

THE DIALECTICS OF ISLAMIC LAW: CLASSICAL IJTIHAD IN ADDRESSING MODERN LEGAL CHALLENGES



Rasty Azizah Putri^{1*} , Hamda Sulfinadia² , Sobhan³ , Bakhtiar⁴ 

*Correspondence :

Email :
rasty.azizah.putri@uinib.ac.id

Affiliation:

¹ Universitas Islam Negeri
Imam Bonjol Padang,
Indonesia

² Universitas Islam Negeri
Imam Bonjol Padang,
Indonesia

³ Universitas Islam Negeri
Imam Bonjol Padang,
Indonesia

⁴ Universitas Islam Negeri
Imam Bonjol Padang,
Indonesia

Article History :

Submission : January 15, 2026
Revised : February 24, 2026
Accepted : May 20, 2026
Published : June 10, 2026

Keyword :

Classical
Ijtihad, Islamic Law, Legal
Challenges, Legal Reform,
Modernity

Abstract

This research examines the relevance of classical Islamic legal methodology in addressing contemporary legal challenges. Although various studies have discussed the historical development of Islamic legal thought and the contributions of the imams of the schools of thought, studies on the dialectical relationship between classical ijtihad and modern legal issues are still limited. This research aims to analyze the ijtihad methods of Abu Hanifah, Malik ibn Anas, al-Syafi'i, and Ahmad ibn Hanbal and their relevance in the contemporary context. This research uses a qualitative method with a historical-comparative approach through literature review. The results show that classical ijtihad methodology remains dynamic and adaptive. Each imam has his own characteristic methods, such as *ra'y* and *istihsan* (Abu Hanifah), '*amal ahl al-Madinah* and *maslahah* (Malik), systematic *qiyas* (al-Syafi'i), and a hadith based approach (Ahmad ibn Hanbal), which provide a flexible basis for legal reasoning. This approach remains relevant in responding to contemporary issues such as Islamic finance, digital technology, artificial intelligence (AI) including automated fatwa systems, and bioethics through a reinterpretation of classical principles. This research confirms the dialectical interaction between classical legal thought and contemporary realities and demonstrates that classical Islamic legal methodology can be reconstructed as a flexible analytical framework.

Abstrak

Penelitian ini mengkaji relevansi metodologi hukum Islam klasik dalam mengatasi tantangan hukum kontemporer. Meskipun berbagai studi telah membahas perkembangan historis pemikiran hukum Islam dan kontribusi para imam dari berbagai mazhab, studi tentang hubungan dialektis antara ijtihad klasik dan isu-isu hukum modern masih terbatas. Penelitian ini bertujuan untuk menganalisis metode ijtihad Abu Hanifah, Malik bin Anas, al-Syafi'i, dan Ahmad bin Hanbal serta relevansinya dalam konteks kontemporer. Penelitian ini menggunakan metode kualitatif dengan pendekatan historis-komparatif melalui tinjauan pustaka. Hasil penelitian menunjukkan bahwa metodologi ijtihad klasik tetap dinamis dan adaptif. Setiap imam memiliki metode khasnya sendiri, seperti *ra'i* dan *istihsan* (Abu Hanifah), '*amal ahl al-Madinah* dan *maslahah* (Malik), *qiyas sistematis* (al-Syafi'i), dan pendekatan berbasis hadits (Ahmad bin Hanbal), yang memberikan dasar yang fleksibel untuk penalaran hukum. Pendekatan ini tetap relevan dalam menanggapi isu-isu kontemporer seperti keuangan Islam, teknologi digital, kecerdasan buatan (AI) termasuk sistem fatwa otomatis, dan bioetika melalui penafsiran ulang prinsip-prinsip klasik. Penelitian ini menegaskan interaksi dialektis antara pemikiran hukum klasik dan realitas kontemporer serta menunjukkan bahwa metodologi hukum Islam klasik dapat direkonstruksi sebagai kerangka analitis yang fleksibel.

INTRDUCTION

The dialectics of Islamic legal thought from the era of the *madhhab* imams to the Golden Age reflect a dynamic and adaptive process of intellectual interaction in response to social, political, and cultural changes. The *madhhab* imams, such as Imam Abu Hanifah, Imam Malik, Imam al-Shafi'i, and Imam Ahmad ibn Hanbal, developed distinct methodological frameworks in formulating Islamic law. Differences in their methods of *ijtihad* (legal reasoning), emphasis on evidentiary sources, and approaches to the realities of their time gave rise to a rich and flexible diversity of Islamic legal thought. This dynamic character of Islamic law is also emphasized in contemporary scholarship, which states that "Islamic law is not a static law, but rather dynamic and capable of responding to social change through various methodological approaches developed by Muslim scholars."¹ Each school of thought evolved based on its methodology of *ijtihad* (legal reasoning) and *istinbat* (derivation of legal rulings), according to its interpretation of the Qur'an.²

Each school of thought has its own distinctive style of reasoning and methodology, both in understanding religious texts and in responding to legal issues of its time. However, all imams of the schools of thought maintain that the Qur'an and Sunnah are the primary sources of law. Differences between them arise in the use of *ijtihad*, particularly when an explicit text is not available. In such circumstances, Imam Abu Hanifah is known for using *ra'yu* and *qiyas* more extensively, while Imam Malik emphasized the practices (*'amal*) of the people of Medina as an additional reference. Imam Shafi'i systematically developed a legal methodology, while Imam Ahmad ibn Hanbal showed a strong inclination towards a *hadith* – based approach.³

The Golden Age of Islam was a crucial phase in the development of Islamic law. During this period, the schools of *fiqh* evolved systematically, and the foundational theories of *usul al-fiqh*, such as *ijtihad* (independent reasoning), *ijma'* (consensus), and *qiyas* (analogical reasoning), were formulated in a more structured and coherent manner.⁴ Islamic educational institutions, such as *kuttub* (early Islamic schools) and *madrasah*, also strengthened the intellectual tradition, giving rise to monumental works in the fields of *fiqh* and *usul al-fiqh*.⁵

Several previous studies have examined this issue from various perspectives. Syamsuddin emphasizes that Imam al-Shafi'i's methodology remains significant in addressing modern family law issues, such as guardianship, interfaith marriage, and lineage through a contextual application of *qiyas* (analogical reasoning) and *ijma'*

¹ Iffatin Nur dan Reni Puspitasari, "Postgender Fiqh: The Views of MUI's and KUPI's Ulema on Postgenderism from Maqsid Shari'ah Perspective," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 18, no. 1 (2023): 152–76, <https://doi.org/10.19105/AL-LHKAM.V18I1.7313>.

² Adhani Izmelia Al-Faruq Umar, Zahro Aemilla, AZ-Zahro Salma, "Dinamika Hukum Islam Di Masa Imam Madzhab," *Jurnal Kajian Agama dan Multikulturalisme Indonesia* 3, no. 3 (2024): 22.

³ Rusdiyah et al., "Rekonstruksi Teori Hukum Islam Pada Masa Imam Mazhab," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* Vol 2 No. (2024): 2067, <https://doi.org/https://doi.org/10.62976/ijjel.v2i4.751>.

⁴ Alimni Wira Kurnia Listari, "Pendidikan Islam Masa Dinasti Abbasiyah dan Perkembangan Pendidikan Islam Masa Modern," *Jurnal Pendidikan Tematik* 4, no. 2 (2023): 121.

⁵ Khairul Umami dan Mega Puspita, "Social Dynamics in the Evolution of Tashri ' during the Period of the Madhhab Scholars: Factors that Triggered the Development of Islamic Law," *Moefty: Jurnal Perbandingan Mazhab dan Hukum* 13, no. 1 (2024): 65.

(consensus).⁶ Lubis highlights the flexibility of the Hanafi school in addressing modern challenges, particularly in Islamic economic law, by emphasizing the role of *istihsan* (juridical preference) as an instrument of *ijtihad* that adapts to social change. Ikhwanuddin Harahap underscores the urgency of understanding inter-*madhhab* differences in the millennial era, while Umar al-Faruq et al. emphasize the historical and methodological contributions of the *madhhab* imams.⁷ Recent studies also highlight the application of *maqasid al-shari'ah* in contemporary contexts, especially in responding to digital transformation and modern legal challenges, as discussed in studies of Indonesian Islamic law.⁸

In addition, Laabdi interprets the *ikhtilāf* (differences) among the *madhhabs* as a form of legal pluralism that enriches *fiqh*, although the scope of *ijtihad* is often constrained by *taqlid* (adherence to precedent). Ghanem examines the canonization of the Shafi'i school through a philological-historical approach, but without linking it to contemporary issues.⁹ Furthermore, Supani, Yaqin, and Sukron examine the shift from classical to contemporary legal literature in Islamic boarding schools (*pesantren*), focusing on Islamic economics. Meanwhile, Halim explores the authority of Shafi'i legal thought in digital spaces through the legitimacy of online scholars, demonstrating how traditional authority undergoes transformation in responding to modern challenges.¹⁰

Based on previous studies, it can be observed that existing research is still partial and tends to focus separately on historical, methodological, or contemporary aspects. Consequently, there is still a lack of integrative studies that connect these aspects into a comprehensive *ijtihad* framework. Studies such as those conducted by Syamsuddin and Lubis successfully demonstrate the relevance of a particular school of thought methodology in a specific legal domain; however, these studies are limited to a single school of thought and a sectoral analysis. Although several recent studies have begun to address the reconstruction of *ijtihad* in the contemporary context, these studies remain limited in providing a comprehensive and integrative framework across various schools of thought.¹¹ As a result, current scholarly studies have not sufficiently demonstrated how classical *ijtihad* methodology can serve as a unified analytical framework for addressing complex contemporary legal issues. This limitation becomes even more significant in the context of rapid technological and socio-legal transformations, such as artificial intelligence, Islamic financial technology (*fintech*), and bioethical challenges, which require a more integrative and adaptive legal approach.

Therefore, this study aims to assess the relevance of classical *ijtihad* methodology in a more integrative manner. It seeks to address this gap by combining historical,

⁶ A Syamsuddin, "Relevansi Pemikiran Imam Syafi'i dalam Konteks Hukum Keluarga Kontemporer," *Zawiyah: Jurnal Pemikiran Islam* Vol 7 No 1 (2022): 55–70.

⁷ Al-Faruq Umar, Zahro Aemilla, AZ-Zahro Salma, "Dinamika Hukum Islam Di Masa Imam Madzhab," 30.

⁸ Ita Musarrofa dan Husnul Muttaqin, "Maqasid Sharia Jasser Auda Theory : System Approach to Islamic Family Law In The Digital Era," *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 2 (2024).

⁹ Tarek Ghanem, "Texts, Language, and History in the Madhab—Law Tradition: A Study of the Shafi'i School," 2020, <https://fount.aucegypt.edu/etds/1605>.

¹⁰ F.A. Halim, "Reformulating the Madhhab in Cyberspace: Legal Authority, Doctrines, and Ijtihad among Contemporary Shafi'i 'Ulama', Islamic Law and Society," *Islamic Law and Society* Vol. 22, N (2015).

¹¹ Fauzi Rahman, "Rekonstruksi Ijtihad dalam Menjawab Tantangan Hukum Islam Kontemporer," *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 1 (2024).

methodological, and applied perspectives to show how classical *ijtihad* can be reconstructed as a coherent and flexible analytical framework for contemporary legal challenges. Thus, this study seeks to demonstrate that Islamic law remains a dynamic and adaptable system capable of addressing the complexities of modern law.

METHODS

This study employs a qualitative method with a historical – comparative approach to analyze the development of *ijtihad* methodologies of the *madhhab* imams and their relevance to contemporary challenges in Islamic law.¹² The historical approach is employed to trace the dynamics of Islamic legal thought from the formation of the *madhhabs* to their Golden Age, particularly by examining the socio – historical context, intellectual development, and evolution of the legal reasoning framework in each period. Meanwhile, a comparative approach is used to systematically compare the *ijtihad* methodologies of the four imams of the school of thought by identifying legal sources, reasoning patterns, and distinctive characteristics in the legal *istinbāt* process.

The legal materials utilized include primary sources such as the Qur'an, hadith, and classical scholarly works; secondary sources such as books, journals, and previous studies; and tertiary sources such as encyclopedias and supporting documents.¹³ The selection of these sources is based on their level of relevance, academic credibility, and authority in the study of Islamic law, especially works that represent the basic doctrines of each school of thought as well as contemporary interpretations by scholars. Data were collected through a literature review and analyzed using a descriptive – comparative method to describe, compare, and examine the relevance of the *madhhab* imams' views to contemporary issues in Islamic law. The analysis process is carried out in three stages, namely: data classification based on themes, comparative analysis of the *ijtihad* methodology of the imams of the schools of thought, and contextual interpretation to assess its relevance to contemporary legal issues.

This study focuses on analyzing the differences in *ijtihad* methodologies among the *madhhab* imams and their influence on the emergence of diversity in Islamic law during the Golden Age, while also examining their relevance to contemporary legal challenges. The issues addressed center on the dialectics of Islamic law across different periods. The main research questions include: how the differences in the *ijtihad* methods of the *madhhab* imams shaped the determination of Islamic law; how the Golden Age of Islam influenced the development of Islamic legal thought and scholarship; and how the imams' intellectual contributions are applied in addressing contemporary Islamic legal issues.

RESULT AND DISCUSSION

RESULT

Differences in the Ijtihad Methods of the Madhhab Imams in Determining Islamic Law

The development of Islamic law has been greatly influenced by the role of the *madhhab* imams, who were key figures in establishing the foundations of *ijtihad*. The four great imams, Imam Abu Hanifah, Imam Malik, Imam al – Shafi'i, and Imam Ahmad ibn Hanbal adopted different approaches in formulating Islamic law. These differences arose

¹² Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2019), 6.

¹³ Amir Syarifuddin, *Ushul Fiqh* (Jakarta: KENCANA, 2014), 72.

due to the diverse social, cultural, and communal conditions during the respective eras of each imam.¹⁴ Therefore, each imam employed an *ijtihad* approach and methodology that corresponded to the circumstances and needs of society at their time.¹⁵

This diversity of methods represents a richness in the study of Islamic law, as it provides multiple options for addressing various legal issues.¹⁶ More importantly, these differences form a comparative methodological spectrum, ranging from rational, tradition-based, systematic, to textual approaches—that shows how Islamic legal reasoning adapts to various contexts. To this day, the reasoning and *ijtihad* methods of these imams continue to serve as primary references for addressing various Islamic legal issues, even in the modern era.¹⁷ This demonstrates that the intellectual legacy of the *madhhab* imams is not only historically relevant but also provides a practical framework for addressing contemporary social, cultural, and legal dynamics. To understand this more clearly, the following discussion will elaborate on the *ijtihad* methods and perspectives of each *madhhab* imam in greater depth and detail.

Imam Abu Hanifah (Mazhab Hanafi)

The birth name of Abu Hanifah was an-Nu'man ibn Thabit ibn Zuwaitha, he was born in Kufa, one of the major cities in Iraq, during the Umayyad dynasty in 80 AH/699 CE, and he passed away in Baghdad in 150 AH/767 CE. He is widely recognized as a leading figure of the *ahl al-ra'y* (rationalist school), which emphasized the use of reason in legal reasoning. Abu Hanifah began with the study of *kalam* (Islamic theology), which shaped his rational thinking method. He later became known as the leader of the *ahl al-ra'y* (people of opinion) with the use of *istihsan* (juridical preference).

Furthermore, during the time of Imam Abu Hanifah, many *mu'amalat* (commercial and social) issues arose due to the dynamic trade activities in Kufa and Baghdad. As an active merchant, he frequently encountered various transactional and contractual problems that required practical and adaptive legal solutions. Consequently, many of his *fatwas* addressed *mu'amalat* issues, such as buying and selling, leasing, debt, and business partnerships. His direct experience in commerce contributed to the development of a realistic jurisprudence oriented toward social welfare.¹⁸

Compared with other imams, Abu Hanifah's methodology exhibits a strong rational – analytical orientation, especially in situations where explicit textual evidence is limited. This approach is closely linked to the socio-economic conditions of Kufa as a cosmopolitan city characterized by complex commercial activity, reinforcing his tendency to employ flexible reasoning in dealing with unprecedented legal cases. In this regard, it

¹⁴ Wahbah Al-Zuhaili, "Perbandingan Metode Ijtihad dalam Mazhab Fiqh," *Jurnal Studi Hukum Islam* Vol 2 No 3 (2021): 45.

¹⁵ Mohammad Yasir Fauzi et al., "Metode Ijtihad Dan Dinamika Persoalan Di Kalangan Imam Madzhab," *At-Tahdzib: Jurnal Studi Islam Dan Muamalah* 10, no. 1 (2022): 67–79.

¹⁶ Irwansyah, Halimatus Adiah, dan Muhammad Sibawaih, "Metode Ijtihad Imam Abu Hanifah Dan Imam Malik," *Jurnal Cerdas Hukum* 1, no. 1 (2022): 89–99, <https://ejournal.institutabdullahsaid.ac.id/index.php/jurnal-cerdas-hukum/article/view/112>.

¹⁷ Anton Jamal, "Ijtihad dan Qiyas Menurut Imam Syafi'i: Hubungan Qiyas dengan Berbagai Metode Ijtihad dalam Ushul Fiqh4, no. 1 (2010): 60," *MAQASIDI: Jurnal Syariah dan Hukum* Vol. 4, No (2024): 1–10, <https://doi.org/10.47498/maqasidi.v4i1.3125>.

¹⁸ Habiburrahman Rizapoor dan Mohammad Rashid Rahimi, "Imam Abu Hanifah : The Vanguard of Moderation in Islamic Jurisprudence and the Global Dissemination of Moderate Islam," *Mazahib: Jurnal Pemikiran Hukum Islam* 22, no. 2 (2023): 213–42, <https://doi.org/http://doi.org/10.21093/mj.v22i2.7088>.

has been argued that "Abu Hanifah's legal thought demonstrates a flexible and rational approach to Islamic jurisprudence, which allows Islamic law to respond to changing social realities." This perspective reinforces the understanding that Abu Hanifah's use of *ra'y*, *qiyas*, and *istihsan* served not only as theoretical tools, but also as adaptive mechanisms designed to respond to concrete socio-economic challenges, particularly in the rapidly growing urban centers of Kufa and Baghdad. Faced with rapid economic activity that often produced legal cases lacking explicit textual precedents, Abu Hanifah systematized the use of *qiyas* and *istihsan* as operative instruments of *ijtihad*, particularly in resolving complex transactional issues beyond the scope of direct textual evidence.

Methodologically, one of the prominent methods of legal reasoning (*istinbāt*) associated with Abu Hanifah is *istihsan*, which refers to the preference for a ruling that deviates from strict analogical reasoning (*qiyas*) in favor of stronger legal reasoning. This concept is elaborated in classical Hanafi works such as *Usul al-Sarakhsi* and *Usul al-Bazdawi*, where *istihsan* is recognized as a valid method of legal reasoning.^{19 20} In contrast, Imam al-Shafi'i explicitly rejected *istihsan* in his fundamental work *Al-Risalah*, arguing that relying on it risks introducing subjective reasoning into divine law.²¹ Meanwhile, the Maliki and Hanbali schools exhibit a more nuanced position: although they do not formally systematize *istihsan* in the same way as the Hanafi school, certain legal practices within these schools reflect similar considerations, particularly in accommodating public interests and practical necessity.

The principles of his *madhhab* emphasize the Qur'an as the primary source, followed by the Sunnah of the Prophet, and *ijma'* (consensus).²² If these sources do not provide guidance, he relied on his own *ijtihad*. Abu Hanifah gave precedence to well established hadiths, while exercising caution in accepting solitary (*ahad*) reports, especially if they conflicted with established *qiyas* or legal principles. He also used *istihsan* to prefer stronger legal reasoning and take into account customary practices (*'urf*) as long as they do not contradict foundational texts.²³

In family law, Abu Hanifah emphasized rationality and *ijtihad* based on reason (*ra'y*), influenced by the social, cultural, and geographical conditions of Kufa and Baghdad. He introduced the concept of *kafa'ah* (compatibility) between prospective husband and wife, taking into account factors such as lineage, religion, freedom, wealth, morals, and occupation.²⁴ Unlike the majority of scholars, he did not consider the presence of a guardian obligatory for adult women (*wali*), although the guardian retained the right to reject the prospective husband and wife if they deemed them incompatible.²⁵ Regarding the lineage of children born out of wedlock, Abu Hanifah held a more flexible position in

¹⁹ Shams al-A'immah Al-Sarakhsi, *Usul al-Sarakhsi*, Vol 2, Abu al-Waf (Beirut: Dar al-Ma'rifah, 1993).

²⁰ Al-Bazdawi, *Usul al-Bazdawi*, Vol 4, 'Abd al-'A (Beirut: Dar al-Kutub al-'Ilmiyyah, 1997).

²¹ Muhammad bin Idris Asy-Syafi'i, *Ar-Risalah*, ed. oleh Ahmad Muhammad Syakir (Kairo: Maktabah al-Halabi, 1940).

²² Al-Bazdawi, *Usul al-Bazdawi*, Vol 4.

²³ Alauddin Al-Kasani, *Bada'i ash-Shana'i fi Tartib asy-Syara'i Juz 2* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1986).

²⁴ Al-Kasani.

²⁵ Al-Marghinani, *Al-Hidayah fi Sharh Bidayat al-Mubtadi*, 1 ed. (Beirut: Dar al-Kutub al-'Ilmiyyah, 2000).

certain circumstances regarding the determination of lineage.²⁶ This approach reflects his rational legal reasoning while still recognizing the role of the guardian as a mediator to prevent potential harm in marital practices. Another example is the application of *istihsan*, which allows exceptions in emergency cases, such as allowing male doctors to examine female patients in emergency situations despite general restrictions on viewing the genitals.²⁷ This demonstrates the flexibility of Islamic law in serving the public welfare (*maslahah*).

Imam Malik Bin Anas (Mazhab Maliki)

Imam Malik was born in the city of Madinah in 93 AH/712 CE and passed away on Sunday, 10 Rabi' al-Awwal 179 AH/798 CE in Madinah during the Abbasid period²⁸ Malik ibn Anas al-Ashbahi, born into a family closely connected to the companions of the Prophet. He lived at the end of the *tabi'in* generation and is often classified among the *tabi' al-tabi'in*, although some scholars consider him to have met a few companions. From an early age, he had memorized the Qur'an and hadith, demonstrating exceptional aptitude in mastering *fiqh* and hadith sciences. Studying under prominent teachers such as Abdurrahman ibn Hurmuz, Nafi' Mawla ibn Umar, and Rabi'ah ibn Abdurrahman, he became a highly trusted figure in the transmission of hadith.

Growing up in Medina, a relatively stable religious center and repository of prophetic tradition, deeply influenced his methodological orientation. Unlike regions characterized by complex socio-political dynamics, legal issues in Medina were relatively less speculative, encouraging a tradition-based approach rooted in lived practice. At the same time, he lived through a period of intellectual rivalry between the *Ahl al-Hadith* and the *Ahl al-Ra'y*, as well as political tensions under Umayyad and Abbasid rule, including his famous conflict with Caliph al-Manşūr, which reflected his scholarly independence.²⁹

In issuing legal fatwas, Imam Malik prioritized the Qur'an and hadith, but gave special weight to the practices of the inhabitants of Medina (*'amal ahl al-Madīnah*), which he considered the concrete embodiment of the Sunnah. In certain cases, these practices could even take precedence over individual hadith (*āḥād*), as reflected in his seminal work, *al-Muwatta'*.³⁰ This demonstrated a methodological shift from a pure reliance on texts to a contextual understanding of traditions as they were practiced collectively. He also rejected speculative reasoning on hypothetical cases, emphasizing a practical, reality-based approach to *fiqh*.

The legal methodology is built on several main sources, namely the Al-Qur'an, hadith, the practices of the people of Medina (*'amal ahl al-Madinah*), as well as the fatwas of friends, while still taking into account the principles of *maslahah mursalah* (public benefit) and *sadd al-dhara'i* (closing the road to damage). These principles were then systematized in the Maliki school of ushul fiqh works such as al-Shatibi's *Al-Muwafaqat*, which explains their function in maintaining the objectives of the Shari'a (*maqasid al-*

²⁶ Shams al-A'immah Al-Sarakhsi, *Al-Mabsut*, ed. oleh 5 (Beirut: Dar al-Ma'rifah, 1993).

²⁷ Al-Kasani, *Bada'i ash-Shana'i fi Tartib asy-Syara'i Juz 2*.

²⁸ Itayatul Jannah, "Sejarah dan Konsep Pemikiran Fikih Mazhab Maliki" 2, no. 1 (2025): 1 – 13.

²⁹ Dina Ramadhani et al., "Pemikiran Hukum Islam Imam Malik Bin Annas (Pendekatan Sejarah Sosial)," *SANTRI: Jurnal Ekonomi dan Keuangan Islam* 3, no. 2 (2025): 81, <https://doi.org/10.61132/santri.v3i2.1365>.

³⁰ Malik ibn Anas, *Al-Muwatta'*, ed. oleh Muhammad Fu'ad 'Abd (Beirut: Dar Ihya' al-Turath al-'Arabi, 1985).

shari'ah).³¹ For example, in the field of *muamalah* (transactions), Imam Malik recognized the validity of the salam contract because it conformed to prevailing practices in Medina.³² This demonstrates the central position of the people of Medina as a source of normative law in the Maliki school. Overall, Imam Malik's approach reflects a balance between adhering to authoritative tradition and the pragmatic use of *ijtihad*, ensuring that Islamic law remains relevant to the needs of society.

Imam Syafi'i (Mazhab Syafi'i)

Imam al-Shafi'i was born in Gaza in 150 AH/767 CE and later raised in Mecca, before continuing his studies in Medina and Iraq. He studied under Imam Malik in Medina and later became involved with the rationalist tradition of the Hanafi school in Iraq, an experience that significantly shaped his efforts to synthesize various approaches to Islamic law.³³ His life experiences in various intellectual and social environments exposed him to the methodological tensions between the *Ahl al-Hadith* and the *Ahl al-Ra'y*, which motivated him to formulate a more systematic and unified framework for legal reasoning known as *uṣūl al-fiqh*. This context explains the emergence of his methodological project as a response to the need for consistency and discipline in legal reasoning.³⁴

Imam al-Shafi'i developed a structured hierarchy of legal sources, prioritizing the Qur'an, followed by authentic *hadith*, *ijma'*, and *qiyas*. This framework was explicitly articulated in his seminal work, *al-Risālah*, which laid the foundation for the formalization of *uṣūl al-fiqh* as a distinct discipline. In doing so, he sought to limit subjectivity in legal reasoning and ensure that *ijtihad* remained grounded in authoritative texts. He therefore rejected methods such as *istiḥsān* and unrestricted *maṣlaḥah*, which he believed could potentially lead to arbitrary reasoning.³⁵ This method emphasizes a balance between revealed texts (*naqli*) and reason (*aqli*), while rejecting approaches such as *istiḥsan* or *maṣlaḥah mursalah* that are considered overly subjective. The approach aims to ensure that Islamic law is formulated consistently, logically, and firmly grounded in the core principles of the religion.³⁶ Moreover, this methodology had a significant impact on the codification of Islamic law, making Imam al-Shafi'i's thought an important reference for subsequent generations of scholars.

A distinctive feature of his thought is the dynamic nature of his *ijtihad*, reflected in the distinction between *qaul qadīm* (early opinions in Iraq) and *qaul jadid* (later opinions in Egypt). This shift illustrates a clear link between changing social contexts and legal reasoning, as he revised his views in response to different societal conditions. For example, his varying opinions regarding the duration of pregnancy demonstrate his sensitivity to empirical realities and local testimony.³⁷

³¹ Ibrahim ibn Musa Al-Shatibi, *Al-Muwafaqat fi Usul al-Shari'ah*, ed. oleh 'Abd Allah Darraz (Beirut: Dar al-Ma'rifah, 1997).

³² Sahnun ibn Sa'id, *Al-Mudawwanah al-Kubra* (Beirut: Dar al-Kutub al-Ilmiyyah, 1994).

³³ Fahrur Rozi, "Pemikiran Mazhab Fiqh Imam Syafi'i," *HAKAM: Jurnal Kajian Hukum Islam dan Hukum Ekonomi Islam* 5, no. 2 (2022): 92, <https://doi.org/10.33650/jhi.v5i2.3502>.

³⁴ Dwi Dasa Suryantoro, "Kajian Filosofis Pemikiran Hukum Imam Syafi'i Pengaruhnya terhadap Pembentukan Mazhab Fiqh dan Dinamika Hukum Islam," *The Indonesian Journal of Islamic Law and Civil Law* 6, no. 1 (2025): 88, <https://doi.org/10.32332/mul>.

³⁵ Asy-Syafi'i, *Ar-Risalah*.

³⁶ Suryantoro, "Kajian Filosofis Pemikiran Hukum Imam Syafi'i Pengaruhnya terhadap Pembentukan Mazhab Fiqh dan Dinamika Hukum Islam," 90.

³⁷ Muhammad bin Idris Al-Shafi'i, *Al-Umm*, V (Beirut: Dar al-Ma'rifah, n.d.), 52.

This view also has implications for cases involving women whose husbands are missing (*mafqud al-khabar*). According to the Shafi'i school, a woman may only remarry after waiting four years, to ensure there is no possibility of pregnancy from her missing husband.³⁸ This demonstrates Imam al-Shafi'i's flexibility and caution in preserving lineage and family honor by formulating legal rulings based on empirical context and the Shari'ah's principle of prudence.

Compared to other schools of thought, Imam al-Shafi'i's approach represents a middle ground between rationalist and traditionalist tendencies. While the Hanafi school emphasized rational flexibility and the Maliki school prioritized living tradition, al-Shafi'i integrated the two within a structured and hierarchical methodology, achieving a balance between textual authority and rational analysis. He also developed important legal theories such as *naskh* (abrogation) and *takhṣiṣ* (specification), which further refined the interpretive process in Islamic law.³⁹

From a methodological perspective, Imam al-Shafi'i's greatest contribution lies in the systematization of legal reasoning, transforming fiqh from a largely practice-based discipline into a coherent and principled science. This legacy continues to serve as a fundamental framework for contemporary Islamic legal thought, particularly in ensuring consistency, methodological rigor, and adaptability in addressing new legal issues.

Imam Ahmad bin Hanbal (Mazhab Hambali)

Imam Ahmad ibn Hanbal (Abu 'Abdillah Ahmad ibn Muhammad ibn Hanbal al-Shaybani) was born in Baghdad in 164 AH/780 CE and is recognized as a leading scholar of hadith and traditionalist jurisprudence. His intellectual formation took place in a highly contentious theological environment, particularly during the *mihnah* (inquisition) under the Abbasid Caliphate, which upheld the Mu'tazilite doctrine that the Qur'an was created.⁴⁰

This socio-political and theological context played an important role in shaping his methodological orientation. In response to what he considered to be an excessive expansion of rationalist theology, Imam Ahmad adopted a strictly textualist approach, emphasizing absolute adherence to the Qur'an and Sunnah while limiting speculative reasoning. His refusal to accept Mu'tazilite doctrine, despite imprisonment and persecution under al-Ma'mun, al-Mu'tasim, and al-Wathiq, demonstrated his commitment to preserving the authority of revelation over rational abstraction.⁴¹

Imam Ahmad ibn Hanbal is renowned for his strong development of traditional *fiqh*. During his lifetime, he conducted extensive analyses of the Prophet's hadiths and systematically compiled them according to their chains of transmission (*isnad*), resulting in his monumental work, *Musnad Ahmad*. Imam Hanbal was recognized not only as an expert in *fiqh* but also as a leading hadith scholar of his time. His views and thoughts had a significant influence on society and became an important reference for the subsequent development of Islamic law.

³⁸ Abdullah bin Ahmad Ibn Qudamah, *Al-Mughni* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1994), 126.

³⁹ Suryantoro, "Kajian Filosofis Pemikiran Hukum Imam Syafi'i Pengaruhnya terhadap Pembentukan Mazhab Fiqh dan Dinamika Hukum Islam," 90.

⁴⁰ Adriyani, M. Ihya Ayudiya, dan Nabil Mahasin, "Perkembangan Pemikiran Fiqih Imam Ahmad bin Hanbal: Konstruksi Metode Ijtihad," *Journal Islamic Education* Vol 1 no.2 (2023): 59.

⁴¹ Rahmat Abd. Rahman, "Latar Belakang Sosial Lahirnya Mazhab Hambali," *BUSTANUL FUQAHA: Jurnal Bidang Hukum Islam* 1, no. 3 (2020): 511, <https://doi.org/10.36701/bustanul.v1i3.204>.

According to Thaha Jabir Fayad al-‘Ulwani, the *ijtihād (istinbāt)* methodology employed by Imam Ahmad ibn Hanbal bears similarities to the *ijtihād* method of Imam al-Shafi‘i.⁴² Furthermore, the opinions of Imam Ahmad ibn Hanbal are organized based on six main principles. First, *al-nuṣūṣ*: the Qur‘an and Sunnah serve as his primary sources. When clear guidance exists in the Qur‘an and Sunnah, he adheres to the apparent meaning and does not interpret hidden or implicit meanings. Second, if no evidence is found in the Qur‘an or Sunnah, he refers to the *fatwas* of the companions, selecting the opinion most widely accepted by the majority of them.

Methodologically, his *ijtihād* framework is structured around a hierarchical, text-centered approach. First, he prioritized *al-nuṣūṣ* (the Qur‘an and Sunnah), adhering to the apparent meaning without engaging in interpretive speculation. Second, he consulted the opinions (*fatwas*) of the Companions, choosing those most consistent with textual evidence. Third, in cases of disagreement among the Companions, he chose the opinion closest to the Qur‘an and Sunnah. Fourth, he permitted the use of *mursal* hadith and even weak hadith (*ḍha‘if*) when there was no stronger evidence, reflecting his preference for textual continuity over rational construction. Fifth, *qiyās* was used only in limited and necessary circumstances, not as a primary tool. Sixth, he employed *sadd al-dharā‘i* (preventing the means of causing harm) to prevent potential negative consequences.⁴³ Imam Ahmad ibn Hanbal's *ijtihād* demonstrates his firm stance in prioritizing hadith as the primary basis of law, with very limited use of *qiyās* (analogical reasoning).⁴⁴

This methodological structure illustrates a clear causal relationship between the theological conflicts of his time and the limited use of rational tools. His prioritization of hadith and the opinions of the Companions reflects an effort to protect the authenticity of Islamic law from external intellectual influences and political pressures. For example, regarding touching the *mushaf* (written Qur‘an), Imam Hanbali held that a person who is not in a state of ritual purity (*wudu*) should not touch it, adhering to the apparent meaning of the verse: “None touch it except the purified” (*Lā yamassuhū illā al-muthahharūn*) (QS. Al-Waqi‘ah: 79).

Compared to other schools of thought, the Hanbali school represents the most textually conservative approach, emphasizing strict adherence to revelation and minimal reliance on rational methods such as *qiyās*. While the Hanafi school tends toward rational flexibility, the Maliki school integrates communal practices, and the Shafi‘i school systematizes legal reasoning, the Hanbali methodology prioritizes textual authenticity as its primary objective. From a methodological perspective, Imam Ahmad ibn Hanbal's contribution lies in strengthening the authority of textual sources in Islamic legal theory, ensuring that legal development remains grounded in revelation while allowing for limited adaptation through controlled mechanisms such as *qiyās* and *sadd al-dharā‘i*.⁴⁵ This

⁴² Thaha Jabir Fayadi Al-‘Ulwani, *Adab al-Ikhtilaf fi al-Islam* (Washington: The International Institute of Islamic Thought, 1987), 96.

⁴³ Jaih Mubarak, *Sejarah dan Perkembangan Hukum Islam* (Bandung: PT Remaja Rosdakarya, 2000), 38.

⁴⁴ Muhammad Iqbal Ansyari dan Muhammad Hasan, “Gambaran Besar Mengenai Kehidupan Ijtihad Imam Ahmad Bin Hanbal,” *Jurnal Transformasi Ekonomi dan Inovasi Keuangan* 9, no. 3 (2025), <https://doi.org/https://journal.fexaria.com/j/index.php/jteik/article/view/423>.

⁴⁵ M. Mawardi Djalaluddin, “Unsur Kemoderenan Dalam Mazhab Ibnu Hanbal,” *Al Daulah: Jurnal Hukum Pidana dan Ketatanegaraan* 6, no. 1 (2017): 17–27, <https://doi.org/10.24252/ad.v6i1.4863>.

legacy continues to influence contemporary Islamic legal thought, particularly in discussions regarding the balance between textual fidelity and contextual interpretation.⁴⁶

Based on the above discussion of the legal views of the *madhhab* imams, it can be concluded that differences in legal opinions among the four imams, Hanafi, Maliki, Shafi'i, and Hanbali, arose from variations in their methods of legal reasoning as well as the social, cultural, and environmental conditions of their respective regions. The Hanafi school extensively employed *qiyas* (analogy) and rational consideration in formulating rulings, as the people of Kufa faced numerous new issues that required a more flexible approach. In contrast, Imam Malik emphasized the practices and traditions of the people of Madinah and took public interest into account, since Madinah was recognized as a center for the development of the Prophet's Sunnah, and the customs of its inhabitants were regarded as reflective of the Prophet's teachings.⁴⁷

Imam al-Shafi'i subsequently developed a more organized and systematic method of *istinbāt* (legal reasoning), prioritizing the Qur'an, Sunnah, *ijma'*, and *qiyas*. This effort aimed to bridge the differences between the hadith-focused scholars of Madinah and the *ra'y*-oriented jurists of Iraq.⁴⁸ Meanwhile, Imam Hanbali was known for his strict adherence to the Qur'an and Hadith, limiting the use of *qiyas* and preferring to refer directly to textual evidence. Living during a period marked by widespread *bid'ah* and deviations in religious practice, his approach aimed to preserve the purity of the Shari'ah. Scholars of the Hanafi school and some Shafi'i jurists emphasized that *istishab* (presumption of continuity) can serve as a strong legal evidence even in the absence of more specific textual proofs.⁴⁹

Despite their differing approaches, all four *madhhabs* share the same principle of using the Qur'an and Sunnah as their primary foundations, and they share the common goal of providing legal guidance that aligns with the Shari'ah and promotes the welfare of society.⁵⁰ The *ijtihad* methods employed by the *madhhab* imams in formulating Islamic law show significant differences, reflecting the social, cultural, and intellectual contexts of each.

Meanwhile, al-Shafi'i establishes a systematic and hierarchical legal methodology, strictly ordering the sources of law from the Qur'an and hadith to *ijma'* and *qiyas*, and explicitly rejecting subjective reasoning such as *istihsan*. This positions his method as a mediating framework between rationalist and traditionalist tendencies. On the other hand, Ahmad ibn Hanbal represents a highly textual and conservative approach, prioritizing hadith and the opinions of the Companions while minimizing the use of rational tools such as *qiyas*.

⁴⁶ Muhammad Rijal Fadli, "Tinjauan Historis: Pemikiran Hukum Islam Pada Masa Tabi'in (Imam Hanafi, Imam Malik, Imam Syafi'i Dan Imam Hanbali) Dalam Istiabat Al-Ahkam," *Jurnal Tamaddun: Jurnal Sejarah dan Kebudayaan Islam* 8, no. 1 (2020), <https://doi.org/10.24235/tamaddun.v8i1.5848>.

⁴⁷ Muhammad Rijal Fadli, "Metode Ijtihad Imam Abu Hanifah dan Pengaruhnya terhadap Hukum Islam," *Jurnal TARUNALAW* Vol 3 No.2 (2023).

⁴⁸ Suryantoro, "Kajian Filosofis Pemikiran Hukum Imam Syafi'i Pengaruhnya terhadap Pembentukan Mazhab Fiqh dan Dinamika Hukum Islam."

⁴⁹ Muhammad Ikhsan, Azwar Azwar, dan Imran Muhammad Yunus, "Kedudukan Istishab Sebagai Argumentasi Hukum Islam Dan Pengaruhnya Terhadap Persoalan Furu'iyah," *HAKAM: Jurnal Kajian Hukum Islam dan Hukum Ekonomi Islam* 8, no. 1 (2024), <https://doi.org/10.33650/jhi.v8i1.8422>.

⁵⁰ Halimah dan Mahmudah, "Pendekatan Tekstual dalam Mazhab Hanbali," *Jurnal Studi Fiqh Kontemporer* Vol 4 No 1 (2023).

This diversity of methodological orientations reflects what contemporary scholars describe as the dynamic and pluralistic nature of Islamic legal reasoning, which allows the law to respond to various socio–historical contexts without losing its normative foundation.⁵¹ Therefore, the main differences among these imams lie in the extent to which they use reason, living tradition, methodological systematics, and textual authority. These variations not only demonstrate methodological plurality but also confirm that Islamic law is fundamentally adaptive and continues to develop in response to changing societal needs.⁵²

The Influence of the Islamic Golden Age on the Development of Islamic Thought and Jurisprudence

The Islamic Golden Age (8th to 13th centuries CE), particularly during the Abbasid Dynasty, was a crucial turning point in the development of Islamic legal methodology, not merely as a period of intellectual progress but also as a phase of methodological consolidation in Islamic jurisprudence. During the reigns of caliphs such as Harun al–Rashid and al–Ma'mun, institutions such as the House of Wisdom in Baghdad flourished as centers for translation and scientific development, indirectly fostering the need for a more systematic and structured approach to legal reasoning (*istinbāt al-ahkām*).⁵³

The rapid expansion of Islamic empire, increasing socio–economic complexity, and interaction with various cultures gave rise to new legal issues that could not always be answered directly by texts. This situation encouraged the emergence of a more advanced *ijtihad* methodology, allowing *fiqh* to evolve from a purely textual approach to a systematic and analytical discipline. This transformation is widely recognized in contemporary scholarship as a crucial phase in the formation of *usul al-fiqh* as a systematic legal theory, in which jurists developed structured methods of reasoning to address emerging legal challenges.⁵⁴

During this period, the codification of *fiqh* and *hadith* texts progressed rapidly, and the scholarly tradition became increasingly institutionalized through *madrasas*, libraries, and networks of *ulama*. However, the most important contribution of this period lay not only in the development of institutions but also in the systematization of legal methodology, where the imams of the schools of thought formulated distinct but structured *istinbat* approaches based on the Qur'an, *Sunnah*, *ijma'*, and *qiyas*. These methods were then codified in *fiqh* texts, which became the primary reference in judicial practice.⁵⁵ According to David Johnston (2019), this phase also reflects a broader

⁵¹ Wael B. Hallaq, "The Formation and Transformation of Islamic Law: Methodological Reflections," *Journal of Islamic Studies* 29, no. 3 (2018), <https://doi.org/10.1093/jis/ety015>.

⁵² F March A, "Rethinking Islamic Jurisprudence: The Role of Maqasid and Public Reason," *American Journal of Islam and Society* 32, no. 2 (2015): 1–27, <https://doi.org/10.35632/ajis.v32i2.1012>.

⁵³ Diyah Andini Kusumastuti dan Abdul Khobir, "Baitul Hikmah Pusat Keemasan Ilmu Pengetahuan Dinasti Abbasiyah," *Hikmah : Jurnal Studi Pendidikan Agama Islam* 2, no. 1 (2025): 228, <https://doi.org/10.61132/hikmah.v2i1.597>.

⁵⁴ Mohammad Hashim Kamali, "Maqasid Al–Shari'ah and Ijtihad As Instruments of Civilisational Renewal," *Islam and Civilisational Renewal (ICR Journal)* 10, no. 2 (2019): 219–237, <https://doi.org/10.12816/0052858>.

⁵⁵ Muhammad Ikhwan, "Melacak Relasi Hukum , Pendidikan , Abbasiyah," *Jurnal Islam Pesantren, Pendidikan Dan Sosial* 1, no. 1 (2022): 716.

epistemological shift in Islamic legal theory, where methodological clarity becomes important in managing jurisprudential diversity.⁵⁶

The diversity of *madhhab* methodologies was not merely a result of intellectual disagreement, but a direct response to differing social and regional conditions.⁵⁷ For example, the rational approach of the Hanafi school developed in the cosmopolitan environment of Iraq, while the Maliki school emphasizes the more traditional practices of Medina. This demonstrates a clear causal relationship between historical context and the formation of legal methodology. In this context, Abu Hanifah uses rational approaches such as *ra'y* and *istihsan* to overcome new issues in trade and government, while Imam Malik emphasizes the practices of Medina society to maintain legal stability along with considering the public interest (*maslahah*). Imam al-Shafi'i responded to methodological diversity by systematizing a hierarchy of legal sources to ensure consistency, while Imam Ahmad ibn Hanbal strengthened the authority of hadith in response to the rise of speculative reasoning. This shows a clear cause-and-effect relationship between the historical context and the formation of Islamic legal methodology.

In judicial practice, *madhhab*-based system provided flexibility in the application of Islamic law, allowing judges to adapt their decisions to local conditions. This flexibility demonstrates that Islamic law during the Golden Age functioned as a dynamic system, capable to accommodate diversity without losing its unified normative principles. The establishment of institutions such as the *Qadi al-Qudat* and other supporting institutions also strengthened the more systematic application of the law, while still allowing room for *ijtihad* in addressing new cases.⁵⁸

From a methodological perspective, the Islamic Golden Age laid important foundations that continue to influence the development of contemporary Islamic law. The systematic use of *qiyas*, consideration of the benefits (*maslahah*), and the development of the *maqasid al-shari'ah* (objectives of Islamic law) approach are the result of intellectual maturation during this period. These fundamental principles continue to be reinterpreted and expanded in modern contexts, particularly in areas such as Islamic finance, bioethics, and digital governance, reflecting the continuing relevance of classical legal methodologies.⁵⁹ Furthermore, Ovais Anjum (2020) highlights that the dynamics of classical Islamic legal methodology provide an important foundation for negotiating the relationship between tradition and modernity.⁶⁰

Therefore, the Islamic Golden Age had a direct and significant impact on the development of Islamic legal thought (*fiqh*), particularly in transforming the way scholars reasoned about law. This period marked a shift from a relatively simple, text-based approach to a more complex, structured, and methodological system of *ijtihad*. The emergence of diverse *ijtihad* methods among the *madhhab* imams demonstrated that historical challenges, such as territorial expansion, economic development, and increasing social complexity, demanded the emergence of new tools of legal analysis. Therefore, this period of Islamic legal formation emphasized that *fiqh* was not simply the result of textual

⁵⁶ David Johnston, "A Turn in the Epistemology and Hermeneutics of Twentieth Century Usul Al-Fiqh," *Islamic Law and Society* 26, no. 1–2 (2019): 1–30.

⁵⁷ Ikhwan, "Melacak Relasi Hukum, Pendidikan, Abbasyiah," 718.

⁵⁸ Ikhwan, 720.

⁵⁹ Jasser Auda, "Revisiting Maqasid Al-Shari'ah in the Contemporary Context," *Al-Shajarah*, 26(1), 1–20. 26, no. 1 (2021): 1–20.

⁶⁰ Ovais Anjum, "Islamic Law, Modernity, and Maqasid Al-Shari'a," *Philosophy & Social Criticism* 46, no. 8 (2020): 935–957.

transmission, but rather a dynamic intellectual construct heavily influenced by historical context and societal needs.⁶¹

DISCUSSION

The thought of the Islamic *madhhab* imams plays a crucial role as a methodological foundation for the development of Islamic law in the contemporary era. Through *ijtihad*, *qiyās*, *istihsān*, and other *istinbāt* methods they formulated, the *madhhab* imams not only addressed the legal issues of their time but also provided an adaptive framework for subsequent generations. Consequently, their scholarship extends beyond classical texts, serving as a flexible foundation that fosters innovation and responsiveness in Islamic law to contemporary challenges. This continuity is reflected in contemporary Islamic legal discourse. The transformation of al-*mashlahah*-based reasoning into a *maqāṣid al-sharī'ah*-oriented framework as evidence of the dynamic development of Islamic legal methodology in the modern era.⁶² This perspective is further emphasized by Yusuf al-Qaradawi, who highlights the importance of *fiqh al-waqi'* (jurisprudence of reality) to ensure that Islamic law does not remain confined to textual interpretation but remains relevant to the demands of the modern age.⁶³ In this context, the moderation of *madhhab* thought demonstrates that differences in Islamic legal perspectives do not signify rigidity, but rather function as an adaptive legal mechanism capable of responding to socio-cultural change while preserving the normative foundations of *sharī'ah*.⁶⁴

The thought of the *madhhab* imams, such as Abu Hanifah, Malik, Shafi'i, and Ahmad ibn Hanbal, not only affirmed the fundamental principles of Islamic law, including the Qur'an, Sunnah, and *ijtihad*, but also introduced legal instruments that are responsive to contemporary challenges, such as *qiyās* (analogical reasoning), *istihsān* (juridical preference), and *maṣlahah mursalah* (public interest). In practice, *qiyās* operates through a structured mechanism that involves identifying the original case (*aṣl*), determining its effective cause (*'illah*), and extending the law to new cases (*far'*) that share the same *'illah*. This mechanism ensures consistency between classical law and contemporary issues. For example, *qiyās* has proven highly significant in addressing modern issues like drug use, energy drinks, or vaping, by analogizing them to *khamr* (intoxicants) due to their similarly harmful effects, thereby maintaining the legal objective of the law in preventing harm (*ḥifẓ al-'aql*).⁶⁵

Meanwhile, *istihsān* provides flexibility when strict analogical reasoning (*qiyās*) becomes too rigid, allowing Islamic law to adapt to practical needs. Mechanistically, *istihsān* functions by prioritizing stronger legal considerations, such as necessity (*ḍarūrah*), public need (*ḥājah*), and justice, over strict analogy when it causes hardship or fails to

⁶¹ Wael B. Hallaq, *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997).

⁶² Muhammad Harfin Zuhdi dan Mohamad Abdun Nasir, "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (2024): 1818–39, <https://doi.org/10.22373/sjkh.v8i3.24918>.

⁶³ Yusuf al-Qaradawi, *Fiqh al-Waqi'* (Kairo: Maktabah Wahbah, 1994).

⁶⁴ Hamda Sulfinadia dan Jurna Petri Roszi, "Moderation of Madhhabs in West Sumatra Towards Hadhanah of Minors Whose Mothers Remarry," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (2024): 789–815, <https://doi.org/10.22373/ujhk.v7i2.23941>.

⁶⁵ Ardiansyah Yogi dan Said Azren Qadraini, "Qiyas dalam Ushul Fiqih: Definisi, Signifikansi, Dan Aplikasi Kontemporer," *Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial*, 2025, 16, <https://doi.org/10.30868/am.v13i01.8438>.

achieve justice. A common modern example is permitting male obstetricians to examine female patients' *aurah* when no competent female doctor is available or in emergency situations. Pure analogy would normally prohibit viewing the *aurah* of the opposite sex, but due to urgent necessity, the law can be relaxed for the benefit and safety of the patient, demonstrating how *istihsān* works to realize the goal of protecting life (*ḥifẓ al-nafs*). The application of *istihsān* in this context can also be found in contemporary *waqf* practices, such as the *Carotai waqf*, which is legitimized through *istihsan* based on communal agreement (*istihsān bi al-ijmā'*), although its management mechanism is not explicitly detailed in classical *fiqh*. This agreement reflects a contextual form of *ijmā'* '*urfī*', which shows that *istihsān* is able to accommodate developing social practices within the framework of Islamic legal methodology.⁶⁶

Likewise, *maṣlaḥah mursalah* allows for the establishment of laws based on the public interest, serving to promote welfare and prevent harm even when such considerations are not explicitly mentioned in the primary texts. The *maṣlaḥah* mechanism lies in the process of assessing whether a legal provision is in line with the objectives of the *Shari'a* (*maqāṣid al-syarī'ah*), especially in protecting basic values such as life (*ḥifẓ al-nafs*) and property (*ḥifẓ al-māl*). In Islamic legal theory, the concept of *maṣlaḥah mursalah* (*istislāḥ*) is understood as a method of legal determination applied in the absence of explicit textual evidence, while remaining consistent with the objectives of *sharī'ah* in safeguarding public welfare and preventing harm in response to social change.⁶⁷ This orientation reflects the fundamental aim of Islamic law, which, as Kumedi Ja'far notes, is to realize human well-being and prevent harm amid evolving social realities.⁶⁸ Thus, contemporary decisions permitting organ donation, blood banking for life-saving purposes, and the development of *sharī'ah*-compliant health insurance schemes can be justified within this framework.⁶⁹

In the digital context, the principle of *maṣlaḥah* also underpins fatwas related to Sharia-compliant fintech, cryptocurrency transactions, and personal data protection, which are considered part of *ḥifẓ al-māl* (protection of wealth) and *ḥifẓ al-nafs* (protection of life). These approaches have paved the way for contemporary doctrines such as *takhayyur*, which allows choosing opinions from other *madhhabs* when they better suit the context, reflecting the flexibility of *ijtihad* and adaptation to the realities of the modern era. This demonstrates that Islamic law is not confined to classical texts, but can adjust to social and technological dynamics. Consequently, the thought of the *madhhab* imams remains a dynamic and relevant framework, methodologically supporting the development of Islamic law in the modern era. Therefore, the *ijtihad* methods of classical scholars continue to serve as a foundation for fatwa institutions and academics in addressing contemporary legal issues.

⁶⁶ Nofiardi dan Muhammad Irfan Helmy, "Istihsan – Based Waqf in The Carotai Tradition in Tanang River Community, Agam District, West Sumatera," *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024): 365 – 78.

⁶⁷ Afif Noor et al., "Maslahah – Based Protection of Fund Recipients in Fintech Lending Through Empowerment and Justice," *El-Mashlahah* 15, no. 1 (2025): 1 – 20, <https://doi.org/10.23971/el-mashlahah.v15i1.7786>.

⁶⁸ Kumedi Ja'far, Edi Susilo, dan Mursyid Al Haq, "Construction of Contemporary Fiqh in the Disorders of Sexual Development Problems Through the Integration of Maqāṣid al-Sharī'ah and Medical Science," *Al-'Adalah* 22, no. 1 (2025): 63 – 90, <https://doi.org/10.24042/adalah.v22i1.23825>.

⁶⁹ Hamzah Kamma, "Urgensi Maslahah dalam Pembaruan Hukum Islam di Era Global," *Al-Manahij: Jurnal Kajian Hukum Islam* Vol 8 No 2 (2014): 8, <https://doi.org/https://doi.org/10.24090/mnh.v8i2.409>.

Furthermore, the thought of the *madhhab* imams demonstrates significant adaptive capacity in the contemporary era. Although developed in the classical period, their methods, such as *qiyas* (analogy), *istihsan* (juridical preference), and *maṣlaḥah* (public interest), still provide flexible frameworks for addressing a wide range of modern issues, from financial technology, bioethics, to human rights and environmental concerns. For instance, ethical dilemmas surrounding genetic engineering, the use of Artificial Intelligence (AI) in healthcare services, and carbon trading policies in environmental issues can all be addressed using the *istinbāt* (legal deduction) frameworks of the *madhhab* imams.⁷⁰

To this day, the thoughts of the *madhhab* imams remain the primary reference in various sectors of modern life, including the practice of Islamic law in Indonesia. This development is also reflected in contemporary studies on Islamic family law in Indonesia, which demonstrate how classical principles are adapted within modern legal frameworks.⁷¹ This relevance can be seen concretely in the Compilation of Islamic Law (KHI), which is predominantly influenced by the Shafi'i school of thought, particularly in the areas of marriage, guardianship, and inheritance. For example, Article 14 of the KHI establishes the pillars (*rukun*) of marriage, which include the presence of a guardian (*wali*), which aligns with the Shafi'i school's view that a guardian is a prerequisite for a valid marriage contract.⁷²

In the economic field, the principles of *qiyās* and *maṣlaḥah* are implemented through fatwas from the National Sharia Council of the Indonesian Ulema Council (DSN – MUI). For example, Fatwa No. 04/DSN – MUI/IV/2000 concerning *murabahah* serves as the operational basis for Islamic banking,⁷³ demonstrating the applications of *qiyas* by adapting classical sale contracts into modern financial instruments, while Fatwa No. 117/DSN – MUI/II/2018 regulates Sharia – based financial technology (*fintech*) services, demonstrating the adaptation of classical *ijtihad* methods to address modern financial innovation.⁷⁴

In the health sector, the principles of *istihsan* and *sadd al-dhara'i'* are reflected in the MUI fatwa regarding biomedical issues. For example, MUI Fatwa No. 13 of 2009 allows organ transplants with certain conditions, illustrating the application of *istihsan* in balancing necessity in harm prevention within medical practice.⁷⁵ These examples demonstrate that the classical *ijtihad* methodology is not merely theoretical but has also been institutionalized within the legal system and religious practices in Indonesia. Thus,

⁷⁰ Asifa Quraishi dan Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence, Journal of Law and Religion*, 3 ed., vol. 15 (Kuala Lumpur: Ilmiah Publisher, 2000), <https://doi.org/10.2307/1051529>.

⁷¹ Mustafid et al., "Child Custody Rights After Divorce in Indonesia From A Contemporary Islamic Family Law," *Al-Hurriyah: Jurnal Hukum Islam* 10, no. 2 (2025), <https://doi.org/http://dx.doi.org/10.30983/al-hurriyah.v10i2.100964> Al – Hurriyah.

⁷² Presiden Republik Indonesia, "Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 Tentang Penyebarluasan Kompilasi Hukum Islam Presiden" (1991).

⁷³ Dewan Syariah Nasional Majelis Ulama Indonesia, "Fatwa No. 04/DSN – MUI/IV/2000 tentang Murabahah" (Jakarta, 2000).

⁷⁴ Dewan Syariah Nasional Majelis Ulama Indonesia, "Fatwa No. 117/DSN – MUI/II/2018 tentang Layanan Pembiayaan Berbasis Teknologi Informasi Berdasarkan Prinsip Syariah" (Jakarta, 2018).

⁷⁵ Dewan Syariah Nasional Majelis Ulama Indonesia, "Fatwa No. 13 Tahun 2009 tentang Transplantasi Organ" (Jakarta, 2009).

the *ijtihad* methods of the *madhhab* imams remain relevant and adaptive in responding to the challenges of the times.

CONCLUSION

This study finds that the differences in *ijtihad* methods among the imams of the Islamic school of thought, Abu Hanifah, Malik, al – Shafi'i, and Ahmad ibn Hanbal, do not simply reflect a diversity of legal opinions, but demonstrate a structured methodological plurality that remains relevant across time. These methods, which developed during the Islamic Golden Age, have formed a systematic foundation that allows Islamic law to adapt to changing social and historical contexts. The main finding of this study lies in the assertion that the relevance of Islamic school thinking in the contemporary era lies not in the direct application of classical legal products, but rather in the reconstruction of its methodological framework, specifically *qiyās*, *istihsān*, and *maṣlaḥah*, in responding to modern issues. This demonstrates that Islamic law has a dynamic character that is able to interact with developments without losing its normative principles.

The contribution of this study is twofold. Theoretically, it strengthens the understanding that Islamic law is a methodological tradition, not simply a static collection of doctrines. Practically, this research provides a conceptual foundation for fatwa institutions and the Islamic legal system in formulating responsive and contextual decisions. Thus, the sustainability of *ijtihad* as a method of legal reasoning is key to bridging classical traditions with modern legal needs.

ACKNOWLEDGMENTS

The authors would like to express their sincere gratitude to their advisors and academic colleagues for their valuable guidance, constructive suggestions, and scholarly input provided throughout the preparation of this manuscript. The authors also express their gratitude for all forms of support that contributed to the completion of this research. This research did not receive funding from any external sources.

DECLARATIONS

AUTHOR CONTRIBUTION STATEMENT

Rasty Azizah Putri contributed to conceptualization, methodology, investigation, data curation, writing—original draft, and writing—review and editing; Hamda Sulfinadia contributed to methodology, investigation, formal analysis, supervision, and writing—review and editing; Sobhan contributed to conceptualization, formal analysis, validation, and writing—review and editing; Bakhtiar contributed to investigation, data curation, validation, and writing—review and editing.

FUNDING STATEMENT

This study did not receive any specific grants or external funding from public, commercial, or nonprofit funding agencies. All research and publication costs were covered independently by the authors.

DATA AVAILABILITY STATEMENT

The dataset generated and analyzed in this study is publicly available and can be obtained from the corresponding author upon reasonable request.

DECLARATION OF INTEREST STATEMENT

The authors declare that they have no known financial or non-financial conflicts of interest that could influence the research results reported in this paper.

AI USE STATEMENT

During the preparation of this manuscript, the authors used DeepL Translator and Grammarly to assist with translation, language editing, clarity, and readability, and Mendeley Desktop for reference management. The authors also used ChatGPT (GPT-5.3) to support language refinement and manuscript organization. All AI-assisted output was critically reviewed, revised if necessary, and verified by the authors. The authors take full responsibility for the accuracy, originality, and integrity of the final manuscript.

ADDITIONAL INFORMATION

Correspondence and enquiries regarding this research material may be addressed to: rasty.azizah.putri@uinib.ac.id

ORCID

Rasty Azizah Putri  <https://orcid.org/0009-0003-9292-543X>

Hamda Sulfinadia  <https://orcid.org/0009-0004-8148-5755>

Sobhan  <https://orcid.org/0000-0001-5225-940X>

Bakhtiar  <https://orcid.org/000-002-4789-0907>

REFERENCES

- Adriyani, M. Ihya Ayudiya, and Nabil Mahasin. "Perkembangan Pemikiran Fiqih Imam Ahmad bin Hanbal: Konstruksi Metode Ijtihad." *Journal Islamic Education* 1, no. 2 (2023).
- Al-Bazdawi. *Usul al-Bazdawi*. Vol. 4. Beirut: Dar al-Kutub al-Ilmiyyah, 1997.
- Al-Faruq Umar, Zahro Aemilla, Salma AZ-Zahro, and Adhani Izmelia. "Dinamika Hukum Islam di Masa Imam Madzhab." *Jurnal Kajian Agama dan Multikulturalisme Indonesia* 3, no. 3 (2024): 22-33.
- Al-Kasani, Alauddin. *Badai al-Shanai fi Tartib al-Sharai*. Vol. 2. Beirut: Dar al-Kutub al-Ilmiyyah, 1986.
- Al-Marghinani. *Al-Hidayah fi Sharh Bidayat al-Mubtadi*. Beirut: Dar al-Kutub al-Ilmiyyah, 2000.
- Al-Sarakhsi, Shams al-Aimmah. *Al-Mabsut*. Beirut: Dar al-Marifah, 1993.
- Al-Sarakhsi, Shams al-Aimmah. *Usul al-Sarakhsi*. Vol. 2. Beirut: Dar al-Marifah, 1993.
- Al-Shatibi, Ibrahim ibn Musa. *Al-Muwafaqat fi Usul al-Shariah*. Edited by Abd Allah Darraz. Beirut: Dar al-Marifah, 1997.
- Al-Syafii, Muhammad ibn Idris. *Al-Umm*. Beirut: Dar al-Marifah, n.d.
- Al-Zuhaili, Wahbah. "Perbandingan Metode Ijtihad dalam Mazhab Fiqh." *Jurnal Studi Hukum Islam* 2, no. 3 (2021): 45.
- Syarifuddin, Amir. *Ushul Fiqh*. Jakarta: Kencana, 2014.
- Anas, Malik ibn. *Al-Muwatta*. Edited by Muhammad Fuad Abd. Beirut: Dar Ihya al-Turath al-Arabi, 1985.

- Anjum, Ovais. "Islamic Law, Modernity, and Maqasid al – Sharia." *Philosophy & Social Criticism* 46, no. 8 (2020): 935 – 957.
- Ansyari, Muhammad Iqbal, and Muhammad Hasan. "Gambaran Besar Mengenai Kehidupan Ijtihad Imam Ahmad Bin Hanbal." *Jurnal Transformasi Ekonomi dan Inovasi Keuangan* 9, no. 3 (2025). <https://journal.fexaria.com/j/index.php/jteik/article/view/423>.
- Ardiansyah, Yogi, and Said Azren Qadraini. "Qiyas dalam Ushul Fiqih: Definisi, Signifikansi, dan Aplikasi Kontemporer." *Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial* (2025): 11 – 22. <https://doi.org/10.30868/am.v13i01.8438>.
- Asy – Syafii, Muhammad ibn Idris. *Ar-Risalah*. Edited by Ahmad Muhammad Syakir. Kairo: Maktabah al – Halabi, 1940.
- Auda, Jasser. "Revisiting Maqasid al – Shariah in the Contemporary Context." *Al-Shajarah* 26, no. 1 (2021): 1 – 20.
- Dewan Syariah Nasional Majelis Ulama Indonesia. "Fatwa No. 04/DSN – MUI/IV/2000 tentang Murabahah." Jakarta, 2000.
- Dewan Syariah Nasional Majelis Ulama Indonesia. "Fatwa No. 117/DSN – MUI/II/2018 tentang Layanan Pembiayaan Berbasis Teknologi Informasi Berdasarkan Prinsip Syariah." Jakarta, 2018.
- Dewan Syariah Nasional Majelis Ulama Indonesia. "Fatwa No. 13 Tahun 2009 tentang Transplantasi Organ." Jakarta, 2009.
- Ramadhani, Dina, Khadijah Khairatun Nisa, Frea Puspita Damayanti, and Lina Marlina. "Pemikiran Hukum Islam Imam Malik Bin Annas (Pendekatan Sejarah Sosial)." *SANTRI: Jurnal Ekonomi dan Keuangan Islam* 3, no. 2 (2025): 76 – 84. <https://doi.org/10.61132/santri.v3i2.1365>.
- Kusumastuti, Diyah Andini, and Abdul Khobir. "Baitul Hikmah Pusat Keemasan Ilmu Pengetahuan Dinasti Abbasiyah." *Hikmah: Jurnal Studi Pendidikan Agama Islam* 2, no. 1 (2025): 226 – 41. <https://doi.org/10.61132/hikmah.v2i1.597>.
- Djalaluddin, M. Mawardi. "Unsur Kemoderenan dalam Mazhab Ibnu Hanbal." *Al Daulah: Jurnal Hukum Pidana dan Ketatanegaraan* 6, no. 1 (2017): 17 – 27. <https://doi.org/10.24252/ad.v6i1.4863>.
- Fadli, Muhammad Rijal. "Metode Ijtihad Imam Abu Hanifah dan Pengaruhnya terhadap Hukum Islam." *Jurnal TARUNALAW* 3, no. 2 (2023).
- Fadli, Muhammad Rijal. "Tinjauan Historis: Pemikiran Hukum Islam pada Masa Tabi'in (Imam Hanafi, Imam Malik, Imam Syafii, dan Imam Hanbali) dalam Istinbat Al – Ahkam." *Jurnal Tamaddun: Jurnal Sejarah dan Kebudayaan Islam* 8, no. 1 (2020). <https://doi.org/10.24235/tamaddun.v8i1.5848>.
- Fauzi, Mohammad Yasir, Agus Hermanto, Habib Ismail, and Mufid Arsyad. "Metode Ijtihad dan Dinamika Persoalan di Kalangan Imam Madzhab." *At-Tahdzib: Jurnal Studi Islam dan Muamalah* 10, no. 1 (2022): 67 – 79.
- Ghanem, Tarek. "Texts, Language, and History in the Madhab – Law Tradition: A Study of the Shafii School." 2020. <https://fount.aucegypt.edu/etds/1605>.
- Halim, F. A. "Reformulating the Madhhab in Cyberspace: Legal Authority, Doctrines, and Ijtihad among Contemporary Shafii Ulama." *Islamic Law and Society* 22 (2015).
- Halimah and Mahmudah. "Pendekatan Tekstual dalam Mazhab Hanbali." *Jurnal Studi Fiqh Kontemporer* 4, no. 1 (2023).

- Hallaq, Wael B. *A History of Islamic Legal Theories*. Cambridge: Cambridge University Press, 1997.
- Hallaq, Wael B. "The Formation and Transformation of Islamic Law: Methodological Reflections." *Journal of Islamic Studies* 29, no. 3 (2018). <https://doi.org/10.1093/jis/ety015>.
- Ikhsan, Muhammad, Azwar Azwar, and Imran Muhammad Yunus. "Kedudukan Istishab sebagai Argumentasi Hukum Islam dan Pengaruhnya terhadap Persoalan Furuiyah." *HAKAM: Jurnal Kajian Hukum Islam dan Hukum Ekonomi Islam* 8, no. 1 (2024). <https://doi.org/10.33650/jhi.v8i1.8422>.
- Ikhwan, Muhammad. "Melacak Relasi Hukum, Pendidikan, Abbasyiah." *Jurnal Islam Pesantren, Pendidikan dan Sosial* 1, no. 1 (2022): 24–46.
- Irwansyah, Halimatus Adiah, and Muhammad Sibawaih. "Metode Ijtihad Imam Abu Hanifah dan Imam Malik." *Jurnal Cerdas Hukum* 1, no. 1 (2022): 89–99. <https://ejournal.institutabdullahsaid.ac.id/index.php/jurnal-cerdas-hukum/article/view/112>.
- Jafar, Kumedi, Edi Susilo, and Mursyid Al Haq. "Construction of Contemporary Fiqh in the Disorders of Sexual Development Problems through the Integration of Maqasid al-Sharia and Medical Science." *Al-Adalah* 22, no. 1 (2025): 63–90. <https://doi.org/10.24042/adalah.v22i1.23825>.
- Mubarak, Jaih. *Sejarah dan Perkembangan Hukum Islam*. Bandung: PT Remaja Rosdakarya, 2000.
- Jamal, Anton. "Ijtihad dan Qiyas Menurut Imam Syafii: Hubungan Qiyas dengan Berbagai Metode Ijtihad dalam Ushul Fiqh." *MAQASIDI: Jurnal Syariah dan Hukum* 4, no. 1 (2024): 1–10. <https://doi.org/10.47498/maqasidi.v4i1.3125>.
- Jannah, Itayatul. "Sejarah dan Konsep Pemikiran Fikih Mazhab Maliki." 2, no. 1 (2025): 1–13.
- Johnston, David. "A Turn in the Epistemology and Hermeneutics of Twentieth Century Usul al-Fiqh." *Islamic Law and Society* 26, nos. 1–2 (2019): 1–30.
- Kamali, Mohammad Hashim. "Maqasid al-Shariah and Ijtihad as Instruments of Civilisational Renewal." *Islam and Civilisational Renewal* 10, no. 2 (2019): 219–237. <https://doi.org/10.12816/0052858>.
- Kamma, Hamzah. "Urgensi Masalah dalam Pembaruan Hukum Islam di Era Global." *Al-Manahij: Jurnal Kajian Hukum Islam* 8, no. 2 (2014). <https://doi.org/10.24090/mnh.v8i2.409>.
- Moleong, Lexy J. *Metodologi Penelitian Kualitatif*. Bandung: PT Remaja Rosdakarya, 2019.
- March, Andrew F. "Rethinking Islamic Jurisprudence: The Role of Maqasid and Public Reason." *American Journal of Islam and Society* 32, no. 2 (2015): 1–27. <https://doi.org/10.35632/ajis.v32i2.1012>.
- Musarrofa, Ita, and Husnul Muttaqin. "Maqasid Sharia Jasser Auda Theory: System Approach to Islamic Family Law in the Digital Era." *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 2 (2024).
- Mustafid, Khairunnas Rajab, Arisman, and Muhammad Faiz Algifari. "Child Custody Rights after Divorce in Indonesia from a Contemporary Islamic Family Law." *Al-Hurriyah: Jurnal Hukum Islam* 10, no. 2 (2025). <https://doi.org/10.30983/al-hurriyah.v10i2.100964>.

- Nofiardi and Muhammad Irfan Helmy. "Istihsan – Based Waqf in the Carotai Tradition in Tanang River Community, Agam District, West Sumatera." *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024): 365 – 78.
- Noor, Afif, Ali Maskur, Arifana Nur Kholiq, Aisa Rurkinantia, Saifudin, Arina Hukmu Adila, and Maruf. "Maslahah –Based Protection of Fund Recipients in Fintech Lending through Empowerment and Justice." *El-Mashlahah* 15, no. 1 (2025): 1 – 20. <https://doi.org/10.23971/el-mashlahah.v15i1.7786>.
- Nur, Iffatin, and Reni Puspitasari. "Postgender Fiqh: The Views of MUI's and KUPI's Ulema on Postgenderism from Maqasid Shariah Perspective." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 18, no. 1 (2023): 152 – 76. <https://doi.org/10.19105/AL-LHKAM.V18I1.7313>.
- Presiden Republik Indonesia. *Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam*. 1991.
- Ibn Qudamah, Abdullah bin Ahmad. *Al-Mughni*. Beirut: Dar al – Kutub al – Ilmiyyah, 1994.
- Quraishi, Asifa, and Mohammad Hashim Kamali. *Principles of Islamic Jurisprudence*. 3rd ed. Kuala Lumpur: Ilmiah Publisher, 2000. <https://doi.org/10.2307/1051529>.
- Rahman, Fauzi. "Rekonstruksi Ijtihad dalam Menjawab Tantangan Hukum Islam Kontemporer." *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 1 (2024).
- Rahman, Rahmat Abd. "Latar Belakang Sosial Lahirnya Mazhab Hambali." *BUSTANUL FUQAHA: Jurnal Bidang Hukum Islam* 1, no. 3 (2020): 505 – 15. <https://doi.org/10.36701/bustanul.v1i3.204>.
- Rizapoor, Habiburrahman, and Mohammad Rashid Rahimi. "Imam Abu Hanifah: The Vanguard of Moderation in Islamic Jurisprudence and the Global Dissemination of Moderate Islam." *Mazahib: Jurnal Pemikiran Hukum Islam* 22, no. 2 (2023): 213 – 42. <https://doi.org/10.21093/mj.v22i2.7088>.
- Rozi, Fahrur. "Pemikiran Mazhab Fiqh Imam Syafii." *HAKAM: Jurnal Kajian Hukum Islam dan Hukum Ekonomi Islam* 5, no. 2 (2022): 91 – 101. <https://doi.org/10.33650/jhi.v5i2.3502>.
- Rusdiyah, Bachtiar Agusman, Najla Amali, Nisa Adelia, Muhammad Taha Madani, and Nur Azmi Assyifa Munirah. "Rekonstruksi Teori Hukum Islam pada Masa Imam Mazhab." *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024). <https://doi.org/10.62976/ijijel.v2i4.751>.
- Said, Sahnun ibn. *Al-Mudawwanah al-Kubra*. Beirut: Dar al – Kutub al – Ilmiyyah, 1994.
- Sulfinadia, Hamda, and Jurna Petri Roszi. "Moderation of Madhhabs in West Sumatra Towards Hadhanah of Minors Whose Mothers Remarry." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (2024): 789 – 815. <https://doi.org/10.22373/ujhk.v7i2.23941>.
- Suryantoro, Dwi Dasa. "Kajian Filosofis Pemikiran Hukum Imam Syafii Pengaruhnya terhadap Pembentukan Mazhab Fiqh dan Dinamika Hukum Islam." *The Indonesian Journal of Islamic Law and Civil Law* 6, no. 1 (2025): 84 – 101. <https://doi.org/10.32332/mul>.
- Syamsuddin, A. "Relevansi Pemikiran Imam Syafii dalam Konteks Hukum Keluarga Kontemporer." *Zawiyah: Jurnal Pemikiran Islam* 7, no. 1 (2022): 55 – 70.
- Al – Ulwani, Thaha Jabir Fayadi. *Adab al-Ikhtilaf fi al-Islam*. Washington, DC: The International Institute of Islamic Thought, 1987.
- Umami, Khairul, and Mega Puspita. "Social Dynamics in the Evolution of Tashri' during the Period of the Madhhab Scholars: Factors that Triggered the Development of

- Islamic Law." *Moefity: Jurnal Perbandingan Mazhab dan Hukum* 13, no. 1 (2024): 65–73. <https://journals.fasya.uinib.org/index.php/moefity/article/view/539>.
- Listari, Wira Kurnia, and Alimni. "Pendidikan Islam Masa Dinasti Abbasiyah dan Perkembangan Pendidikan Islam Masa Modern." *Jurnal Pendidikan Tematik* 4, no. 2 (2023): 119–29. <https://media.neliti.com/media/publications/256972–pendidikan–islam–masa–dinasti–abbasiyah–dc5541d7.pdf>.
- Al – Qaradawi, Yusuf. *Fiqh al-Waqi'*. Kairo: Maktabah Wahbah, 1994.
- Zuhdi, Muhammad Harfin, and Mohamad Abdun Nasir. "Al – Mashlahah and Reinterpretation of Islamic Law in Contemporary Context." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (2024): 1818–39. <https://doi.org/10.22373/sjkh.v8i3.24918>.