



THE CONCEPTUALIZATION OF RELIGIOUS MODERATION IN ISLAMIC ECONOMIC JURISPRUDENCE: A STUDY OF AL-RISALAH BY IMAM AL-SHAFI'I

Abdul Mun'im Saleh¹, M. Ilham Tanzilulloh²
Fakultas Syariah IAIN Ponorogo, Indonesia^{1 2}
ilham@iainponorogo.ac.id²

DOI: 10.21154/invest.v2i2.10379

Received: 2022-11-30

Revised: 2022-12-28

Approved: 2022-12-29

Abstract: The concept of religious moderation has gained significant relevance in Islamic legal thought, particularly in addressing the contemporary challenges in Islamic economic law and governance. The rapid expansion of Islam to diverse regions and interactions with various cultural influences have shaped the evolving interpretations of revelation texts, including their application to economic activities. Imam al-Shafi'i, through *Al-Risalah*, developed foundational theories of *fiqh* (Islamic jurisprudence) that emphasized balancing adherence to sacred texts with rational flexibility to address new and complex cases, particularly in areas such as contracts, trade, and financial ethics. His methodology sought to reconcile the two intellectual tendencies of his time – *ahl al-hadith* (textualists) and *ahl al-ra'y* (rationalists) – by rejecting arbitrary reasoning (*istihsan*) and promoting analogical reasoning (*qiyas*) under the framework of divine law. This study explores how religious moderation, as conceptualized by al-Shafi'i, influenced the development of *al-qawa'id al-fiqhiyyah* (legal maxims), which remains central to resolving contemporary legal-economic issues. Through a philosophical qualitative approach, this research examines how al-Shafi'i's legal thought provides a sustainable framework for balancing textual authority and adaptability in Islamic economic jurisprudence, ensuring that legal rulings are both divinely grounded and responsive to socioeconomic contexts.

Keywords: *Al-Risalah, Economic Law, Imam al-Shafi'i, Islamic Jurisprudence, Legal Reasoning, Religious Moderation*

Abstrak: Konsep moderasi agama telah mendapatkan relevansi yang signifikan dalam pemikiran hukum Islam, terutama dalam menjawab tantangan kontemporer dalam hukum dan tata kelola ekonomi Islam. Ekspansi Islam yang cepat ke berbagai wilayah dan interaksi dengan berbagai pengaruh budaya membentuk interpretasi yang terus berkembang atas teks-teks wahyu, termasuk penerapannya pada kegiatan ekonomi. Imam al-Syafi'i, melalui *Al-Risalah*, mengembangkan teori-teori dasar *fikih* (yurisprudensi Islam) yang menekankan keseimbangan antara kepatuhan terhadap teks-teks suci dengan fleksibilitas rasional untuk menangani kasus-kasus baru dan kompleks, terutama di bidang-bidang seperti kontrak, perdagangan, dan etika keuangan. Metodologi yang digunakannya

berusaha mendamaikan dua kecenderungan intelektual pada masanya-*ahlal-hadits* (tekstualis) dan *ahl al-ra'y* (rasionalis) -dengan menolak penalaran sewenang-wenang (*istihsan*) dan mendorong penalaran analogis (*qiyas*) di bawah kerangka hukum ilahi. Penelitian ini mengeksplorasi bagaimana moderasi agama, sebagaimana dikonseptualisasikan oleh al-Syafi'i, mempengaruhi perkembangan *al-qawa'id al-fiqhiyyah* (maksim-maksim hukum), yang masih menjadi pusat penyelesaian masalah-masalah ekonomi-hukum kontemporer. Melalui pendekatan kualitatif filosofis, penelitian ini mengkaji bagaimana pemikiran hukum al-Syafi'i memberikan kerangka kerja yang berkelanjutan untuk menyeimbangkan otoritas tekstual dan kemampuan beradaptasi dalam yurisprudensi ekonomi Islam, untuk memastikan bahwa keputusan hukum didasarkan pada landasan ilahi dan responsif terhadap konteks sosial-ekonomi.

Kata Kunci: Al-Risalah, Hukum Ekonomi, Imam al-Syafi'i, Moderasi Keagamaan, Penalaran Hukum, Yurisprudensi Islam

INTRODUCTION

The history of Islamic legal thought has been enlivened by debates over the concepts of good (*al-husn*) and bad (*al-qubh*). Based on these concepts, views have been developed regarding the extent to which human reasons can understand Allah's law. These debates fall within the realm of theology (*usul al-din*). However, since *ushul fiqh* is built upon the paradigm of revelation as the highest authority, with the primary task of deducing laws from revelation, *usul al-fiqh* was directly influenced by the outcomes of the debates on these two matters, or at least the variations in opinions on the issue are clearly reflected in the discussions of *usul al-fiqh*.¹ These debates indirectly influence how Islamic legal thought addresses various fields, including economic jurisprudence, particularly balancing textual authority with rational economic solutions.

What is truly phenomenal is that Muslims agree that “the Lawgiver” (al-Hakim) in Shari'ah is Allah. However, there is debate over how to discover Allah's law. The Ash'ariyah argue that Allah's law can only be known through the information of revelation. In contrast, Mu'tazilah asserts that reason can discover Allah's law, even if revelation was to cease. Maturidiyah attempted to reconcile these opposing positions. This theological debate also shapes different approaches to legal reasoning, especially in determining how to apply divine texts to dynamic economic issues, such as contracts, trade, and financial ethics.

¹ Abdul Mun'im Saleh, *Otoritas Masalah dalam Madhhab Syafi'i* (Yogyakarta: Magnum Pustaka Utama, 2012), 31.

The Ash'ariyah (a theological school led by Abu al-Hasan al-Ash'ari, 260 H/873 M - 324 H/935 M) argue that the qualities of good and bad are shar'i (determined by revelation) and not 'aqli (decisions of reason). This means that good and bad are not inherent in themselves but are determined as such by revelation. An act cannot be deemed good or bad, and thus, Allah will not command or forbid it unless it is decided by revelation.² What might be considered good or bad by human reason does not bind humans to act or refrain from it unless the revelation states otherwise. In practical legal matters, this view influences a more rigid interpretation of legal provisions, which can affect economic policies by limiting flexibility in deriving new rules, unless directly supported by texts.

According to Mu'tazilah (a theological school led by Wasil bin Ata', 700-750 M), reason has the authority to judge an act as either good or bad. Beneficial actions are good, and harmful actions are bad. Furthermore, Allah's judgment of the act depends on the judgment of reason. What reason deems good; Allah also deems good, and thus commands it. Conversely, what reason deems bad, Allah also deems bad and thus forbids it. Human knowledge of good and bad becomes a binding norm for them to act accordingly. In an economic context, this view allows greater room for rational deliberation in legal decisions, enabling the creation of adaptive frameworks for issues such as market regulation and financial risk management.

In a more moderate view, Maturidiyah (a theological school led by Abu Mansur al-Maturidiyah, who died 333 H/944 M) states that actions can be judged as good or bad even before the arrival of the revelation. Human reasons have the potential to know good and bad beyond the information provided by the revelation. Allah Himself commands humans to do what is good and avoid what is bad. However, Allah's law does not necessarily align with the reason's understanding of good and bad. Like the Ash'ariyah, Maturidiyah emphasizes that Allah's law cannot be known without information on revelation.³ This school of thought gives reason a stronger position than the Ash'ariyah, as it says reason can know good and bad, but like the Ash'ariyah, Maturidiyah maintains that human knowledge of good and bad does not become a binding norm for action. This perspective provides a more balanced approach to economic jurisprudence, where both rational insights

² Ahmad al-Husari, *Nazariyat al-Hukm wa Masadir al-Tashri' fi Usul al-Fiqh al-Islami* (Mesir: Maktabah al-Kulliyat al-Azhariyah, 1981), 20-21.

³ Ibid

and textual foundations are considered in developing legal rulings for business practices and contracts.

In short, the Mu'tazilah assert a causal relationship between reason's decision and Allah's law, while the Ash'ariyah deny such a relationship. The Maturidiyah places reason's decision and Allah's law side by side without needing a causal connection. This means that if revelation had not descended, if the Prophet had not been sent, or even in the time before revelation and the Prophet, the Mu'tazilah would say that humans would already be bound by the law, based on their reasoning about good and bad. Meanwhile, the Ash'ariyah and Maturidiyah argue the opposite: humans are not bound by any law, even if they have opinions about good and bad.

The theological debate mentioned above had actually taken place centuries earlier, eventually leading to the establishment of the Ahl al-Sunnah (Ash'ariyah and Maturidiyah) and Mu'tazilah schools. Muslim jurists' theological stances were explicitly affirmed in their works on *usul al-fiqh* to build arguments or explain the theological premises underlying their legal reasoning methodologies. One of the *usul al-fiqh* works that explicitly states its theological stance—approximately a century before the crystallization of these theological schools—is *al-Risalah*. These differing theological perspectives have a profound impact on how Islamic law evolves to address not only general religious obligations, but also practical economic transactions and market regulations.

Al-Risalah is a monumental work on *usul al-fiqh* by Imam al-Shafi'i (150 H/767 M- 204 H/819 M).⁴ This study is regarded as the first known treatise in the field of *usul al-fiqh*.⁵ It is said that al-Shafi'i emerged during a period of epistemological uncertainty when Islamic jurists had been divided into two main tendencies: *ahl al-hadith* and *ahl al-ra'y*. His arrival helped resolve the disputes between these two groups, and gradually, Islamic legal thought followed the path he had laid out. His influence was not limited to the Shafi'i school, but was also adopted by all schools

⁴ Kitab ini merupakan karya al-Imamal-Shafi'I atas permintaan Abdurrahman bin Mahdi yang berkaitan dengan penjelasan makna-makna al-Qur'an, dan menghimpun beberapa khabar, ijma' dan penjelasan tentang *nasikh* dan *mansukh* dalam al-Qur'an dan sunnah. Dan juga atas dorongan dari Aliyy bin al-Madani agar al-Shafi'i memenuhi permintaan 'Abd al-Rahman bin al-Muhdi. Atas permintaan dan dorongan itulah al-Shafi'i menulis kitab *al-Risalah* ini. Lihat *Ar-Risalah Imam Syafi'i*. terj. Misbah, (Jakarta; Pustaka Azzam, 2008), 13.

⁵ Abdullah bin Sa'id Muh}ammad 'Abbad al-Lahji al-Sahari, *Idah al-Qawa'id al-Fiqhiyah* (Surabaya: al-Hidayah, 1410 H.), 2.

of Islamic law.⁶ Imam al-Shafi'i's methodology became particularly influential in shaping how legal systems navigate between strict textualism and the necessity of addressing socio-economic developments through jurisprudential reasoning.

Usul al-fiqh is one of the Islamic religious sciences, essentially meaning the methodology of Islamic law. It can also be described as a research methodology for discovering Islamic legal rule. In addition, *usul al-fiqh* functions as a system of interpretation. Similar to any interpretive system, *usul al-fiqh* is built upon certain premises that are assumed to be true. Accordingly, *al-Risalah* elucidates these premises as the foundation of the proposed interpretive system.

Thanks to the widespread acceptance of *al-Risalah* among Muslims, al-Shafi'i earned the title "Father of Usul al-Fiqh." Furthermore, due to the epistemological stability created by *al-Risalah*, he is also known as the "Father of Equilibrium" in Islam. This equilibrium refers to the balance achieved between ahl al-hadith and ahl al-ra'y tendencies, bringing them closer together and leading to agreements on key juristic positions within Islamic legal thought.⁷

Al-Shafi'i's statements, which serve as the foundational premises of his legal methodology, have theological dimensions. First, he implicitly asserted that humans cannot create laws, as evidenced by his rejection of *istihsan* (juristic preference) as a method of legal reasoning. He states: "*Whoever practices istihsan has made his own law, equating himself with Allah.*"⁸

Second, the resolution of all legal cases is encompassed within the Qur'an. This is reinforced by al-Shafi'i's statement that every legal issue undoubtedly has a solution in the Qur'an: "*Every legal case that arises among the followers of Allah's religion certainly has evidence in the Book of Allah in the form of guidance for its resolution.*"⁹ He reiterated a similar statement:

"Every legal case that arises among Muslims must have a binding ruling. Alternatively, it may exist in the form of guidance that can be correctly followed, explicitly addressing legal cases. In such a situation, one must adhere

⁶ Imran Ahsan Khan Nyazee, *Theories of Islamic Law* (Islamabad: The International Institute of Islamic Thought, 1994), 52; ⁶ Kemal A. Faruki, *Islamic Jurisprudence* (Delhi: Adam Publisher & Distributors, 1994), 22-23.

⁷ Ahmad Hasan, "Al-Shafi'i's Role in the Development of Islamic Jurisprudence," *Islamic Studies*, 5 (1966), 239; Abdul Mun'im Saleh, *Otoritas Masalah dalam Madhhab Syafi'i* (Yogyakarta: Magnum Pustaka Utama, 2012), 31.

⁸ Muhammad bin 'Ali ibn Muhammad al-Shawkani, *Irshad al-Fuhul* (Beirut: Dar al-Fikr, t.t.), 240.

⁹ Muhammad bin Idris al-Shafi'i, *al-Risalah* ed. Ahmad Muhammad Shakir (T.t: Dar al-Fikr, t.t.), 20.

to it as is. It may also require finding the correct guidance to follow through *ijtihad*, and *ijtihad* is *qiyas* (analogical reasoning)".

This raises a crucial issue regarding how al-Shafi'i developed his legal reasoning methodology, which must navigate between a strict theological stance where humans are not permitted to create laws but must refer exclusively to Allah's words in all legal matters at all times, and the necessity of adopting a dynamic approach to address new legal cases, which could even be described as a form of moderation in Islamic legal studies.

Thus, this study explores al-Shafi'i's legal development, from its early foundations to the establishment of *extra-textual* legal reasoning methods, which became the domain of *al-qawa'id al-fiqhiyyah* (legal maxims). In other words, it examines how al-Shafi'i "maneuvered" to ensure that every legal ruling he issued was considered a divine law.

CRITIQUE OF AL-RISALAH AGAINST RELIGIOUS EXTREMISM AND ITS "PROPOSAL" FOR RELIGIOUS MODERATION

Most Sunni scholars agree that *usul al-fiqh* as an independent discipline only emerged in the early 3rd century Hijri, following the compilation of *Al-Risalah* by Al-Shafi'i (150–204 H). Before the emergence of Al-Shafi'i, there was a period of intense debate between the rationalists of Kufa and traditionalists of Basra.

Kufa, as a cultural melting pot, particularly with Persian influences and being geographically distant from the center of the Prophet's tradition in Medina, had limited access to hadith. As a result, Kufa's scholars relied heavily on rational arguments, such as *qiyas* (analogical reasoning) and *istihsan* (juridical preference). Kufa's rationalist scholars were known for their intellectual rigor and confidence in applying these methods. They prioritized *qiyas* over *hadith ahad* (solitary narrations) or *hadith sahih* (authentic traditions) when deemed no longer contextually relevant. Their inclination toward reason allowed them to address nearly every legal issue with analytical precision.¹⁰

On the other hand, the traditionalists of Hijaz and Medina, led by Imam Malik ibn Anas, upheld the legacy of the Prophet's traditions (*Sunnah*). They were more

¹⁰ Ahmet Temel, "The Missing Link in the History of Islamic Legal Theory: The Development of *Usul Al-Fiqh* between Al-Shafi'i and Al-Jassas during the 3rd/9th and Early 4th/10th Centuries" (California Digital Library University of California, 2014).

inclined to adhere strictly to traditional sources and to limit the role of reason in legal reasoning. Imam Malik often relied on the practice of the people of Medina ('amal ahl-al Madinah)¹¹. Consider it a direct continuation of Prophet's and Companions' legal practices. This reliance is justified on sociological and anthropological grounds, viewing it as a historically continuous tradition. Additionally, Malik formulated strict criteria for accepting or rejecting *hadith*, especially those that contradict explicit scriptural texts (*nass*) or established universal legal principles (*qawa'id kulliyah*).¹² As a result of this traditionalist approach, as noted by Al-Razi, Malik's school demonstrated less analytical engagement and debate, particularly when employing *qiyas* and *istihsan*. Consequently, when confronted with the challenging legal inquiries posed by rationalists, their responses often led to *mauquf* (indeterminate) conclusions.¹³

Even Imam Malik himself was sometimes unable to provide clear answers to the contextual legal questions. However, despite their strong traditionalist stance, they occasionally employed rational arguments, albeit with far more restraint than Kufah rationalists. At this time, *usul al-fiqh* had not yet emerged as a structured discipline, as its epistemological framework was unclear. Instead, legal reasoning developed organically within different regions, leading to localized methods of legal derivation (*istinbat*) and contributing to conflicts of legal sectarianism.

Konflik The intellectual debate between these two opposing schools persisted until the time of Al-Shafi'i, a student of Imam Malik. Seeking to reconcile the divergent legal methodologies, Al-Shafi'i embarked on extensive travel to various regions and engaged in scholarly discussions with prominent jurists. In Kufa, he debated with disciples of Abu Hanifah, such as Abu Yusuf and Imam Muhammad al-Shaibani. In Yemen, he encountered the jurisprudence of Companions like Mu'adh ibn Jabal, Matraf ibn Mazin, and Hashim ibn Yusuf. He also studied the legal thought of Al-Awza'i through his student 'Amr ibn Salamah and the jurisprudence of Al-Layth ibn Sa'd through his student Yahya ibn Hasan. This effort

¹¹ Farid Adnir, Nawir Yuslem, and Muhammad Roihan Nasution, "Hadiths About Human Intellect in the Book of Shu'ab Al Iman by Imam Al-Baihaqi," *Journal International Dakwah and Communication* 4, no. 1 (2024): 71-89, <https://doi.org/10.55849/jidc.v4i1.606>.

¹² Ahmad 'Ubaydi Hasbillah, "The Message of Peace in the Hadith of the Command For Warfare 'Umirtu An Uqatil Al-Nās': An Analysis of the Science of Wurūd Al-Hadīs," *Nabawi: Journal of Hadith Studies* 4, no. 2 (2023), <https://doi.org/10.55987/njhs.v4i2.109>.

¹³ Muhammad Qomarullah, "Metode Kritik Matan Hadis Dengan Pendekatan Alquran Dalam Kaidah Ilmu Naqd Al-Matan," *AL QUDS: Jurnal Studi Alquran Dan Hadis* 6, no. 3 (2022): 1427-50, <https://doi.org/10.29240/alquds.v6i3.4041>.

culminated in a new synthesis known as *usul al-Shafi'i*, which he documented in his seminal work *Al-Risalah*, initially titled *Al-Kitab*. While Al-Shafi'i is widely regarded as a mediator between traditionalists and rationalists, some scholars, such as Nasr Hamid Abu Zayd, argue that his legal framework still leaned significantly towards traditionalism, influenced by an Arab-centric legal perspective.

Historically, *Al-Shafi' i wrote Al-Risalah* twice through dictation in the presence of his students. The first writing took place in Baghdad, and the second in Egypt. However, the first version was lost later, even though the book had already become widely known among scholars. Eventually, while in Egypt, Al-Shafi'i was asked to rewrite his book before his student and transmitter of this work, Rabi' ibn Sulaiman, at the request of a renowned hadith scholar from Hijaz, Abd al-Rahman ibn al-Mahdi. This version was then sent to Al-Mahdi, which led to the book, previously called *Al-Kitab*, becoming known as *Al-Risalah*, meaning "the letter" or "the message" that was sent. Scholars have responded to *al-Risalah* in various ways.

Some have focused solely on explaining Al-Shafi as a method of *the istinbat* (legal reasoning).¹⁴ Others elaborated on the principles or fundamental rules of *Istanbul* formulated by Al-Shafi'i. Another group adopted most of the principles outlined by Al-Shafi'i but introduced different details and added several new fundamental concepts. This last approach became the most popular among *fuqaha* (jurists). For instance, Hanafi scholars incorporated *istihsan* (juridical preference) and *'urf* (custom), classifying their sources of law into two categories: (1) *ijtihad* based on *nass* (text), which derives from *Al-Kitab* (the Quran), *Sunnah*, and the opinions of the companions, and (2) *ijtihad* without *nass*, which is based on *ijma'* (consensus), *qiyas* (analogy), *istihsan*, and *'urf*. Meanwhile, Maliki scholars expanded the sources of law to eight well-known foundations: *Al-Kitab*, *Sunnah*, the traditions of the people of Medina, the fatwas of the companions, *qiyas*, *istislah* (public interest), *istihsan*, and *sadd az-zara'i* (blocking means to harm). Hanbali scholars relied on *Al-Kitab*, *Sunnah*, *Ijma'*, *qiyas*, *istislah*, *istihsan*, *sadd az-zara'i*, and *istishab* (presumption of continuity). On the other hand, Shia Imamiyah scholars classified their sources into two groups: *ijtihadi* (rational legal evidence) and *fiqhiyah* (jurisprudential legal evidence). *Ijtihadi* sources consist of *Al-Kitab*, *Sunnah*, *ijma'*, and *'aql* (reason), whereas *fiqhiyah* sources include *istishab*, *bara'ah* (presumption of innocence), *ihtiyat*

¹⁴ Adhiyani Lu, Barli Barli, and Ikhwanul Karim, "Deconstruction of Early Marriage : A Critical Study of Imam Shafi'i's Views and Implications on Community Welfare," *International Journal of As Suadi: Law and Sharia Review* 1, no. 1 (2024): 17-32.

(precautionary principle), and *takhyir* (permissibility of choice). Scholars have profoundly felt the influence of *Al-Risalah*, especially by students, after Al-Shafi'i. For example, Ahmad ibn Hanbal, one of his disciples, admitted that he had never understood the concepts of *'amm* (general) and *khass* (specific) until he read *Al-Risalah*. Similarly, Al-Juwaini acknowledged the greatness of *Al-Risalah* by stating that no one before Al-Shafi'i had ever compiled and mastered the science of *usul* (principles of jurisprudence).

With the emergence of *Al-Risalah*, Al-Shafi's most notable contributions include pioneering the conceptual foundations of hadith studies and establishing the core methodology of Islamic law. These developments became evident when Al-Shafi'i devoted himself to studying hadith under Imam Malik's guidance. From that point, he began to formulate a systematic and firm stance that the *Sunnah* to be followed was not just any *Sunnah*, but only one that directly originated from the Prophet.¹⁵ The consequence of this understanding was that *Sunnah*, in the form of reports and narratives from previous generations, had to be examined critically. Through rigorous selection, Al-Shafi'i classified which reports were genuine from the Prophet and which were merely attributed to him. Since then, all reports and narratives regarding hadith as the second source of law have had to undergo strict scrutiny based on established scientific standards, as outlined in *Al-Risalah*. This achievement earned Al-Shafi'i the title of the pioneer of Islamic legal methodology. The scientific examination of reports and narratives about the Prophet, initiated by Al-Shafi'i, reached its most refined form with the emergence of the hadith scholar from Bukhara in Transoxiana, Al-Bukhari, who is considered the most authoritative figure in hadith scholarship. Thanks to Al-Shafi'i's pioneering efforts, several critical hadith scholars emerged successively, and their collective works became known as *Al-Kutub al-Sittah* (the six canonical hadith collections).

Many factors influenced Al-Shafi'i's critical approach, including the rapid intellectual development of his time, which opened possibilities for making fundamental religious ideas relevant to societal demands. However, this intellectual capacity also posed a problem: any thought that deviated from the text was often regarded as a mere personal opinion (*al-ra'y*), making it vulnerable to subjectivism. This situation prompted Al-Shafi'i to establish clear boundaries and ensure the

¹⁵ Nur Fadhilah Syam and Andri Nurwandri, "The Role of Kutub As-Sittah in Verifying the Authenticity of Hadith: A Takhrij Science Approach Peran Kutub As-Sittah Dalam Verifikasi Keaslian Hadits: Pendekatan Ilmu Takhrij," *Jurnal Penelitian Medan Agama* 15 (2024): 49–60.

validity of *Sunnah* and *Atsar* as sources of law. Whether consciously or not, Al-Shafi'i's legal methodology became the most distinctive among the various approaches used to explore and derive legal rules.

Another fascinating aspect is that, since the publication of *Al-Risalah*, Al-Shafi'i's legal methodology has remained unmatched. This highlights the urgency of a methodology with historical continuity that directly adopts the Quran logic.¹⁶ The timeless relevance and universal applicability of Imam Al-Shafi'i's legal methodology have, on one hand, facilitated scholars who came after him. On the other hand, this has led modern scholars to hesitate to develop their own legal reasoning, often resulting in the mere repetition of past ideas. Because of *Al-Risalah*'s pioneering nature, many Muslim scholars have written commentaries on it, including *Sharh* by Abu Bakr Al-Shairafi (d. 330 H), and *Sharh* by Abu Al-Walid Al-Naisaburi Muhammad ibn Abdillah (d. 388 H). The currently available edition was printed by Mathba'ah Egypt in 1358 H. Thus, any scholar seeking to establish a legal ruling on a particular event or phenomenon must first determine the method of reasoning they will adopt and follow.¹⁷ Rather than creating their own methodology, they inherently align with contemporary cultural demands. Although it is well known that the method of reasoning significantly influences the final legal ruling, scholars differ in the choice and application of these methods, leading to diverse formulations of *fiqh*. Unfortunately, few contemporary scholars can utilize their intellectual originality in deriving legal rulings (*istinbats*). Most still rely on the methodologies of classical *madhhab* (legal schools), which are deemed to have sufficient religious authority. However, these methodologies were formulated in response to the sociocultural conditions of their time, making them less relevant to contemporary cultural developments. In reality, the efforts of *fuqaha* in extracting Islamic legal rulings from their sources will yield inadequate results if they continue using outdated methods.

According to Ali Hasbullah, there are two approaches developed by scholars in conducting *the istinbat* (legal derivation): (a) an approach based on linguistic rules (text), and (b) an approach based on the meaning or intent of *Shari'ah* (context). These approaches, in one aspect, have limitations because they remain general in nature. Any methodological model that interacts with textual language (*Al-Qur'an* and

¹⁶ Muhammad Roy Purwanto, *Pemikiran Imam Syafi'i Dalam Kitab Al-Risalah Tentang Qiyas Dan Perkembangannya Dalam Ushul Fiqh* (Yogyakarta: Universitas Islam Indonesia, 2019).

¹⁷ *Ar Risalah Imam Syafi'i* (Pustaka Azzam, n.d.).

Hadith) inevitably aligns with this trend.¹⁸ In other words, this methodological approach is not a new trend, but rather an inherent practice, as Muslims have always relied on similar models to derive legal rulings. However, Al-Shafi'i's legal thought methodology, which emerged centuries ago, introduced theoretical principles inspired by the logic of the Qur'an. This methodology has undergone a long developmental process, including Al-Shafi'i's fundamental question about the essence of the Qur'an: whether it consists solely of meaning or is meaning encapsulated within words.

For Al-Shafi'i, a rarely used approach is a detailed examination of the use and interpretation of legal evidence (*Dalil*). If scholars differ in their use and understanding of *dalil*, their legal formulations (*fiqh*) would also differ significantly. He regards these two fundamental aspects as crucial issues. The term *dalil*, used by Al-Shafi'i, seems synonymous with the concept of legal sources. The term "source" in Islamic law, translated from the Arabic *mashadir*, is a term used by only a few contemporary Islamic legal scholars as a substitute for *al-'adillah al-Syari'iyah*. The term *mashadiru al-ahkam* is not commonly used, implying that both terminologies generally share a similar contextual meaning. Therefore, the use and interpretation of *dalil* can be understood as the use and interpretation of legal sources. Scholars find significant differences, ranging from determining which sources are valid as *Dalil* to how those sources should be interpreted.

Recognizing this complexity, Al-Shafi'i devoted considerable effort to formulating a legal thought methodology (*ushul fiqh*), which led to his monumental work *Al-Risalah*. Since then, his students and followers of his school of thought have continuously referred to this work. In discussing *dalil syar'i*, Al-Shafi'i categorized *dalil* into two groups: (1) valid *dalil* that must be followed, and (2) *dalil* that appears valid but is actually not. According to Al-Shafi'i, the valid and legally binding *dalil* include *Al-Qur'an*, *Sunnah*, *Ijma'*, *Qiyas*, and *Istishhab*. Other sources, such as *Istihsan*, *Maslahah Mursalah*, *'Urf*, *Madhhab Sahabi*, and *Syar'u man Qablana*, are considered disputed *dalil* and, according to Al-Shafi'i, are not legitimate or obligatory to follow.

Based on this framework, Al-Shafi'i divides Islamic legal knowledge into two categories. First, knowledge derived from *Al-Qur'an* and *Hadith* leads to absolute truth, both outwardly and inwardly, and must undoubtedly be adhered to by all

¹⁸ Agus Miswanto, *Ushul Fiqh Metode Istinbath Hukum Islam* (Yogyakarta: Magnum Pustaka Utama, 2019).

Muslims. Second, knowledge obtained through *ijtihad*— using available indicators—yields only external truth and may not necessarily be true in its deeper essence, as only Allah knows the unseen. He argued that this explains why scholars have divergent views. However, not all the applications of *qiyas* (analogical reasoning) lead to differing opinions. According to Al-Shafi'i, *qiyas* can be divided into two types. First, *qiyas*, in which *furu'* (new case) shares the same meaning and is an integral part of *asl* (original case). This type of *qiyas* has a high degree of accuracy, leaving no room for scholarly disagreement. Second, *qiyas*, in which the *furu'* shares similarities with multiple *asl* cases, is therefore linked to the most appropriate original case with the most similarities. This second type of *qiyas* has weaker accuracy, leading to significant scholarly differences in interpretation.¹⁹

CONCLUSION

When tensions arose between two opposing schools of thought in legal discourse, *ushul fiqh* had not yet emerged as a distinct discipline as its epistemological framework remained unclear. Instead, *ushul* developed organically, serving as a characteristic approach to *the istinbat* (legal derivation) in various regions. However, this has also led to conflicts marked by sectarian fanaticism. This debate continued until the time of Imam Al-Shafi'i, a student of Imam Malik ibn Anas. Al-Shafi'i sought to reconcile these conflicting legal discourses through extensive travels and intellectual engagements. In Kufah, he engaged in discussions with students of Abu Hanifah, such as Abu Yusuf and Imam Muhammad al-Shaibani. In Yemen, he encountered the *fiqh* traditions of Sahabah Mu'az ibn Jabal, Matraf ibn Mazin, and Hasyim ibn Yusuf. He also studied the legal methodologies of Al-Awza'i through his student 'Amr ibn Salamah and the *fiqh* of Al-Layth through his disciple Yahya ibn Hasan. This effort at reconciliation culminated in a new synthesis, which later became known as the *ushul* of Al-Shafi'i, as documented in his seminal work *Ar-Risalah*, originally titled *Al-Kitab*. Although Al-Shafi'i is widely recognized in Islamic scholarship as a mediator between the traditionalist and rationalist camps, Nasr Hamid Abu Zayd argues that Al-Shafi'i remained largely aligned with the traditionalists, reflecting a degree of Arab-centric textualism. The legal methodology proposed by Al-Shafi'i aimed to regulate excessive rationalism,

¹⁹ Muh. Ahsan Kamil, Muhajirin, and Rusli Malli, "Analisis Metode Ijtihad Hukum Imam Al-Syafi'i: Dinamika Pengembangan Qiyas Dan Implementasinya Dalam Al-Sharf," *Jurnal Hukum Ekonomi Syariah* 07 (2023): 1-18.

which sought continuous legal reform, and rigid textualism, which prioritized absolute certainty. His approach sought a balanced, moderate position, as outlined by *Ar-Risalah*. As a result, he became known as a scholar of *equilibrium* in Islamic jurisprudence, positioning reason and revelation in a state of harmony.

REFERENCES

- Abdullah bin Sa'id Muhammad 'Abbadī al-Lahjī al-Saharī, *Idāh al-Qawā'id al-Fiqhiyah* (Surabaya: al-Hidayah, 1410 H.)
- Adnir, Farid, Nawir Yuslem, and Muhammad Roihan Nasution. "Hadiths About Human Intellect in the Book of Shu'ab Al Iman by Imam Al-Baihaqi." *Journal International Dakwah and Communication* 4, no. 1 (2024): 71-89. <https://doi.org/10.55849/jidc.v4i1.606>.
- Agus Miswanto. *Ushul Fiqh Metode Istinbath Hukum Islam*. Yogyakarta: Magnum Pustaka Utama, 2019.
- Ahsan Khan Nyazee, Imran. *Theories of Islamic Law* (Islamabad: The International Institute of Islamic Thought, 1994), 52; ¹ Kemal A. Faruki, *Islamic Jurisprudence* (Delhi: Adam Publisher & Distributors, 1994)
- Al-Husari, Ahmad. *Nazariyat al-Hukm wa Masadir al-Tashri' fi Usul al-Fiqh al-Islami* (Mesir: Maktabah al-Kulliyat al-Azhariyah, 1981)
- Ar Risalah Imam Syafi'i*. Pustaka Azzam, n.d.
- Hasan, Ahmad. "Al-Shafi'i's Role in the Development of Islamic Jurisprudence," *Islamic Studies*, 5 (1966), 239; Abdul Mun'im Saleh, *Otoritas Masalah dalam Madhhab Syafi'i* (Yogyakarta: Magnum Pustaka Utama, 2012)
- Hasbillah, Ahmad 'Ubaydi. "The Message of Peace in the Hadith of The Command for Warfare 'Umirtu An Uqatil Al-Nās': An Analysis of the Science of Wurūd Al-Hadīš." *Nabawi: Journal of Hadith Studies* 4, no. 2 (2023). <https://doi.org/10.55987/njhs.v4i2.109>.
- Ibn Muhammad al-Shawkani, Muhammad bin 'Ali. *Irshad al-Fuhul* (Beirut: Dar al-Fikr, t.t.).
- Kamil, Muh. Ahsan, Muhajirin, and Rusli Malli. "Analisis Metode Ijtihad Hukum Imam Al-Syafi'i: Dinamika Pengembangan Qiyas Dan Implementasinya Dalam Al-Sharf." *Jurnal Hukum Ekonomi Syariah* 07 (2023): 1-18.
- Lu, Adhiyani, Barli Barli, and Ikhwanul Karim. "Deconstruction of Early Marriage : A Critical Study of Imam Shafi'i's Views and Implications on Community Welfare." *International Journal of As Suadi: Law and Sharia Review* 1, no. 1 (2024): 17-32.
- Muhammad bin Idris al-Shafi'i, *al-Risalah* ed. Ahmad Muhammad Shakir (T.t: Dar al-Fikr, t.t.)
- Mun'im Saleh, Abdul. *Otoritas Masalah dalam Madhhab Syafi'i* (Yogyakarta: Magnum Pustaka Utama, 2012)

- Purwanto, Muhammad Roy. *Pemikiran Imam Syafi'i Dalam Kitab Al-Risalah Tentang Qiyas Dan Perkembangannya Dalam Ushul Fiqh*. Yogyakarta: Universitas Islam Indonesia, 2019.
- Qomarullah, Muhammad. "Metode Kritik Matan Hadis Dengan Pendekatan Alquran Dalam Kaidah Ilmu Naqd Al-Matan." *AL QUDS : Jurnal Studi Alquran Dan Hadis* 6, no. 3 (2022): 1427–50. <https://doi.org/10.29240/alquds.v6i3.4041>.
- Syam, Nur Fadhillah, and Andri Nurwandri. "The Role of Kutub As-Sittah in Verifying the Authenticity of Hadith: A Takhrij Science Approach Peran Kutub As-Sittah Dalam Verifikasi Keaslian Hadits: Pendekatan Ilmu Takhrij." *Jurnal Penelitian Medan Agama* 15 (2024): 49–60.
- Temel, Ahmet. "The Missing Link in the History of Islamic Legal Theory: The Development of Usul Al-Fiqh between Al-Shafi'i and Al-Jassas during the 3rd/9th and Early 4th/10th Centuries." California Digital Library University of California, 2014.



© 2022 by the authors. Published as an open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA) license (<http://creativecommons.org/licenses/by/4.0/>).