MAZAHIBUNA: Jurnal Perbandingan Mazhab
Volume 8 Number 1 April 2026; 19-38
P-ISSN: 2685-6905; E-ISSN: 2685-7812
DOI: 10.24252/mazahibuna.vi.64995
http://journal.uin-alauddin.ac.id/index.php/mjpm

Dialectics of *Fiqh al-Ikhtilāf*: A Comparative Madhhab Analysis of Legal Pluralism in Contemporary Muslim Societies

Said Syarifuddin Abu Baedah[1*], Mukhamad Hadi Musolin[2], Nurlaelah[3]

[1]Universitas Muslim Indonesia, Indonesia. E-mail: saidsyarifuddin@umi.ac.id
[2]Universiti Islam Antarabangsa Sultan Abdul Halim Mu'adzam Shah, Malaysia. E-mail: mdmusolin@unishams.edu.my
[3]Universitas Muslim Indonesia, Indonesia. E-mail: nurlaelah@umi.ac.id

[*]Corresponding Author

[Received: October 22, 2025] [Reviewed: December 08, 2025] [Revised: January 26, 2026] [Accepted: February 16, 2026] [Published: March 25, 2026]

How to Cite:
Abu Baedah, S. S., Musolin , M. H., & Nurlaelah. (2026). Dialectics of Fiqh al-Ikhtilāf: A Comparative Madhhab Analysis of Legal Pluralism in Contemporary Muslim Societies. *Mazahibuna: Jurnal Perbandingan Mazhab*. 8 (1): 19-38. https://doi.org/10.24252/mazahibuna.vi.64995

Abstract

Although the Islamic legal tradition recognizes diversity of opinion (*ikhtilāf*) as an integral, legitimate aspect of juristic reasoning, contemporary Muslim societies often face tensions when interpretive differences intersect with competing religious and sociopolitical authorities. Existing studies on *fiqh al-ikhtilāf* have largely remained within normative and descriptive discussions of classical legal theory and rarely examine how juristic diversity operates in contemporary social contexts. This article addresses this gap by examining *ikhtilāf* through a socio-legal and comparative madhhab perspective. The study employs qualitative, library-based research, combining textual analysis of classical jurisprudential sources from major Sunni madhhabs with socio-legal interpretation to explore how differences in legal reasoning are constructed, negotiated, and applied in contemporary Muslim discourse. The findings indicate that juristic disagreement arises not only from technical differences in linguistic interpretation or methods of *istinbāṭ* (legal derivation) but also from varying epistemological frameworks among madhhabs and their interaction with evolving social contexts and authority structures. Comparative analysis shows that classical madhhab traditions historically accommodated legal pluralism within a structured jurisprudential framework. In contrast, contemporary contestations often emerge when interpretive authority becomes fragmented. This article contributes to the sociology of Islamic law by proposing an ethical-jurisprudential framework grounded in *fiqh al-ikhtilāf*. The framework integrates madhhab diversity, legal pluralism, and ethical principles (*akhlāq al-karīmah*) as mechanisms for managing disagreement constructively. By reframing juristic diversity as an institutionalized form of legal pluralism rather than a source of division, the study highlights its potential role in strengthening social cohesion within contemporary Muslim societies.

Keywords: ***Fiqh al-Ikhtilāf*; Legal Pluralism; Sociology of Islamic Law; Religious Authority and Power; Ethical Reconciliation Framework.**

Copyrights © 2026 The Author(s). Published by *Mazahibuna: Jurnal Perbandingan Mazhab*. This article is licensed under the Creative Commons Attribution 4.0 International License (CC BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original authors and source are properly credited

Abstrak

Meskipun tradisi hukum Islam mengakui keragaman pendapat (*ikhtilāf*) sebagai aspek yang integral dan sah dalam penalaran yurisprudensial, masyarakat Muslim kontemporer sering menghadapi ketegangan ketika perbedaan interpretasi beririsan dengan otoritas keagamaan dan kepentingan sosiopolitik yang saling bersaing. Kajian yang ada tentang fiqh al-ikhtilāf sebagian besar masih berada dalam ranah pembahasan normatif dan deskriptif terhadap teori hukum klasik serta jarang menelaah bagaimana keragaman yurisprudensial beroperasi dalam konteks sosial kontemporer. Artikel ini mengisi kesenjangan tersebut dengan mengkaji *ikhtilāf* melalui perspektif sosio-legal dan perbandingan mazhab. Penelitian ini menggunakan pendekatan kualitatif berbasis studi kepustakaan dengan menggabungkan analisis tekstual terhadap sumber-sumber yurisprudensi klasik dari mazhab-mazhab Sunni utama dan interpretasi sosio-legal untuk mengeksplorasi bagaimana perbedaan penalaran hukum dikonstruksi, dinegosiasikan, dan diterapkan dalam diskursus Muslim kontemporer. Temuan penelitian menunjukkan bahwa perbedaan pendapat yurisprudensial tidak hanya muncul dari perbedaan teknis dalam interpretasi linguistik atau metode *istinbāṭ* (penetapan hukum), tetapi juga dari perbedaan kerangka epistemologis antar mazhab serta interaksinya dengan perubahan konteks sosial dan struktur otoritas. Analisis komparatif menunjukkan bahwa tradisi mazhab klasik secara historis telah mengakomodasi pluralisme hukum dalam kerangka yurisprudensial yang terstruktur. Sebaliknya, kontestasi kontemporer sering muncul ketika otoritas interpretatif menjadi terfragmentasi. Artikel ini berkontribusi pada sosiologi hukum Islam dengan menawarkan kerangka etis-yurisprudensial yang berlandaskan *fiqh al-ikhtilāf*. Kerangka ini mengintegrasikan keragaman mazhab, pluralisme hukum, dan prinsip etika (*akhlāq al-karīmah*) sebagai mekanisme untuk mengelola perbedaan secara konstruktif. Dengan merekonstruksi keragaman yurisprudensial sebagai bentuk pluralisme hukum yang terinstitusionalisasi, bukan sebagai sumber perpecahan, penelitian ini menegaskan potensinya dalam memperkuat kohesi sosial dalam masyarakat Muslim kontemporer.

Keywords: ***Fiqh al-Ikhtilāf*; Pluralisme Hukum; Sosiologi Hukum Islam; Otoritas dan Kekuasaan Keagamaan; Kerangka Rekonsiliasi Etis.**

Introduction

Legal pluralism has long been an intrinsic characteristic of the Islamic legal tradition, particularly through the phenomenon of *ikhtilāf* (juristic disagreement) among classical madhhabs (Safitri & Bin-Maswar, 2024). Within the Sunni legal tradition, differences among the Hanafi, Maliki, Shafi'i, and Hanbali madhhabs reflect diverse interpretive methodologies developed through distinct *uṣūl al-fiqh* frameworks and socio-historical contexts (Al-Marakeby, 2022). These variations demonstrate that Islamic law historically accommodated interpretive plurality while maintaining a shared normative commitment to the Qur'an and Sunnah (Juwaini et al., 2021). However, in contemporary Muslim societies, juristic diversity is often interpreted through sectarian or ideological lenses, leading to tensions that obscure the intellectual foundations of disagreement (Salim, 2021). This situation highlights the need to revisit *fiqh al-ikhtilāf* not merely as a historical discourse but as a conceptual framework for understanding how legal diversity operates within evolving social contexts (Ikhsan, 2016).

Recent scholarship in the sociology of Islamic law increasingly emphasizes that Islamic legal norms are shaped through complex interactions between textual interpretation, institutional authority, and changing social contexts rather than emerging solely from scriptural exegesis. Studies such as those by Ismail Albayrak (Albayrak, 2022) highlight the role of socio-political environments in shaping juristic reasoning, while Mohammad Hashim Kamali (Kamali, 2020) demonstrates that Islamic legal thought historically developed through a dynamic relationship between normative textual sources and evolving societal realities. Similarly, Wael B. Hallaq (Hallaq, 2009) and Abdullah Saeed (Saeed & Akbar, 2021) argue that the flexibility of Islamic jurisprudence is closely connected to its methodological diversity, particularly within the classical madhhab tradition. Other scholars, emphasize that juristic disagreement (*ikhtilāf*) historically functioned as an institutional mechanism that allowed Islamic law to accommodate plural social realities (Fariana, 2021). Comparative legal further illustrate how methodological differences among the Hanafi, Maliki, Shafi'i, and Hanbali madhhabs shape divergent legal conclusions even when derived from the same textual sources (Daud, 2021). Meanwhile, research explores how contemporary Muslim societies negotiate these classical traditions within modern socio-political frameworks (Sharif et al., 2020). Despite these contributions, much of the existing literature on *fiqh al-ikhtilāf* remains largely normative and descriptive, focusing primarily on the legitimacy of juristic disagreement rather than systematically analyzing how different madhhab methodologies produce distinct legal outcomes. Consequently, the comparative dimension of madhhab reasoning—particularly the variations in interpretive hierarchy, epistemological treatment of evidence, and juristic reasoning tools—remains relatively underexplored in socio-legal discussions of Islamic legal pluralism.

From a comparative jurisprudential perspective, disagreements among madhhabs frequently originate from methodological distinctions in *uṣūl al-fiqh*, including approaches to linguistic interpretation, the authority of analogical reasoning (*qiyās*), the role of public interest (*maṣlaḥah*), and the acceptance of juristic preference (*istiḥsān*). Classical jurists developed these methodological tools to address diverse social realities across different regions of the Muslim world. As a result, legal diversity was historically institutionalized within the madhhab system rather than treated as a threat to doctrinal unity. However, contemporary debates surrounding religious authority—especially in the context of digital media and transnational religious discourse—often detach legal opinions from their methodological foundations, leading to simplified interpretations of disagreement that intensify sectarian polarization.

Although previous studies have explored the historical evolution of Islamic legal schools and the theoretical foundations of *uṣūl al-fiqh*, relatively few works examine

ikhtilāf through an integrated socio-legal and comparative madhhab framework (Karimullah, 2022). Existing literature tends to emphasize either doctrinal analysis of classical texts or sociological reflections on contemporary religious authority without connecting the two systematically. Consequently, the relationship between juristic diversity and social cohesion in contemporary Muslim societies remains insufficiently analyzed. Addressing this gap requires a methodological approach that combines comparative analysis of madhhab reasoning with socio-legal perspectives that examine how legal interpretations interact with social contexts and institutional authority.

This study seeks to contribute to that discussion by examining *fiqh al-ikhtilāf* through a comparative madhhab and socio-legal approach. Drawing on classical juristic sources from major Sunni schools as well as contemporary scholarship on Islamic legal theory, the research analyzes how differences in *uṣūl al-fiqh* methodologies shape juristic disagreement and how these differences have historically been managed within the Islamic legal tradition (Khasan, 2021). By situating madhhab diversity within the broader framework of legal pluralism and the sociology of Islamic law, this article proposes an analytical model for understanding disagreement not simply as doctrinal divergence but as a structured form of jurisprudential pluralism. Through this perspective, the study aims to demonstrate that the comparative study of madhhab methodologies offers valuable insights for managing legal diversity and strengthening social cohesion in contemporary Muslim societies.

Methods

This study employs a qualitative library-based research design to examine *fiqh al-ikhtilāf* through a comparative madhhab and socio-legal analytical framework (Syatar et al., 2022). The research focuses on identifying patterns of juristic disagreement among major Sunni madhhabs and analysing the methodological foundations that produce these differences. The unit of comparison in this study consists of juristic arguments derived from classical and contemporary legal texts representing the four major Sunni madhhabs—Hanafi, Maliki, Shafi'i, and Hanbali. The analysis concentrates on how these schools employ different *uṣūl al-fiqh* principles in deriving legal rulings and how such methodological differences shape the phenomenon of legal pluralism in Islamic jurisprudence.

The study adopts a multidisciplinary analytical framework combining normative-juridical analysis, comparative jurisprudence, and the sociology of Islamic law. The normative approach is used to examine the legal evidences (*dalīl*) and reasoning patterns presented in classical juristic texts. The comparative jurisprudential approach identifies similarities and differences in legal reasoning across madhhabs, particularly in relation to

interpretive principles such as linguistic analysis of scriptural sources, analogical reasoning (*qiyās*), juristic preference (*istiḥsān*), and considerations of public interest (*maṣlaḥah*). In addition, a socio-legal perspective is employed to analyze how social, historical, and institutional contexts influence the production and reception of legal interpretations within Muslim societies.

Primary data for this research consist of classical juristic works representing the methodological traditions of the major Sunni schools, complemented by contemporary scholarship on Islamic legal theory and sociology of Islamic law. The selection of sources follows two criteria: (1) texts that explicitly discuss juristic disagreement or methodological principles within *uṣūl al-fiqh*, and (2) works that represent authoritative positions within their respective madhhab traditions. Secondary sources include peer-reviewed academic journals and contemporary studies addressing legal pluralism, religious authority, and comparative Islamic jurisprudence. Data collection is conducted through systematic documentation of relevant texts and scholarly works. The analytical procedure follows several stages. First, the study identifies legal issues discussed across multiple madhhab traditions to establish the unit of comparison. Second, the juristic reasoning presented in each madhhab is examined through comparative content analysis to identify methodological similarities and differences. Third, the findings are interpreted using a socio-legal perspective to explore how variations in legal reasoning relate to broader social contexts and institutional authority structures. Finally, the analysis evaluates how these differences contribute to the broader framework of legal pluralism within the Islamic legal tradition.

To ensure analytical rigor, the study applies triangulation across multiple sources and cross-references juristic arguments within different madhhab literatures. Indicators of convergence and divergence among legal schools are assessed based on three analytical dimensions: (1) the interpretive methodology used in deriving legal rulings, (2) the types of legal evidence prioritized in juristic reasoning, and (3) the socio-historical context influencing the formulation of legal opinions. Through this structured comparative framework, the study aims to provide a systematic understanding of *ikhtilāf* as an institutionalized form of jurisprudential diversity within the Islamic legal tradition.

Result and Discussion

Sociological Dialectics and the Epistemology of Legal Pluralism in the Madhhab Tradition

Legal pluralism within the Islamic legal tradition is historically rooted in the diversity of interpretive methodologies developed by the major Sunni madhhabs—Hanafi, Maliki, Shafi'i, and Hanbali (Faizi & Ali, 2024). Rather than representing doctrinal fragmentation, this plurality reflects structured forms of juristic reasoning shaped by different

epistemological approaches within *uṣūl al-fiqh* (Kamal, 2025). Each madhhab developed its own hierarchy of legal sources, interpretive principles, and reasoning techniques to address evolving legal questions (Ghanem, 2020). From a comparative jurisprudential perspective, these methodological variations demonstrate that disagreement (*ikhtilāf*) is an institutionalized component of Islamic legal thought, allowing the law to respond flexibly to diverse social and regional contexts.

The emergence of these methodological traditions cannot be separated from the sociological environments in which the early jurists operated. Legal scholarship in cities such as Kufa, Medina, and Baghdad developed in response to distinct social conditions, administrative systems, and scholarly networks (Allehbi, 2021). The Hanafi school, for instance, evolved within the intellectually diverse environment of Kufa, where jurists frequently encountered complex legal questions requiring analogical reasoning and juristic discretion (Awad, 2025). By contrast, the Maliki school emerged in Medina, where the practices of the local community (*'amal ahl al-Madinah*) were treated as an authoritative reflection of the prophetic legacy. These differing socio-historical contexts shaped how jurists interpreted scriptural evidence and structured their legal methodologies.

From an epistemological standpoint, the differences among madhhabs can be analyzed through several key variables, including the hierarchy of legal sources (Okumus, 2025), the treatment of probabilistic (*ẓannī*) versus definitive (*qaṭ'ī*) evidence (Ahmad, 2018), and the scope granted to reasoning tools such as *qiyās*, *istiḥsān*, and *maṣlaḥah* (Khori et al., 2025). The Hanafi tradition, for example, is known for its broader acceptance of *istiḥsān* as a mechanism for achieving equitable legal outcomes (Bulan et al., 2025; Deniz, 2025), while the Maliki school frequently integrates considerations of public welfare (*maṣlaḥah mursalah*) within its interpretive framework (Alwi, 2023; Ibrahim & Harun, 2024). The Shafi'i school, meanwhile, systematized the methodological foundations of jurisprudence by clarifying the relationship between scriptural evidence and juristic reasoning (Tanzilulloh & Mun'im Saleh, 2022). In contrast, the Hanbali tradition generally places stronger emphasis on textual authority and limits the scope of speculative reasoning (Alaoudh, 2018; Olyanasab et al., 2022).

Comparative analysis of specific legal issues further illustrates how these methodological differences operate in practice. Divergent rulings regarding ritual practices, evidentiary standards, or legal transactions often originate from differences in the interpretation of scriptural language and the prioritization of particular legal sources (Matczak, 2018). In some instances, jurists rely on literal readings of transmitted texts, while in others they employ analogical reasoning or broader juristic principles to address new circumstances (Ahmed, 2025). Such variations highlight that *ikhtilāf* does not simply

reflect disagreement among individuals but represents a structured jurisprudential process grounded in distinct methodological traditions.

Within the broader framework of the sociology of Islamic law, these interpretive differences also reflect the interaction between legal reasoning and social context. Legal doctrines are produced within specific intellectual environments shaped by scholarly authority, political institutions, and communal practices (Benda-Beckmann & Turner, 2018). As a result, the formation of madhhab traditions can be understood not only as an intellectual phenomenon but also as a sociological process through which legal authority and scholarly legitimacy are negotiated within Muslim societies.

Classical Islamic scholarship recognized that methodological diversity among jurists would inevitably produce differences in legal opinion. To manage these differences, scholars developed the concept of *adab al-ikhtilāf*, an ethical framework that regulated scholarly disagreement and preserved mutual respect among jurists representing different legal schools. Within the classical scholarly tradition, disagreement was often viewed as a natural consequence of interpretive diversity rather than as a challenge to the unity of Islamic law (Makhlouf, 2020). This ethical framework allowed jurists to engage in rigorous debate while acknowledging the legitimacy of alternative interpretations supported by sound methodological reasoning.

In contemporary Muslim societies, the epistemological and ethical foundations of *ikhtilāf* remain highly relevant as legal debates increasingly unfold within globalized and digitally mediated public spheres. Discussions of religious authority now frequently transcend traditional madhhab boundaries, creating new dynamics in the production and dissemination of legal opinions. Scholars such as Yusuf al-Qaradawi have emphasized the importance of contextual jurisprudence (*fiqh al-wāqi'*) in addressing modern social challenges while remaining grounded in the methodological heritage of classical jurisprudence (Azwarfajri et al., 2025).

Reexamining the sociological and epistemological foundations of legal pluralism within the madhhab tradition therefore provides an important analytical framework for understanding contemporary debates on Islamic law. By situating juristic disagreement within its methodological and historical context, it becomes possible to interpret legal diversity not as a source of fragmentation but as an institutionalized form of jurisprudential pluralism. From this perspective, the comparative study of madhhab methodologies offers valuable insights into how Islamic legal thought historically managed diversity and how similar mechanisms may contribute to maintaining intellectual openness and social cohesion in modern Muslim societies.

Table: Analytical Variables Explaining Juristic Divergence in Madhhab Traditions

Analytical Variable	Description	Sociological Implication
Hierarchy of Legal Sources	Determines which sources are prioritized in legal reasoning	Shapes the authority structure of juristic interpretation
Treatment of *Ẓannī* and *Qaṭʿī* Evidence	Determines how jurists evaluate certainty and probability in scriptural texts	Influences flexibility or rigidity in legal interpretation
Scope of Rational Reasoning	Use of *qiyās*, *istiḥsān*, and other juristic tools	Allows adaptation to new social circumstances
Integration of Social Practice	Consideration of communal practice or custom in legal reasoning	Connects law with lived social realities
Method of Resolving Evidentiary Conflict	Techniques such as *jamʿ* and *tarjīḥ*	Produces different legal outcomes despite shared sources

Source: the Authors

Juristic divergence among the Sunni schools of law does not arise randomly but is largely the result of methodological differences in the process of legal derivation (*istinbāṭ al-ḥukm*). These differences can be analytically understood through several epistemological variables that explain how jurists interpret legal sources and how social contexts influence the construction of legal authority within the Islamic legal tradition.

First, the hierarchy of legal sources refers to the order of priority assigned to different sources of law during the process of legal reasoning. Although all major schools recognize the Qur'an and the Sunnah as primary authorities, significant differences appear in the position given to secondary sources such as consensus (*ijmāʿ*), analogical reasoning (*qiyās*), companion opinions, or communal practices (Solikin & Wasik, 2023). These variations shape the structure of interpretive authority within each madhhab. For example, some schools provide greater methodological space for analogical reasoning or juristic discretion, while others emphasize strict reliance on transmitted textual evidence. Sociologically, this hierarchy determines which interpretive actors—such as jurists, hadith specialists, or communal authorities—possess legitimacy in producing authoritative legal interpretations.

Second, the treatment of *ẓannī* and *qaṭʿī* evidence concerns how jurists evaluate the level of certainty associated with scriptural texts. Evidence classified as *qaṭʿī* is understood to have definitive meaning and authority, while *ẓannī* evidence allows a broader scope for interpretation and juristic reasoning (Olyanasab et al., 2022). Differences in evaluating evidentiary certainty influence the degree of flexibility or rigidity within legal interpretation. Schools that allow wider interpretive engagement with *ẓannī* evidence

tend to produce more diverse legal outcomes, whereas those emphasizing textual certainty generally adopt a more restrictive interpretive approach.

Third, the scope of rational reasoning refers to the extent to which juristic tools such as *qiyās* (analogical reasoning), *istiḥsān* (juristic preference), and other interpretive mechanisms are utilized in deriving legal rulings. Some schools developed a broader application of rational reasoning to address legal issues not explicitly covered in the scriptural texts (Komath, 2025). This variable demonstrates how Islamic law historically incorporated intellectual mechanisms for responding to new social conditions. In sociological terms, the use of rational reasoning enabled the legal system to adapt to changing economic, political, and social realities across different regions of the Muslim world.

Fourth, the integration of social practice indicates the degree to which communal customs or lived practices are considered in the formulation of legal rulings. In certain juristic traditions, social practices—such as regional customs or established communal norms—were viewed as reflecting the historical continuity of Islamic life and therefore carried interpretive significance (Setiawan, 2023). This integration connects legal doctrine with the lived realities of Muslim communities, ensuring that legal reasoning remains responsive to everyday social interactions rather than functioning solely as an abstract textual exercise.

Fifth, the method of resolving evidentiary conflict concerns the techniques jurists employ when encountering scriptural texts that appear to conflict with one another. Classical legal methodology developed mechanisms such as *jam'* (harmonization of texts) and *tarjīḥ* (preference for the stronger evidence) to maintain coherence within the legal system. Differences in how these techniques are applied often lead to varying legal outcomes even when jurists rely on the same textual sources. This demonstrates that divergence in Islamic legal thought frequently results not from disagreement over the sources themselves but from differences in methodological strategies for interpreting and prioritizing those sources.

Taken together, these analytical variables demonstrate that disagreement within the madhhab tradition is a structured and methodologically grounded phenomenon. From the perspective of the sociology of Islamic law, these variables also reveal that the production of legal doctrine occurs within specific intellectual and social environments shaped by scholarly authority, institutional traditions, and communal needs. Consequently, *ikhtilāf* should be understood not merely as doctrinal disagreement but as an institutional mechanism that historically enabled Islamic law to remain dynamic, adaptable, and responsive to diverse social contexts.

Epistemological and Sociological Dynamics of Contemporary Juristic Legal Divergence

Juristic disagreement within Islamic legal thought represents a structured form of legal pluralism grounded in the epistemological diversity of the madhhab tradition. Differences among the Hanafi, Maliki, Shafi'i, and Hanbali schools are not merely doctrinal disagreements but reflect variations in interpretive methodology within *uṣūl al-fiqh* (Alkhan et al., 2025; Anshori & Abdurrahman, 2025). Comparative analysis of these traditions can be examined through several analytical variables, including the hierarchy of textual authority, the epistemic distinction between definitive (*qaṭ'ī*) and speculative (*ẓannī*) evidence, and the extent to which juristic reasoning tools such as *qiyās* and *maṣlaḥah* are employed. These methodological variables shaped the ways in which jurists interpreted scriptural sources and formulated legal opinions in response to diverse social conditions.

One illustrative example is the interpretation of the term *mulāmasah* in Q. 4:43, which has long been discussed within comparative fiqh literature. Jurists differed in determining whether the term should be interpreted literally as physical contact or metaphorically as sexual relations. The Hanafi school tended to adopt a contextual interpretation, understanding the term as referring to sexual intercourse (*jimā'*), which implies that ordinary physical contact does not invalidate ablution. By contrast, the Shafi'i school generally interpreted the term in a literal sense, concluding that skin contact between unrelated members of the opposite sex nullifies ritual purity. The Maliki school introduced an intermediate position by linking legal consequences to the presence of sexual desire. These differences illustrate how linguistic interpretation and evidentiary evaluation shape ritual practices across Muslim societies.

Variations in the availability and evaluation of hadith evidence also contributed to methodological divergence among jurists. In the formative period of Islamic law, the circulation of hadith reports was uneven across regions, which influenced how scholars assessed the reliability and legal authority of transmitted traditions (Fachrurozi & Mohammad Subhi, 2024; Little, 2022; Mohiuddin, 2023). Some jurists prioritized strict adherence to transmitted reports, while others relied more extensively on analogical reasoning when textual evidence was limited or contested. This methodological distinction is often described in the literature as the difference between *madrasat al-ḥadīth* and *madrasat al-ra'y*, representing contrasting approaches to legal reasoning within early Islamic jurisprudence.

The mechanisms of *jam'* (harmonization) and *tarjīḥ* (preference) further illustrate how jurists addressed apparently conflicting evidence within the legal tradition (Gad Makhlouf, 2023). Differences in rulings concerning the recitation of Sūrat al-Fātiḥah by a follower (*ma'mūm*) in congregational prayer provide an example of how evidentiary

prioritization operates in comparative fiqh. The Shafi'i school emphasizes the general obligation of individual recitation, while the Hanafi school considers the recitation of the imam sufficient for the congregation. The Maliki school introduces a contextual distinction between audible (*jahr*) and silent (*sirr*) prayers. These variations demonstrate how jurists apply different interpretive principles to reconcile textual evidence while maintaining the coherence of legal doctrine.

Another important dimension of juristic divergence concerns the relationship between textual authority (*naṣṣ*) and considerations of public interest (*maṣlaḥah*) (Kurnaz, 2023). In general, the Shafi'i and Hanbali traditions maintain a more restrictive approach, emphasizing the primacy of scriptural evidence in legal reasoning. By contrast, the Maliki and Hanafi schools have historically allowed broader consideration of public welfare, particularly through doctrines such as *maṣlaḥah mursalah* and *istiḥsān*. Classical scholars such as Abu Hamid al-Ghazali attempted to mediate these approaches by proposing criteria that limit the use of *maṣlaḥah* to cases where it is essential, certain, and consistent with the general objectives of the law.

The debate regarding the ritual status of canine saliva illustrates how these methodological differences operate in concrete legal contexts. Some jurists relied primarily on hadith reports requiring the washing of vessels touched by dogs, while others interpreted Qur'anic references to hunting dogs as evidence that canine contact does not necessarily imply ritual impurity. Within the Maliki tradition, jurists tended to prioritize broader textual coherence and practical considerations affecting daily life. Such differences highlight the role of socio-historical context in shaping juristic reasoning and demonstrate how Islamic law historically accommodated diverse social environments.

These examples demonstrate that *ikhtilāf* is not simply the product of individual disagreement but a structured outcome of differing epistemological assumptions within the madhhab tradition. The sociology of Islamic law further shows that these methodological frameworks developed within specific scholarly networks and regional contexts that influenced the production and transmission of legal knowledge. From this perspective, legal pluralism represents an institutional mechanism that historically enabled Islamic law to adapt to diverse social realities.

In contemporary contexts, the persistence of juristic divergence continues to shape debates on religious authority and legal interpretation. Modern scholars have revisited classical discussions of *fiqh al-ikhtilāf* to address the challenges of increasingly pluralistic societies and globalized religious discourse. Among contemporary jurists, Yusuf al-Qaradawi has emphasized the importance of contextual jurisprudence (*fiqh al-wāqi'*) as a means of reconciling classical legal methodologies with contemporary social realities. By situating juristic disagreement within its methodological and sociological foundations, it

becomes possible to reinterpret legal diversity not as a source of fragmentation but as an institutionalized form of jurisprudential pluralism within the Islamic legal tradition.

Reconstruction of the Ethics of *Ikhtilāf* within the Perspective of Islamic Legal Sociology

Beyond methodological differences among jurists, classical Islamic scholarship also developed a comprehensive ethical framework intended to regulate disagreement and preserve the intellectual integrity of legal discourse (Apriantoro et al., 2024). This framework, commonly referred to as *adab al-ikhtilāf*, emerged as an essential component of scholarly interaction among jurists representing different madhhabs. Rather than attempting to eliminate disagreement, classical scholars recognized that diversity of legal opinions was an inevitable consequence of interpretive engagement with the foundational texts of Islam. Consequently, the primary objective of this ethical tradition was not the eradication of disagreement but the cultivation of disciplined scholarly conduct that ensured debates remained grounded in methodological reasoning, evidentiary rigor, and mutual respect among scholars. Within this tradition, disagreement was viewed as a constructive element of legal reasoning that could stimulate intellectual development while preserving the unity of the broader Islamic legal tradition.

Within the literature of comparative fiqh, these ethical principles were closely intertwined with the structure of juristic authority. Classical jurists consistently emphasized sincerity (*ikhlāṣ*) in the pursuit of legal knowledge, cautioning scholars against allowing personal ambition or sectarian loyalty to influence legal judgment (Faris LC, 2025). Equally important was the rejection of sectarian fanaticism (*ta'aṣṣub*), which was understood as an uncritical attachment to a particular legal school that disregards the strength of opposing evidence (Idrus et al., 2022). Scholars repeatedly affirmed that adherence to a madhhab should not prevent jurists from acknowledging the validity of alternative interpretations supported by sound methodological reasoning. This intellectual posture allowed jurists to maintain allegiance to their respective methodological traditions while simultaneously recognizing the legitimacy of other interpretive approaches within the broader legal framework of Islamic jurisprudence.

Historical evidence demonstrates that classical jurists frequently applied these ethical principles in practice. Numerous examples from the intellectual history of Islamic law reveal scholars who engaged seriously with the legal arguments of other schools and occasionally adopted opinions from outside their own madhhab when those views appeared more consistent with textual evidence or social circumstances. Such flexibility illustrates that the madhhab system functioned primarily as a methodological orientation rather than as a rigid ideological boundary (Oluwaseun, 2022). In this sense, the legal schools served as structured frameworks for reasoning rather than exclusive identities

that restricted scholarly engagement. The willingness of scholars to consider alternative interpretations reflected a broader intellectual culture in which legal disagreement was understood as part of a collective effort to interpret divine law rather than as a competition between mutually exclusive doctrines.

From the perspective of the sociology of Islamic law, the ethical norms governing disagreement also performed an important institutional function. The recognition that the results of *ijtihād* are generally speculative (*ẓannī*) encouraged intellectual humility among scholars and prevented the monopolization of religious authority (Kasim & Nurdin, 2020). By acknowledging the probabilistic nature of many legal interpretations, classical jurists created a scholarly environment in which multiple perspectives could coexist without threatening the overall coherence of the legal tradition. This epistemological awareness provided an important safeguard against absolutist claims of legal certainty in matters where textual evidence allowed legitimate interpretive variation. As a result, the ethical framework of *ikhtilāf* functioned not only as a moral guideline for scholarly behavior but also as a structural mechanism that regulated the production and circulation of legal authority within Muslim societies.

Furthermore, the development of *adab al-ikhtilāf* contributed to the institutional stability of the madhhab system. By establishing norms of respectful debate and methodological engagement, classical scholars created intellectual conditions that allowed multiple legal traditions to coexist within the same religious community. This coexistence was particularly significant in regions where different schools of law operated simultaneously within shared social and political environments. The ethical discipline governing scholarly disagreement ensured that methodological differences did not escalate into social fragmentation. Instead, these norms allowed jurists to maintain distinct legal approaches while participating in a shared scholarly discourse grounded in common textual sources and methodological principles.

In contemporary Muslim societies, the ethical tradition of *ikhtilāf* remains highly relevant in addressing tensions arising from competing interpretations of Islamic law. Modern developments in communication technology, global migration, and transnational religious discourse have significantly expanded the public sphere in which legal opinions circulate (Bennett & Kneuer, 2024). As a result, debates over Islamic legal interpretation increasingly occur within digitally mediated environments where audiences are diverse and often unfamiliar with the methodological traditions underlying juristic disagreement (Kooria, 2018). In such contexts, the classical principles of *adab al-ikhtilāf* provide an important conceptual resource for managing intellectual diversity while maintaining the integrity of legal discourse.

Among contemporary scholars who have revisited these classical principles, Yusuf al-Qaradawi has played a prominent role in emphasizing the importance of moderation and contextual awareness in contemporary legal debates (Aliyah & Yusuf, 2025). His work highlights the need for jurists to remain attentive to social realities while maintaining fidelity to the methodological foundations of classical jurisprudence. In particular, his discussions of contextual jurisprudence (*fiqh al-wāqi'*) stress that the interpretation of legal texts must consider the social environments in which legal rulings are applied (Hefni et al., 2025). This perspective reflects an effort to reconnect contemporary legal discourse with the historical flexibility of the madhhab tradition while preserving the ethical discipline that has long governed scholarly disagreement.

Nevertheless, the reconstruction of the ethics of disagreement in modern contexts must remain firmly grounded in the methodological foundations of comparative jurisprudence. Ethical appeals alone cannot adequately address disputes over legal interpretation if they are detached from the epistemological frameworks that structure juristic reasoning (Elmahjub, 2021). In the classical tradition, *adab al-ikhtilāf* was never presented as a purely moral exhortation; rather, it was closely linked to the recognition of methodological diversity within the madhhab system (Ghanem, 2020). By acknowledging that different interpretive methods may legitimately produce different legal conclusions, scholars were able to regulate disagreement without suppressing intellectual diversity. Reconnecting contemporary discussions of legal pluralism with these methodological traditions therefore provides a more robust analytical foundation for addressing modern debates over Islamic law.

From the standpoint of Islamic legal sociology, this reconstruction highlights the interaction between ethical norms and institutional structures in shaping the dynamics of legal authority (Kumar, 2025; Saif, 2024). Juristic disagreement does not occur in isolation but emerges within networks of scholars, institutions, and communities that collectively shape the production of legal knowledge (Kluttz, 2019). Ethical norms governing disagreement help maintain the stability of these networks by ensuring that methodological diversity does not undermine the broader coherence of the legal tradition. In this sense, the ethics of *ikhtilāf* operate as a regulatory mechanism that balances intellectual freedom with communal cohesion.

Ultimately, the ethical tradition of *ikhtilāf* functions as an institutional complement to the epistemological diversity inherent in Islamic legal thought. While methodological differences among jurists generate legal plurality, ethical norms determine how those differences are articulated within scholarly and social contexts. The interaction between these two dimensions—methodological diversity and ethical discipline—constitutes one of the central mechanisms through which Islamic law historically managed pluralism. By

maintaining a balance between interpretive flexibility and intellectual responsibility, the classical tradition of *adab al-ikhtilāf* enabled the Islamic legal system to accommodate diversity while preserving the unity of its foundational principles. This historical experience provides valuable insights for contemporary discussions on legal pluralism, demonstrating that intellectual diversity and ethical regulation can coexist as complementary elements within a coherent legal tradition.

Conclusion

This study demonstrates that juristic disagreement within Islamic legal thought represents a structured form of methodological diversity rather than merely the product of individual intellectual differences. Through a comparative analysis of the Hanafi, Maliki, Shafi'i, and Hanbali traditions, the research shows that variations in legal rulings emerge from differences in the hierarchy of legal sources, the treatment of *ẓannī* and *qaṭ'ī* evidence, and the scope granted to interpretive tools such as *qiyās*, *istiḥsān*, and *maṣlaḥah*. These methodological distinctions are illustrated through several comparative discussions in this article, including debates on scriptural interpretation, ritual practices, and the resolution of evidentiary conflicts through mechanisms such as *jamʿ* (reconciliation of texts) and *tarjīḥ* (the preference for stronger evidence). The analysis demonstrates that each madhhab has developed a coherent epistemological framework for interpreting textual sources, resulting in different yet internally consistent legal conclusions. Historically, these methodological traditions emerged within distinct intellectual environments—such as Kufa, Medina, and Baghdad—where scholarly networks, social practices, and institutional authority shaped the formation of legal reasoning within each school.

The study's primary contribution lies in proposing an analytical framework that integrates comparative madhhab analysis with insights from the sociology of Islamic law. By identifying key variables—namely, the hierarchy of legal sources, the evaluation of evidentiary certainty, the scope of rational reasoning, and the incorporation of social practice—the study clarifies how structured methodological differences among juristic schools generate legal plurality within the Islamic legal tradition. This framework highlights that ikhtilāf should be understood not simply as doctrinal disagreement but as a historically embedded mechanism of jurisprudential pluralism. The findings further indicate that the coexistence of multiple interpretive methodologies has enabled Islamic law to respond to diverse social contexts while maintaining continuity with foundational textual authorities. Reexamining these epistemological and sociological dimensions of juristic disagreement therefore provides a valuable perspective for contemporary discussions on Islamic legal pluralism. In this sense, the comparative study of madhhab

traditions illustrates how diversity in legal interpretation has historically functioned as a structural feature of Islamic jurisprudence, supporting both intellectual openness and the adaptability of legal thought across different social settings.

References

Ahmad, N. N. (2018). *Theorising the relationship between kalām and uṣūl al-fiqh: the theological-legal epistemology of Saʿd al-Dīn al-Taftāzānī (d. 792/1390)* [University of Oxford]. https://ora.ox.ac.uk/objects/uuid:3b1c3417-c628-492c-8986-23734521b410

Ahmed, H. (2025). Islamic Normative Legal Theory: Framework and Applications. *Journal of Law and Religion*, *40*(1), 28–58. https://doi.org/10.1017/jlr.2025.10056

Al-Marakeby, M. (2022). Rethinking Modern Fatwa Typology: An Ethnographic Study on al-Azhar Fatwa Council. *Islamic Studies Review*, *1*(2), 197–216. https://doi.org/10.56529/isr.v1i2.85

Alaoudh, A. (2018). Imagined Religious Institutions: Pre-Modern Hanbali Ulama in the Juristic Sphere from (850-1350). *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)*, *6*, 1–29. http://www.ejimel.uzh.ch/

Albayrak, I. (2022). Modernity, Its Impact on Muslim World and General Characteristics of 19–20th-Century Revivalist–Reformists' Re-Reading of the Qur'an. *Religions*, *13*(5), 424. https://doi.org/10.3390/rel13050424

Aliyah, N. F., & Yusuf, E. B. (2025). Dynamics of Contemporary Fatwa in the Social Context of Nationality: A Study of the Thought of Sahal Mahfudz and Yusuf Al-Qaradawi. *Hikmah*, *22*(1), 49–58. https://doi.org/10.53802/hikmah.v22i1.460

Alkhan, A. M., Hassan, M. K., & Alsaadi, A. (2025). Rethinking Uṣūl al-Fiqh in Islamic Finance: From Diversified Jurisprudential Schools to Unified Uṣūl? *Arab Law Quarterly*, 1–34. https://doi.org/10.1163/15730255-bja10192

Allehbi, M. A. (2021). *Law and Sovereignty: Criminal Justice in Premodern Islam*. Vanderbilt University.

Alwi, M. (2023). Maṣlaḥah-Based Fatwa Formulation: The Indonesian Ulema Council's Rejection of Mut'ah Marriage in the Context of Women's Rights Protection. *Parewa Saraq: Journal of Islamic Law and Fatwa Review*, *2*(2), 97–109. https://doi.org/10.64016/parewasaraq.v2i2.41

Anshori, A. Y., & Abdurrahman, L. T. (2025). History of the Development of Mażhab, Fiqh and Uṣūl Al-Fiqh: Reasoning Methodology in Islamic Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *9*(1), 273–298. https://doi.org/10.22373/sjhk.v9i1.25355

Apriantoro, M. S., Faradilla, S., Ashfahany, A. El, Maruf, A., & Aziza, N. A. (2024). Quantifying Intellectual Terrain: Islamic Jurisprudence, Ethical Discourse, and Scholarly Impact. *Suhuf: International Journal of Islamic Studies*, *36*(1), 78–85. https://doi.org/10.23917/suhuf.v36i1.4367

Awad, R. S. (2025). Doctrinal Pluralism and Its Impact on Shaping the Identity of the Islamic

Judicial System (132–923 AH/ 750–1517 AD). *International Journal of Islamic Thought*, *28*. https://doi.org/10.24035/ijit.28.2025.343

Azwarfajri, A., Sa'dan, S., Zakaria, S., & Yusuf, M. (2025). The Construction of Contemporary Maqasid: A Paradigm Shift from Textual to Contextual Approaches. *Jurnal Pemikiran Islam*, *5*(2), 197–218. https://doi.org/10.22373/jpi.v5i2.32960

Benda-Beckmann, K. von, & Turner, B. (2018). Legal Pluralism, Social Theory, and the State. *The Journal of Legal Pluralism and Unofficial Law*, *50*(3), 255–274. https://doi.org/10.1080/07329113.2018.1532674

Bennett, W Lance, & Kneuer, Marianne. (2024). Communication and democratic erosion: The rise of illiberal public spheres. *European Journal of Communication*, *39*(2), 177–196. https://doi.org/10.1177/02673231231217378

Bulan, J., Imammadi, T., Ryskiyeva, A., & Kuranbek, A. (2025). Abu Hanifa: Architect of Islamic Moderatism in Contemporary Contexts. *Journal of Islamic Thought and Civilization*, *15*(2), 253–268. https://doi.org/10.32350/jitc.152.14

Daud, Z. F. M. (2021). Fiqh Across Madhhabs : An Alternative to Pesantren Students ' School of Thought Exclusivism in the Post- Truth Era. *Mazahib: Jurnal Pemikiran Hukum Islam*, *20*(1), 143–168. https://doi.org/10.21093/mj.v20i1.3081

Deniz, B. (2025). Beyond Interest: The Legal Development of Bayʿ al-Wafāʾ in Hanafi Legal Thought. *Religions*, *16*(7), 832. https://doi.org/10.3390/rel16070832

Elmahjub, E. (2021). Islamic Jurisprudence as an Ethical Discourse: An Enquiry into the Nature of Moral Reasoning in Islamic Legal Theory. *Oxford Journal of Law and Religion*, *10*(1), 16–42. https://doi.org/10.1093/ojlr/rwaa023

Fachrurozi, & Mohammad Subhi. (2024). The Early Development of Islamic Law: Examining the Rational and Flexible Nature of Compilation and Standardization. *Jurnal Fuaduna : Jurnal Kajian Keagamaan Dan Kemasyarakatan*, *8*(1), 57–69. https://doi.org/10.30983/fuaduna.v8i1.8400

Faizi, H. F. S., & Ali, H. S. (2024). The Core Principles of Islamic Jurisprudence within Legal Theory: A Comprehensive Analysis. *Online Journal of Research in Islamic Studies*, *11*(2), 57–72. https://doi.org/10.22452/ris.vol11no2.4

Fariana, A. (2021). Legal politics as a catalyst in forming sharia economic legal system in the Indonesia's new order and reform era. *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan*, *21*(2), 197–212. https://doi.org/10.18326/ijtihad.v21i2.197-212

Faris LC, S. (2025). Revisiting the Legacy of Islamic Legal Scholarship: The Influence of Sharia on Contemporary Legal Systems. *Journal of Islamic Law and Legal Studies*, *2*(1), 1–15. https://doi.org/10.70063/-.v2i1.56

Gad Makhlouf, A. (2023). Continuity and Change of Traditional Islamic Law in Modern Times: tarjīḥ as a Method of Adaptation and Development of Legal Doctrines. *Oxford Journal of Law and Religion*, *12*(1), 55–74. https://doi.org/10.1093/ojlr/rwad010

Ghanem, T. (2020). *Texts, Language, and History in the Madhab-Law Tradition: A Study of the Shāfiʿī School* [The American University in Cairo].

https://fount.aucegypt.edu/etds/1605

Hallaq, W. B. (2009). *An Introduction to Islamic Law*. McGill University. https://doi.org/10.1017/CBO9780511801044

Hefni, W., Mustofa, I., & Ahmadi, R. (2025). Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law. *Al-Istinbath: Jurnal Hukum Islam*, *10*(1), 30–57. https://doi.org/10.29240/jhi.v10i1.10694

Ibrahim, A. H., & Harun, M. S. (2024). Applying the Concepts of Benefit and Harm in Malaysian Bioethical Discourse: Analysis of Malaysian Fatwa. *Journal of Bioethical Inquiry*, *21*(3), 401–414. https://doi.org/10.1007/s11673-024-10345-z

Idrus, A. M., Mustafa, A., & Asti, M. J. (2022). Pengembangan Moderasi Mazhab di Kalangan Mahasiswa Perbandingan Mazhab dan Hukum UINAM: Relevansi Pemikiran Islam Moderat. *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan*, *15*(1), 138–158. https://doi.org/10.35905/kur.v15i1.2923

Ikhsan, M. (2016). Membedah Faktor-faktor Penyebab Terjadinya Ikhtilaf di Kalangan Ulama. *Nukhbatul 'Ulum*, *2*(1), 1–29. https://doi.org/10.36701/nukhbah.v2i1.10

Juwaini, J., Yasin, T. H., & Anzaikhan, M. (2021). The Role of Islamic Universities in the Harmony of the Madhhab (Resolution of the Aswaja and Wahabism Conflicts in Aceh). *Millati: Journal of Islamic Studies and Humanities*, *6*(2), 149–170. https://doi.org/10.18326/mlt.v6i2.6148

Kamal, M. Y. (2025). Dialectics and Jurisprudence : A case study on the Interplay of Usūl al-Fiqh and Munāẓ ara in Nūr-al-Anwār. *International Confrence on Debate & Dialogue*, 0–22. https://doi.org/10.57945/manara.30597854

Kamali, M. H. (2020). Ijtihād Maqāṣidī. In *Actualization (Taf'il) of the Higher Purposes (Maqasid) of Shariah* (Issue May 2025, pp. 18–20). https://doi.org/10.2307/j.ctv19prr6v.10

Karimullah, S. S. (2022). Shāfi'ī Literature in Indonesia: A Historical Account. *Islamica: Jurnal Studi Keislaman*, *17*(1), 1–19. https://doi.org/10.15642/islamica.2022.17.1.1-19

Kasim, F. M., & Nurdin, A. (2020). Study of sociological law on conflict resolution through Adat in Aceh community according to Islamic law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *4*(2), 375–397. https://doi.org/10.22373/sjhk.v4i2.8231

Khasan, M. (2021). From Textuality To Universality The Evolution of Hirābah Crimes in Islamic Jurisprudence. *Al-Jami'ah: Journal of Islamic Studies*, *59*(1), 1–32. https://doi.org/10.14421/ajis.2021.591.1-32

Khori, A., Setiawan, S., Said, B., & Qulyubi, M. M. (2025). Dynamics of Islamic Legal Thought: Comparison of the Concept of Maqashid Al-sharī'ah in Madhhab Zaidiyah and Ja'fariyah. *Suhuf: International Journal of Islamic Studies*, *37*(2), 439–447. https://doi.org/10.23917/suhuf.v37i2.11814

Kluttz, D. N. (2019). The Path of the Law Review: How Interfield Ties Contribute to Institutional Emergence and Buffer against Change. *Law & Society Review*, *53*(1),

239–274. https://doi.org/10.1111/lasr.12393

Komath, M. (2025). Rational Force of Analogy/Qiyās in Law: Logic of Law in Islamic and Contemporary Legal Reasoning. *Informal Logic*, *45*(3), 423–448. https://doi.org/10.22329/il.v45i3.10212

Kooria, M. (2018). Using the Past and Bridging the Gap: Premodern Islamic Legal Texts in New Media. *Law and History Review*, *36*(4), 993–1019. https://doi.org/10.1017/S0738248018000329

Kumar, R. (2025). The Moral Foundations of Legal Systems: A SocioLegal Analysis in Indian and Global Contexts. In *Preprints*. Preprints. https://doi.org/10.20944/preprints202505.1836.v1

Kurnaz, S. (2023). The Search for Originality within Established Boundaries—Rereading Najm al-Dīn al-Ṭūfī (d. 716/1316) on Public Interest (maṣlaḥa) and the Purpose of the Law. In *Religions* (Vol. 14, Issue 12, p. 1522). https://doi.org/10.3390/rel14121522

Little, J. J. (2022). *The Hadith of ʿĀʾišah's Marital Age: a study in the evolution of early Islamic historical memory* [University of Oxford]. https://ora.ox.ac.uk/objects/uuid:1bdb0eea-3610-498b-9dfd-cffdb54b8b9b

Makhlouf, A. G. (2020). Evolution of Islamic Law in the 20th Century: The Conception of Collective Ijtihād in the Debate Between Muslim Scholars. *Oxford Journal of Law and Religion*, *9*(1), 157–178. https://doi.org/10.1093/ojlr/rwaa019

Matczak, M. (2018). Why Judicial Formalism is Incompatible with the Rule of Law. *Canadian Journal of Law & Jurisprudence*, *31*(1), 61–85. https://doi.org/DOI: 10.1017/cjlj.2018.3

Mohiuddin, A. (2023). Religious Authority in Islam: Resilient Patterns of Evolution From the Formative Period to Contemporary Times BT - Navigating Religious Authority in Muslim Societies: Islamist Movements and the Challenge of Globalisation. In A. Mohiuddin (Ed.), *Navigating Religious Authority in Muslim Societies* (pp. 117–163). Springer Nature Switzerland. https://doi.org/10.1007/978-3-031-44825-6_4

Okumus, F. (2025). Madhabs in Context: A Study on Approaches on Nursî and Al- Shaʿrānī on Unifying Islamic Law Schools TT - Bediüzzaman Said Nursî ve Abdulvehhâb-ı Şa'rânî'nin Dört Fıkıh Mezhebinin Birliğine Dair Yaklaşımları Üzerine. *Çekmece Sosyal Bilimler Dergisi*, *27*, 56–72. https://doi.org/10.55483/cekmece.1701301

Oluwaseun, S. S. (2022). An Examination of The Major Madhhabs: A Case for Reunification. *Journal of Shariah Law Research*, *7*(2), 161–184. https://doi.org/10.22452/jslr.vol7no2.1

Olyanasab, S. Z., Olyanasab, S. M., & Nabavi, S. M. (2022). A Review and Critique of the Theory of the Speculativeness of the Implication (Ẓannī al-Dilāla) of the Qurʾān. *Religious Inquiries*, *11*(1), 21–39. https://doi.org/10.22034/RI.2022.248925.1437

Saeed, A., & Akbar, A. (2021). Contextualist Approaches and the Interpretation of the Qur'ān. *Religions*, *12*(7). https://doi.org/10.3390/rel12070527

Safitri, O. I., & Bin-Maswar, M. S. (2024). Women's Impact on Islamic Heritage : Analyzing the Contribution of Female Companions in Hadith Narrations in Basrah. *Aqwal: Journal of Qur'an and Hadies Studies*, *5*(1), 1–16.

https://doi.org/10.28918/aqwal.v5i1.7126

Saif, M. A. (2024). The Interplay of Law and Social Norms: Analyzing the Evolution of Legal Systems. *Fari Journal of Social Sciences and Law*, *1*(1), 1–12. https://journals.fari.org.pk/ojs/index.php/FJSSL/article/view/The_Interplay_of_Law_and_Social_Norms

Salim, A. (2021). Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *5*(2), 529–551. https://doi.org/10.22373/sjhk.v5i2.11082

Setiawan, R. A. (2023). Impact of Islamic Jurisprudential on Traditional Financial Customs and Legal Integration in Indonesia. *Journal of Islamic Thought and Civilization*, *13*(2), 195–209. https://doi.org/10.32350/jitc.132.13

Sharif, D., Mohamed @ Haji Daud, N., Wan Jusoh, W. N. H., Ishak, A. H., & Ismail, F. A. (2020). The Methodology of Comparative School of Thought on al-Rahn Discussion: A Reference to the Selected Islamic Jurisprudence Classical Books. *Afkar: Jurnal Akidah Dan Pemikiran Islam*, *Special Issue 1*, 47–78. https://doi.org/10.22452/afkar.sp2020no1.3

Solikin, N., & Wasik, M. (2023). The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid al-Shari'a. *Ulumuna*, *27*(1), 315–340. https://doi.org/10.20414/ujis.v27i1.708

Syatar, A., Abubakar, A., Amiruddin, M. M., Mundzir, C., & Bakry, M. (2022). Integrating Wasthiyah Paradigm to the Issuance of COVID-19 Fatwa; Indonesia Case. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, *20*(1), 48–59. https://doi.org/10.31941/PJ.V20I1.1717

Tanzilulloh, M. I., & Mun'im Saleh, A. (2022). The Conceptualization of Religious Moderation in Islamic Economic Jurisprudence: A Study of Al-Risalah by Imam Al-Shafi'i. *Invest Journal of Sharia & Economic Law*, *2*(2), 234–247. https://doi.org/10.21154/invest.v2i2.10379