* accurately, which is the resolving of an issue by stating its relationship with an authoritative source (Qal'aji, 2013). Thus, the stage is adapting the problem to the existing Sharia texts (al-Quran, al-Sunnah and ijma'), the general legal principles of fiqh, maqasid Shariah, as well as previous faqihs' texts and opinions (Syabir, 2014). According to Muhammad al-Qahtani (2000), three guidelines must be followed during the *al-takyif*, namely:

First: The *al-takyif* is based on legitimate and authoritative viewpoints, as well as the sources of Sharia, not lust.
Second: *Al-takyif* must be performed after getting a comprehensive overview of the problem to be solved, which is performed after *al-taṣwir*.
Third: *Al-takyif* must be performed by a qualified mujtahid with appropriate jurisprudence knowledge to adapt the branch of the problem (*furu'*) with the source provided by Sharia.

According to al-Qahtani's second guideline, the stage of *al-takyif*, which is the process of adapting to Sharia evidence, whether primary or secondary, as well as to the general legal principles of fiqh, maqasid Sharia or the opinion of jurists, is carried out after gaining a thorough overview of the subject that the jurists want to resolve in the paperwork. As an example, the paperwork that is to be presented at the Sharia Advisory Council of the Central Bank of Malaysia must implement *al-takyif* considering the views of scholars regarding the proposed principles and Sharia references, as well as the descriptions of the matters referred to. The paper must also include Sharia issues that arise, jurisprudence adjustments to it, relevant present fatwas, detailed views, and recommendations made by Shariah Committee, as well as references used (Mustafa & Ab Rahman, 2021).

Furthermore, the Kuwaiti House of Finance provides a few guidelines of incorporating *al-takyif* in the fatwa-decision making (al-Mazkur, 1996):

Appendix A. *Al-takyif* should be built on al-Quran and al-Sunnah sources.
Appendix B. If the issue being discussed is contemporary and jurists have previously disputed (*khilaf*) about it, but they still rely on arguments that are comparable to each other, then the fatwa should be based on a judgement that solves the problem more effectively and makes it easier for the people (*maslahah*).
Appendix C. If the issue has never been discussed by prior jurists, the fatwa should be issued based on the general Sharia method of attaining *maslahah*, warding off corruptions or evils that take precedence over benefits.
Appendix D. The fatwa issuance must honor the previous fatwas issued by any other fatwa authority.
Appendix E. The fatwa issuance is not bound by the Sharia advisory council resolution of other financial institutions, but it is not a concern to refer to and look at the resolution that has been decided on for the purpose of broadening the way of understanding.

Al-Mushawarah

According to Ibn al-'Arabi (2003), *al-mushawarah* is a discussion carried out in an assemblage to provide the definitive decision on an issue, with each member participating by bringing out what is within each of them. This is the most important stage of ijtihad *jama'i* as it is not considered as a collective ijtihad even if a group of jurists agree on anything without the *al-mushwarah* or discourse with one another as part of the fatwa-issuance making (Al-Komaiti, 2021). Presently, *al-mushawarah* is performed in two ways:

First: *Al-mushawarah* by a group of experts who have the competency to perform ijtihad in a specific and specialized field of expertise or ijtihad *juz'i*. For example, the collective ability of experts in the field of muamalat and its sub-fields. This refers to experts that possess all the ijtihad capabilities, including the capacity to deduce the law and having deep knowledge in their respective fields or sub-fields, which they then pool together to establish a collective ijtihad (Hamid. n.d.; al-Qarḍāwī, 1996; al-Miftah, n.d). For example, *al-mushawarah* at Sharia Advisory Council of any Islamic finance institution involves experts in the field of economics, Islamic finance, and banking.

Second: *Al-mushawarah* by a group of experts who complement each other in the field of ijtihad and jurisprudence, such as hadith experts, tafsir experts, Arabic language experts, usul fiqh experts and other disciplines of fiqh. For example, *al-mushawarah* at the International Fiqh Academy takes place when the delegated or appointed members specialized from varied Sharia backgrounds to in-depth discourse on the subject matter (Idris Migha, 1996). Following that, some discourse may also include non-sharia experts like those in science, medicine, economics, and other disciplines. The non-sharia experts' involvement is to respond to issues related to their expertise to achieve the most contextual decisions (Muhammad Ismail, 1998; al-Syarafi, 1998; al-Zarqa', 1985; Kurdum, 2012).

Bayan al-Hukm

After the Sharia ruling is decided collectively through *al-mushawarah*, the Sharia ruling based on the agreed-upon Sharia principles is explained. This procedure of explaining is known as *bayan al-hukm*. According to Jum'ah (n.d.), the *bayan al-hukm* stage is the stage where Allah's *khiṭāb* is explained with authoritative sources as evidence for the issues resolved.

Al-Ifta'

Al-Ifta' is the stage of informing and notifying Sharia legal ruling, whether it is obligatory, forbidden, permitted or any other ruling that has been issued (Jum'ah, 2008). *Al-Ifta'* provides guidance to the questioner; whether an individual (mustafti), a judge (qadi), a government authority, or a corporate body, and its dissemination educates, informs, and guides others (Black & Hosen, 2009). This stage of fatwa's announcement employs a variety of platforms, both printed and electronic (Mohd Alwi, 2006). Journals, books, websites, reports, and other publications are used by fatwa authority as informational sources and references for the *mustaftis*. Sharia ruling decided by the members of International Fiqh Academy, for instance, is published in the Journal of Fiqh Academy (*Majallah Majma' al-Fiqh al-Islamiy*). The journal consists of research and papers presented by the academy's members, their debates and discussions during the conference related to the issues presented, including resolutions and recommendations made for the discoursed issues. Accordingly, the Journal of Fiqh Academy not only presents the agreed-upon ruling (*Al-Ifta'*), but also explains the Sharia principles that ground the ruling chosen (*Bayan al-hukm*). This journal has been published and distributed to many institutions and individuals, as well as translated into English, French, Urdu, Turkish and other languages to benefit the public at large (Idris Migha, 1996).

On the contrary, the Kuwait Fatwa Committee's verdict is an official deposit recorded by the fatwa administrator and is not published for public reference unless requested (al-Mazkur, 1996). Meanwhile, the fatwa resolution in the Kuwaiti House of Finance is circulated to all departments and units in the institution concerned as it might lead to adjustments in certain operations (al-Mazkur, 1996).

CONCLUSION

Fatwa-issuing institutions have developed into organizations that are managed by authorities at the global, national, and institutional levels. The ijtihad is performed collectively and according to a methodical and systematic mechanism that includes *al-taswir, al-takyif*, *al-mushawarah*, *bayan al-ḥukm* and *al-ifta'*. Although the intricacies of its implementation may vary from an authority to another, in principle, this set of methodology may benefit ijtihad *jama'i* institutions to issue fatwas that are accurate and pertinent to the current circumstances by following the methods. As a result, this ijtihad *jama'i* methodology may be beneficial to stakeholders such as fatwa committees, majma' fiqh, research institutions, conferences, and seminar committees in various areas, including those who are directly involved in resolving contemporary problems that demand fatwa decisions.

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