

Q: Define Ijms (consensus) and explain its different kinds. Can legislation by a parliament of an Islamic state be regarded as a valid consensus?

Introduction:

Ijms is one of the secondary source of Islamic Law. If a matter is not resolved expressly in the light of Qur'an and Sunnah, then muslim should have to do ijms for solving that particular issue. There are some different kinds available for ijms to solve an issue solution of issues. According to classical theory of Islamic jurisprudence, when qualified jurists reach an unanimous agreement on the ruling of particular issue, it becomes their ijms and consequently they will give law on that issue.

Definition

Literal Meaning

The word "ijms" is an Arabic word means to agreed up or consensus over particular issue.

Contextual Meaning

The word ijms means consensus or to agree upon. It means finding solution, determine a matter and resolving upon agreement or consensus over it. Ijms is defined as unanimous agreement of Mujtahidun of muslim community...

of any period after the demise of Holy + holy prophet Mohammed (S.A.W.W) on any matter. Those who conduct ijmas called "Mujtahid."

Ijmas in the Light of Quran

In the holy Quran, Allah Pak says;

"And hold fast, all together, by the rope which Allah (stretches ^{out} for you), and be not divided among yourself." (103) ﴿تَجَمُّعًا﴾

In above mentioned ayat, Allah (S.W.T) says to people in holy Quran, don't be divided and live together ~~in~~ ^{with} peace. Find ~~the~~ solutions of problems under the given light of holy Quran.

Ijmas in the Light of Hadees

hazrat

"My Prophet Mohammed (S.A.W.W) said,

"My Ummah never agreed upon error."

"The head of Allah is with congregation."

In above mentioned hadees, the message is, if you don't find any ruling in Quran and sunnah then develop consensus (ijmas). Ijmas is one of the important source of Islamic Law through which we can't ~~be~~ leave any issue unresolved.

Basis of Ijmas

Islam is a universal deen. It provides guidance in every aspects of life, Ijmas is one of that guidance. As a secondary source, Ijmas resolves many issue through mutual agreements of community. After prophet Hazrat Mohammed (s.a.w.w), Ijmas was done at the time of election of Hazrat Abu Bakr (R.A) as first caliph of Islam. Ijmas was done during the time period of Hazrat Umar (R.A) for 'Taraweeh' prayer. And Ijmas for completion of holy Quran in textual form during the period of Hazrat Abu Bakr (R.A). Ijmas for second call for jumans prayer during time period of Hazrat Usman (R.A) and many more. These consensus proved that any issue, if it is not resolved expressly in the holy Quran then consensus among each other is important for solving issues. Also Allah pak says in holy Quran;

"If anyone contends with the messenger even after guidance has been plainly conveyed to him, and follows a path other than that becoming to men of faith, we shall leave him in the path he has chosen, and send him in the hell."

Conditions of Mujtahid

No doubt, Islam is a complete code of life. Collectively, Islam as a deen places some conditions for Mujtahid who conduct ijmas. According to Maulana Al-Mawardi and Shihabuddin, ~~were given~~ Mujtahid must be a Muslim, mature, sane and characterful means sadiq and aameen. Mujtahid must be a scholar of Quran and Sunnah also having the capabilities to conduct ijmas. And a foresighted man is capable for Mujtahid.

Kind of Ijmas

There are some kinds of ijmas, ~~which~~ which is mentioned below:

1- Explicit Ijmas (al-ijmas al-sarih)

Explicit ijmas is a type of secondary source of Islamic Law (Ijmas). In this type, all mujtahidun and community members can express their point of view and agreed upon an issue.

2- Tacit Ijmas (al-ijmas al-sukuti)

In tacit ijmas, some of mujtahidun and community members can express their arguments and rest of them remains silent and agree upon.

3-

Ijma al-Umma

Through this type of ijma all muslim community can express their argument on a particular issue and agree upon.

4-

Ijma ahli al-madina

Agreement among resident of Madina. Imam Malik once said, "Madina don't provide any shelter to bad people."

5-

Ijma al-Ulema

Ijma among Islamic jurists ~~who~~ who are experts in legal matter, and agreement of those on particular issue.

These are some kinds of ijma, which ~~are~~ ^{have been} followed since caliphate time period. Ijma is also conducting in modern days in courts and parliament. It is regarded as valid consensus because ijma is secondary source of sharia. It is set for collective and mutual agreement on legislation and other legal matters. For example in courts, the bench of judges ~~are~~ gives decision ^{on} problem. In parliament, the new legislation is passed, when majority of members are agreed upon that legislation. It means ~~are~~ ^{one} are doing ijma when about ~~one~~ ^{one} finds point of views of other ~~on~~ ^{new} problems or challenges.

Moreover, in modern days parliament and judges are doing ijms for solution of modern days problems and finding the way forward against those problems. For example, OIC & DCE is one council for discussing and addressing new challenges faced by muslim world.

Ijms in modern days

Ijms is conveyed in modern days issue like women empowerment, use of modern technology on ~~occasions~~ occasion like moon sighting, status of digital currency like bitcoin etc.

Conclusion

Ijms is Arabic word means to agree upon and finding solution on particular issue through mutual agreement of community or group of people. Those who conduct ijms called mujtahid. Ijms is And Islam set condition for mujtahid according to the light of Quran and hadees. Basis of ijms is linked with caliphate of time period of companion of hazrat Mohammed (S.A.W.W).