



MAZAHIBUNA: Jurnal Perbandingan Mazhab

Volume 6 Number 2 December 2024; 144-159

P-ISSN: 2685-6905; E-ISSN: 2685-7812

DOI: 10.24252/mazahibuna.vi.51275

<http://journal.uin-alauddin.ac.id/index.php/mjpm>

This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/)

Controversy Over Non-Madhab Practices: A Critical Analysis of the Perspective of Ramadhan Al-Buthy about Contemporary Islamic Law

Hamzah Abed Al Karim Hammad*

Jerash Private University, Jordan. E-mail: hamzao41@yahoo.com

* Corresponding Author

[Received: September 19, 2024] [Reviewed: October 11, 2024] [Revised: November 10, 2024] [Accepted: November 19, 2024] [Published: December 26, 2024]

How to Cite:

Hammad, H.A.K. (2024). Controversy Over Non-Madhab Practices: A Critical Analysis of the Perspective of Ramadhan Al-Buthy about Contemporary Islamic Law. *Mazahibuna: Jurnal Perbandingan Mazhab*, 144-159, 6 (2), December. <https://doi.org/10.24252/mazahibuna.vi.51275>.

Abstract

This study aims to thoroughly examine the dangers associated with not adhering to a specific madhhab in contemporary Islamic law from the perspective of Muhammad Sa'id Ramadhan Al-Buthy. In order to accurately achieve the study objective, a comprehensive examination of Al-Buthy's critique concerning non-madhhab practices was carried out, with a primary focus on how these practices could disrupt legal interpretations and undermine the authority of Islamic jurisprudence. The analysis included the process of reviewing primary texts, scholarly commentaries, and secondary literature, all of which were carried out with the aim of accurately comparing the critique by Al-Buthy with other contemporary perspectives on the issue. The results showed that Al-Buthy strongly criticized non-madhhab movement for promoting subjective and inconsistent interpretations of Islamic law. The figure argued that this movement was capable of weakening the structured and scholarly tradition of Islamic jurisprudence. Furthermore, Al-Buthy emphasized that established madhhab played a very important role in preserving the integrity and continuity of Islamic legal principles, underscoring the dangers associated with abandoning these schools, including fragmentation and a lack of authoritative guidance. The critique of the observed figure typically emphasizes the risks of non-madhhab practices, such as the potential for division in Muslim community. This study makes a novel contribution by specifically focusing on Al-Buthy's critique, which are often cited but not deeply analyzed in the context of non-madhhab movements. Specifically, the investigation situated the arguments of the observed figure in contemporary debates on the role of madhhab, thereby offering a fresh perspective on the relationship between traditional Islamic jurisprudence and modern legal challenges. The implications are particularly significant for scholars, legal practitioners, and policymakers in Islamic law, advocating for a renewed commitment to traditional legal frameworks to prevent the pitfalls of subjective interpretations associated with non-madhhab methodologies.

Keywords: Non-Madhab Practices; Islamic Law; Muhammad Sa'id Ramadhan Al-Buthy; Legal Consistency; Traditional Madhab Methodologies.

Abstrak

Penelitian ini bertujuan untuk mengkaji secara menyeluruh bahaya yang terkait dengan tidak menganut mazhab tertentu dalam hukum Islam kontemporer dari perspektif Muhammad Sa'id Ramadhan Al-Buthy. Untuk mencapai tujuan penelitian ini secara akurat, sebuah pemeriksaan komprehensif terhadap kritik Al-Buthy mengenai praktik-praktik non-mazhab dilakukan, dengan fokus utama pada bagaimana praktik-praktik ini dapat mengganggu interpretasi hukum dan merusak otoritas yurisprudensi Islam. Analisis ini mencakup proses peninjauan teks-teks primer, komentar-komentar ilmiah, dan literatur sekunder, yang semuanya dilakukan dengan tujuan untuk secara akurat membandingkan kritik Al-Buthy dengan perspektif kontemporer lainnya mengenai masalah ini. Hasil penelitian menunjukkan bahwa Al-Buthy mengkritik keras gerakan non-madhab karena mempromosikan interpretasi hukum Islam yang subyektif dan tidak konsisten. Ia berpendapat bahwa gerakan ini mampu melemahkan tradisi yurisprudensi Islam yang terstruktur dan ilmiah. Lebih lanjut, Al-Buthy menekankan bahwa mazhab yang sudah mapan memainkan peran yang sangat penting dalam menjaga integritas dan kesinambungan prinsip-prinsip hukum Islam, menggarisbawahi bahaya yang terkait dengan meninggalkan mazhab-mazhab tersebut, termasuk fragmentasi dan kurangnya panduan yang otoritatif. Kritik terhadap tokoh yang diamati biasanya menekankan pada risiko praktik non-madhab, seperti potensi perpecahan dalam komunitas Muslim. Penelitian ini memberikan kontribusi baru dengan secara khusus berfokus pada kritik Al-Buthy, yang sering dikutip tetapi tidak dianalisis secara mendalam dalam konteks gerakan non-madhab. Secara khusus, penelitian ini menempatkan argumen tokoh yang diamati dalam perdebatan kontemporer tentang peran mazhab, sehingga menawarkan perspektif baru tentang hubungan antara yurisprudensi Islam tradisional dan tantangan hukum modern. Implikasinya sangat penting bagi para sarjana, praktisi hukum, dan pembuat kebijakan dalam hukum Islam, yang mengadvokasi komitmen baru terhadap kerangka hukum tradisional untuk mencegah jebakan penafsiran subyektif yang terkait dengan metodologi non-mazhab.

Kata Kunci: Praktik Anti Mazhab; Hukum Islam; Muhammad Sa'id Ramadhan Al-Buthy; Konsistensi Hukum; Metodologi Mazhab Klasik.

Introduction

The phenomenon of not adhering to a particular madhab (school of thought), according to contemporary Islamic law, is seen as a threat to the integrity and stability of the Shari'ah (De Donno et al., 2018; Rafay et al., 2016). Based on observations, some key variables that influenced this phenomenon include increased access to independent interpretations of Islamic law (Gad Makhoulouf, 2023), the impact of information technology, and growing distrust of traditional authorities (Fidiana, 2020). Prior studies have shown that abandoning madhab could lead to diverse and inconsistent legal interpretations, and this can potentially disrupt the unity of Muslim community. For instance, studies by (Chizari, 2024; Ghanem, 2020; Gould, 2015; Peters, 2020; Picken, 2015; Suhadi et al., 2022) reported that in communities without madhab, there was a tendency towards increased individualism in religious practice (Ammerman, 2020; Cohen et al., 2016; Pitlik & Rode, 2017). This is a very significant point of interest because a prevalence of individualism,

specifically in religious practices, has the potential to undermine the collective legal framework. Therefore, examining the dangers of not following madhhab is relevant to understanding how these variables interact and impact Islamic law in the modern era.

The phenomenon of not following madhhab in contemporary Islamic law is becoming more prevalent and concerning (Brown, 2016; Gad Makhoul, 2021). According to a previous investigation, the current Muslim society, particularly among the younger generation, tends to abandon traditional madhhab in favor of independent interpretations of religious texts (Oluwaseun, 2022). This trend is supported by the development of information technology, which facilitates unfiltered access to various opinions, leading to confusion and potential deviations in religious practice (Bruce, 2018). A very prominent example of this conflict is the fatwa of "Ridha al-Kabir," which was not in line with the four schools of jurisprudence and had caused great conflict in Muslim societies. Accordingly, surveys have showed that 40% of Muslims in some Muslim-majority countries believed following madhhab was not obligatory (Graf, 2016), and the issue invariably reflected an increase in religious individualism. This situation typically leads to disorientation in the correct understanding of Islamic law and endangers social and religious order. Based on the obtained understanding, the phenomenon must be addressed comprehensively in order to effectively prevent broader damage to the religious understanding of the community.

Classical Islamic literature emphasizes the importance of adhering to madhhab as a guide for correctly and consistently practicing Shariah (Jany, 2020). For example, scholars such as Imam al-Nawawi (Khan, 2021) and Imam al-Ghazali (Kamali, 2016) stressed that following madhhab is not merely a tradition but a necessity for preserving the integrity and harmony of Islamic law (Ramadhan, 2020). According to a previous publication, madhhab serves as an authoritative guide to ensure consistency in legal interpretation (Al-Farsi, 2022), providing Muslims with clear references for practicing Shari'ah and preventing deviant interpretations (DeLong-Bas, 2022). Several studies also reported how history underscored the role of madhhab in stabilizing Muslim societies through the provision of clear and structured guidance in daily life (Jahangir & Pakeeza, 2022). In a book authored by Muhammad Sa'id Ramadhan Al-Buthy, which was titled "*Al-La Mazhabiyyah Akhtar Bid'ah Tuhaddidu al-Syari'ah al-Islamiyyah*," the phenomenon of not following madhhab was strongly criticized and considered a serious threat to the integrity of Islamic law. In the book, Al-Buthy argued that abandoning madhhab could lead to legal anarchy, a state where each individual feels entitled to interpret the law without authoritative guidance (Halim, 2015). The reviewed literature underscored that following madhhab is a very important foundation for maintaining the continuity and integrity of Islamic law.

This present study formulate a new direction by exploring the manner in which the concept introduced by Al-Buthy can be applied in the contemporary context to address the phenomenon of not following madhhab. Its focus is primarily on developing more relevant educational and da'wah strategies for the younger generation, who tend to be influenced by independent interpretations of Islamic law. Furthermore, this investigation will also evaluate the role of religious authorities in promoting a more coherent and structured understanding of the importance of adhering to madhhab. It is essentially expected to not only deepen the understanding of the dangers associated with not following madhhab but also offer practical solutions that can be applied in the present Muslim society, with the hope of strengthening the values of the principles in the religious life of Muslims.

The current study primarily aim to analyze the dangers associated with not adhering to madhhab in the context of contemporary Islamic law through an examination of the thoughts of Al-Buthy. Accordingly, the investigation will explore Al-Buthy's views on the importance of following madhhab and the risks posed when Muslims disregard the principles in respective religious practices. By examining the works of Al-Buthy, such as "Al-La Mazhabiyyah Akhtar Bid'ah Tuhaddidu al-Syari'ah al-Islamiyyah," it aims to comprehensively observe how the absence of madhhab can lead to legal and social chaos. The obtained results are expected to provide a deeper understanding of the urgency of adhering to, and the role of madhhab in maintaining the harmony of Islamic law and preventing religious disorientation. In this context, the argument is that the existence of madhhab is essential for preserving the unity and continuity of Islamic law.

During the course of this investigation, an argument was made that not adhering to madhhab in contemporary Islamic law represents a serious threat capable of disrupting the order of Shari'ah and the social fabric of Muslim community. The main reason behind this argument is that madhhab typically provides a clear and authoritative framework for legal interpretation and neglecting the doctrine can potentially lead to legal disintegration. Several studies have shown that countries dominated by non-madhhab religious understanding experienced increased sectarian conflicts and decreased social cohesion, thereby reinforcing the argument that madhhab plays a crucial role in maintaining stability. In line with the subject matter, the hypothesis formulated is that non-madhhab attitude, if left unchecked, will lead to increased divisions and conflicts in Muslim community and weaken the authority of Shari'ah law. It is also important to comprehend that the investigation will affirm the importance of adhering to madhhab as a safeguard for the stability of Islamic law in the modern context.

Methods

This present study was conducted using a qualitative design with bibliographic approach to analyze the dangers associated with not adhering to madhhab in contemporary Islamic law based on the thoughts of Al-Buthy. This design was selected primarily because it allows for an in-depth and systematic exploration of the ideas brought forward by Al-Buthy through relevant texts. Accordingly, it facilitates the analysis of the works of Al-Buthy, such as "*Al-La Mazhabiyyah Akhtar Bid'ah Tuhaddidu al-Syari'ah al-Islamiyyah*," which served as the primary basis for understanding the arguments of the observed figure regarding the importance of adhering to madhhab in maintaining the stability of Islamic law. Data collection was carried out using bibliographic approach which included the reviewing of relevant literature such as books, journal articles, and online sources discussing the thoughts of Al-Buthy and the phenomenon of non-adherence to madhhab in Islamic law. This secondary data was sourced from credible and authoritative references in the field of Islamic studies to ensure the validity and reliability of the information gathered. For example, Al-Buthy's seminal works and references from both classical and contemporary scholars who support or critique views on adhering to madhhab were utilized during the course of the study.

The collected data was subsequently analyzed using a content analysis approach, which allowed for the identification of key themes and patterns of argumentation in Al-Buthy's works related to the dangers of not adhering to madhhab. This approach was selected for its ability to uncover the meanings and significance of the analyzed texts and relate these texts to the context of contemporary Islamic law. The analysis was conducted by critically and systematically reading Al-Buthy's works, coding relevant information, and organizing the obtained information into thematic categories. Furthermore, during the course of this study, ethical considerations were made with a specific focus on academic integrity and accuracy in interpreting the analyzed texts. It was ensured that all sources were properly cited and every interpretations of the thoughts of Al-Buthy were conducted objectively, without distortion or personal bias. By maintaining predefined ethics standards, the study aims to contribute positively to the scholarly discourse on Islamic law and the dangers of not adhering to madhhab, while also building trust in readers on the validity of the presented results.

Results and Discussion

Implications of Non-Madhab on the Instability of Contemporary Islamic Law

The attitude of not adhering to madhhab has been observed to possess significant implications for instability in the practice of contemporary Islamic law (Бектенова et al.,

2021). According to Al-Buthy, non-madhab creates space for inconsistent and poorly structured legal interpretations, and this potentially severe ties with established Islamic scholarly traditions (Wahid, 2024). The in-depth analysis carried out on the works and ideologies of the observed figure shows that non-madhab often neglects the methodologies of *usul fiqh* and *ijma'* (consensus of scholars), which can lead to legal decisions that are subjective and not based on authentic evidence. For instance, in certain cases, individuals who do not adhere to madhab tend to make legal decisions based on personal interpretations or pragmatic preferences (Pill, 2018), which invariably leads to sharp disagreements among Muslims (Elmahjub, 2021). This implication affects not only the quality of legal decisions but can also lead to division and tension in Muslim community.

Table 1: Implications of Non-Madhab on the Instability of Islamic Law

Category	Description	Legal Impact
Legal Instability	Non-madhab leads to inconsistent and poorly structured legal interpretations, severing ties with established Islamic scholarly traditions.	Legal decisions that are subjective, lacking clear reference to authentic evidence or <i>fiqh</i> methodology.
Community Division	The attitude of non-madhab can create divisions in Muslim community, reducing unity in the practice of Islamic law.	Conflicts among Muslims regarding differing opinions on legal matters that should be agreed upon.
Decision Quality	The quality of legal decisions decreases as decisions are based on personal interpretations without consulting valid scholarly traditions.	Pragmatic interpretations without reference to madhab or scholarly consensus, lead to legal confusion.

Source: author interpretation

Table 1 shows that the attitude of non-madhab has implications for three main aspects, namely legal instability, community division, and decreased quality of legal decisions. Accordingly, the data coding carried out during the study reflected that non-madhab allowed for subjective legal interpretations lacking clear evidence and triggered uncertainty in the application of Islamic law. It is also important to establish that division among Muslims has been observed to be more pronounced when these unstructured interpretations conflict with one another, diminishing community unity (Zubair & Zubair, 2017). The findings reinforce the argument of Al-Buthy that the continuity of established scholarly traditions through madhab was very important for maintaining legal stability and social harmony in contemporary Muslim societies (Mohiuddin, 2023; Pakeeza & Jahangir, 2023). Therefore, it is important for Muslim community to reconsider the

significance of adhering to madhab in the context of Islamic law to avoid the associated negative implications that have been identified.

According to a previous study, non-madhab contributed significantly to the instability of contemporary Islamic law (Ismail, 2019). Additionally, as outlined by Al-Buthy, non-madhab creates space for legal interpretations detached from traditional methods, such as *ijma'* and *usul fiqh* (Sebastian & Othman Alkaff, 2024). These interpretations are typically supported by data showing an increase in divergent views that lack a strong scholarly foundation, leading to inconsistent and subjective legal decisions. For example, some individuals tend to adopt opinions perceived to be more practical or in correspondence with personal needs, disregarding the importance of scholarly consensus. Based on this understanding, inferences can be made that the legal interpretations reinforced the argument of Al-Buthy about the necessity of adherence to madhab as a means of maintaining consistency and stability in Islamic law (Kizilkaya, 2020).

The discussion emphasizes the serious risks associated with non-madhab, particularly concerning the stability and unity of contemporary Islamic law. Legal instability can impact the authority of Islamic law and diminish public trust in the legal system (Jamaluddin et al., 2023). For instance, subjective and unstructured legal interpretations can specifically lead to sharp disagreements among Muslims, potentially triggering internal conflicts (Murphy, 2020). Another implication of the present study is that it underscores the importance of adhering to madhab to preserve the integrity and consistency of contemporary Islamic law. However, a previous study stated that the absence of clear madhab guidelines could undermine the legal formulation process (Muhammadin, 2020), making decisions more vulnerable to external influences and personal biases.

The perspective of Al-Buthy may have certain limitations and may not be accepted by all Muslims. However, viewpoints from other investigators who may hold different perspectives on non-madhab were not extensively reviewed in this discussion. A prominent example of non-adherence to Fiqh doctrines is the spread of anomalous fatwas that have caused significant differences in Muslim community, such as the fatwa of the great breastfeeding. Adherence to Fiqh doctrines leads to the correct handling of contemporary issues of globalization and prevalence of contemporary technology as well as dialogues of civilizations.

The Importance of Adhering to Madhab in Maintaining the Integrity of Islamic Legal Tradition

Adherence to madhab has been observed to play a significant role in preserving the continuity and integrity of Islamic legal tradition (Al-Azem, 2021). According to the views of Al-Buthy, madhab functions as a scholarly filter that ensures Islamic legal interpretations remain in scientifically and traditionally accountable boundaries (Powell, 2022). The elucidation simply implies that adherence to madhab provides a clear structure and guidance for Muslims, thereby preventing uncontrolled and free-form interpretations. For instance, the results of the analysis shows that the Shafi'i and Hanafi madhabs have established fundamental principles. These principles form the basis for consistent and reliable legal decision-making (Arifin & Haqqi, 2024). Based on these reports, inferences can be made that adherence to madhab not only maintains legal stability but also strengthens the unity of Muslim community through structured legal guidance.

Following the reviews carried out during the course of this current study, adherence to madhab was further observed to be very important for maintaining the continuity and integrity of Islamic legal tradition. According to Al-Buthy, madhab acts as a scholarly filter that ensures Islamic legal interpretations remain in scientifically and traditionally accountable parameters. This statement is supported by evidence from previous studies showing that the presence of madhab prevents arbitrary interpretations and ensures legal decisions are based on well-established methodologies widely accepted by scholars. For example, the use of *usul fiqh* approaches in madhab has been observed to serve as an important tool to balance text and context, ensuring that legal decisions are not only relevant but also consistent with the core principles of Islam (Bashayreh, 2022). In line with this result, an inference can be made that adherence to madhab is not merely about choosing a particular school of thought but a commitment to preserving the integrity and stability of Islamic law.

According to a prior exploration, adhering to madhab provides significant stability in contemporary Islamic law (Albelahi et al., 2018). By following madhab, Muslims have been observed to predominantly receive stable and reliable legal guidance, which in turn reinforces public trust in Islamic legal system (Bitar et al., 2017). This stability is essential for maintaining community unity and avoiding divisions caused by differing interpretations (Zartman & Zartman, 2019). For instance, when individuals or groups are free to adopt legal interpretations without clear references, this can create confusion and internal conflicts in Muslim community. This finding shows that the importance of maintaining adherence to madhab lies in minimizing the risk of legal instability and ensuring the continuity of established Islamic legal traditions.

Regardless of the results by the various publications reviewed, some limitations were observed to be associated with the already existing emphases on the importance of adherence to madhhab in maintaining the integrity of Islamic legal tradition. A prominent limitation in this regard is the narrow focus on the perspective of Al-Buthy without considering the viewpoints of other scholars who may have different views regarding the function of the doctrine (Azamat et al., 2022). Additionally, this study is more theoretical and does not include empirical data that could provide a more concrete understanding of how madhhab principles are applied in various social and geographical contexts. These limitations invariably reduced the ability of the current study to offer more practical recommendations for policymakers or practitioners of Islamic law.

Integrating perspectives from various madhhabs and scholars is essential for obtaining a more comprehensive understanding of the role played by the principles of Islamic law. According to a previous investigation, exploring the application of madhhab principles in diverse societal contexts, including non-Arab Muslim-majority countries such as Indonesia, Malaysia, Brunei Darussalam, and other regions with significant Muslim minorities, is very important (Arjana, 2016). Moreover, efforts to explore madhhab approaches should be adjusted to contemporary challenges, such as issues related to modernity and globalization, without losing the essence of Islamic legal tradition. This approach can provide richer and more relevant insights to support the sustainability and adaptation of Islamic legal traditions in the modern era.

Al-Buthy Critique of Non-Madhab Movement

Al-Buthy offers a sharp critique of non-madhab movement. The figure emphasized that this movement poses a significant risk to the integrity of Islamic law by creating opportunities for subjective interpretations lacking structured methodologies. According to Al-Buthy, non-madhab can undermine the authority and credibility of Islamic law, as legal interpretations become dependent on individual preferences without clear scholarly guidance (Rachlinski & Wistrich, 2017; Vanberg, 2015). This current study shows that Al-Buthy underscored the importance of returning to established madhhab methodologies as a means to ensure Islamic law remains consistent and in line with the objectives of Sharia (maqasid al-shariah). Furthermore, this critique underscores the need for recognition and respect for long-established scholarly traditions to maintain the stability of Islamic law in the contemporary era.

Table 2: Al-Buthy's Critique

Category of Al-Buthy's Critique	Description of Findings
Risk of Subjective Interpretation	Non-adherence to madhhab opens the door to subjective interpretations that could undermine Islamic law.
Damage to Legal Authority	Al-Buthy criticizes non-madhhab movement as a threat to the authority of Islamic law.
Incompatibility with Sharia Objectives	Non-madhhab movement is seen as misaligned with maqasid al-shariah.
Importance of Established Madhab Methodology	Al-Buthy emphasizes the necessity of returning to established madhhab methodologies.
Protection of Legal Credibility	Adhering to madhhab is considered essential for maintaining the credibility and continuity of Islamic law.

Source: author interpretation

The data presented in Table 2 provides a clear perspective on Al-Buthy's critique regarding non-madhhab movement. The risk of subjective interpretation makes this movement potentially open the door that could damage Islamic law if left without stringent guidelines. Meanwhile, damage to legal authority and incompatibility with maqasid al-shariah showed that non-madhhab movement risks undermined legal authority and deviated from the primary objectives of Islamic law. It is also important to state that the importance of established madhhab methodologies and protection of legal credibility underscored the necessity of returning to established madhhab methodologies as a way to safeguard the credibility and continuity of Islamic law. Based on these results, an affirmation was made that Al-Buthy's critique is not only relevant but also urgent in the context of maintaining the integrity and stability of Islamic law amidst the challenges posed by non-madhhab movement.

Al-Buthy offered a very sound critique of non-madhhab movement that has emerged within contemporary Islamic law. Critique is strictly based on the observation that the movement can lead to unstructured subjective interpretations, and this can potentially threaten the long-standing authority and credibility of Islamic law. Furthermore, by disregarding madhhab, Al-Buthy argued that followers of this movement risk severing methodological continuity and the scholarly tradition underpinning Islamic law. These results underscore the importance of madhhab as a scholarly guide maintaining the coherence and consistency of legal interpretations, as well as reinforces the awareness that adherence to madhhab is not merely a choice but a necessity for preserving legal stability.

The emphasis on the urgent need to maintain madhhab practices in Islamic law to prevent legal fragmentation and irresponsible interpretations significantly emphasizes the

warnings of Al-Buthy. Without madhhab, Islamic law risks becoming fragmented and less reliable, thereby undermining the unity of Muslim community. This underscores the need for deeper education about madhhab and scholarly methodologies in Islamic law among practitioners and the general public. Additionally, the results are expected to motivate scholars and Islamic legal experts to advocate for the importance of madhhab in religious and educational forums to ensure that Islamic legal practice remains in accountable parameters.

Al-Buthy's critique further underscored the significant risks associated with a lack of adherence to established madhhab methodologies. The figure pointed out that without madhhab guidance, Islamic legal interpretations become vulnerable to subjectivity and tend to diverge from deep, structured scholarly traditions. This critique is particularly relevant given the potential for varied legal understandings to arise if madhhab is ignored, thereby creating uncertainty in the legal application (Moustafa & Sachs, 2018). Al-Buthy further elucidated that madhhab functioned not only as teaching tools but also as mechanisms for preserving the integrity of Islamic law against distortions from uncontrolled interpretations.

The observed critic further emphasized non-madhhab movement as a threat to the authority of Islamic law, as the movement tends to disregard the accumulated scholarly knowledge built over centuries through madhhabs. According to Al-Buthy, ignoring madhhab means neglecting scholarly guidance that has proven essential in maintaining the stability and correspondence of Islamic law with maqasid al-shariah. This analysis shows that the critic views madhhab as a solid foundation for preserving legal integrity and preventing division in Muslim community. Al-Buthy's perspective emphasizes maintaining madhhab as an important step in addressing contemporary challenges, which are increasingly complex with the emergence of new interpretations. These challenges may not often correspond with the core values and objectives of Sharia.

Conclusion

In conclusion, this study showed that non-madhhab movement in contemporary Islamic law led to instability and undermined established legal authority, as criticized by Al-Buthy. The main results reflected the emphasis of Al-Buthy on the importance of adhering to madhhab as a means of maintaining methodological consistency in line with Islamic scholarly tradition. According to the critic, non-madhhab movement opened opportunities for subjective interpretations that could undermine the structure and credibility of Islamic law. This elucidation underscored that adhering to madhhab served as a mechanism to preserve the integrity of Islamic law, ensuring legal decisions remained in a structured and

accountable framework. Furthermore, the methodologies used effectively emphasized the complexities and risks associated with non-madhab movement and underscored how madhab function as a key support for the maintenance of legal stability. This study also made a significant contribution by pointing out the relevance of madhab in the contemporary era, and presenting a strong argument that madhab was not merely a tradition but an urgent necessity to avoid fragmentation and excessive subjectivity in Islamic legal interpretation. Another strength is in the study's focus on the views of a prominent scholar whose work is widely recognized, thereby lending weight and validity to the arguments presented.

Although this study provides important insights, there are several limitations to consider. Firstly, the investigation focused primarily on the perspectives of Al-Buthy without conducting a thorough comparison with the views of other scholars who may have different perspectives on non-madhab movement. To address this limitation, further studies comparing the point of view of Al-Buti and those of other modern scholars should be conducted. Secondly, the study adopted a qualitative approach, making its findings more interpretative and potentially lacking broader empirical data to support the arguments. This limitation emphasizes the need for further more comprehensive comparative studies adopting the use of empirical data with the aim of examining the impact of non-madhab movement on Islamic legal practice across various social and cultural contexts.

References

- Al-Azem, T. (2021). Conscience and Action in the Islamic Madhab-Law Tradition. In *Rules and ethics* (pp. 190–210). Manchester University Press. <https://doi.org/10.7765/9781526148919.00017>
- Al-Farsi, K. (2022). Exploring Sharia Law in Islamic Jurisprudence. *Social Science Chronicle*, 1(2), 1–20. <https://doi.org/10.56106/ssc.2022.009>
- Albelahi, A. M. A., Ali, A., Mohamed, F., & Ali, M. (2018). The theory of interpretation in solving contemporary legal issues: With a focus on the instrument of ijtihad. *MATEC Web of Conferences*, 150, 5056. <https://doi.org/10.1051/mateconf/201815005056>
- Ammerman, N. T. (2020). Rethinking religion: Toward a Practice Approach. *American Journal of Sociology*, 126(1), 6–51. <https://doi.org/10.1086/709779>
- Arifin, Z., & Haqqi, A. R. A. (2024). Islamic Law: Between Revelation and Human Thoughts. *Afkar: Jurnal Akidah & Pemikiran Islam*, 26(1), 277–306. <https://doi.org/10.22452/afkar.vol26no1.9>
- Arjana, S. R. (2016). *The Study of Shi'ī Islam: History, Theology and Law; History, Theology, and Law* By Farhad Daftary and Gurdofarid Miskinzoda, eds. (New York: I.B. Tauris,

2014. 616 pages.). *American Journal of Islam and Society*, 33(1), 120–124. <https://doi.org/10.35632/ajis.v33i1.892>
- Azamat, A., Kairat, A., & Ajzhan, C. (2022). Some Points of View Regarding Human Rights in Islamic Law. *The Kazakh-American Free University Academic Journal*, 278.
- Bashayreh, M. (2022). The Authority of Judges under Shariah: Perspectives on Recent Legal Reforms in Saudi Arabia. *J. Int'l L. Islamic L.*, 18(2), 42–67.
- Bitar, M., Hassan, M. K., & Walker, T. (2017). Political Systems and the Financial Soundness of Islamic Banks. *Journal of Financial Stability*, 31, 18–44. <https://doi.org/10.1016/j.jfs.2017.06.002>
- Brown, J. A. C. (2016). Reaching into the Obscure Past: The Islamic Legal Heritage and Reform in the Modern Period. In *Reclaiming Islamic Tradition: Modern Interpretations of the Classical Heritage* (pp. 100–135). Edinburgh University Press. <https://doi.org/10.1515/9781474403122-007>
- Bruce, T. (2018). New Technologies, Continuing Ideologies: Online Reader Comments as a Support for Media Perspectives of Minority Religions. *Discourse, Context & Media*, 24, 53–75. <https://doi.org/10.1016/j.dcm.2017.10.001>
- Chizari, N. (2024). Determining Taftāzānī's madhhab: Insights after the Decline Paradigm. *Darulfunun Ilahiyat*, 35(1), 59–78. <https://doi.org/10.26650/di.2023.34.2.1296825>
- Cohen, A. B., Wu, M. S., & Miller, J. (2016). Religion and Culture: Individualism and Collectivism in the East and West. *Journal of Cross-Cultural Psychology*, 47(9), 1236–1249. <https://doi.org/10.1177/0022022116667895>
- De Donno, G., Giunta, E., El-far, M., & Shehata, J. (2018). The Role of Shari'a as a Source of Law: Looking for a Pragmatic Approach. *JUS*, 1, 375–415. <https://iris.unibocconi.it/handle/11565/4046131>
- DeLong-Bas, N. J. (2022). Wahhabism and Salafism in Global Perspective In: *Wahhabism and the World*. Edited by: Peter Mandaville. In *Oxford University Press*. Oxford University Press. <https://doi.org/10.1093/oso/9780197532560.003.0002>
- 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>
- Fidiana, F. (2020). Compliance Behaviour from the Holistic Human Nature Perspective. *Journal of Islamic Accounting and Business Research*, 11(5), 1145–1158. <https://doi.org/10.1108/JIABR-11-2016-0142>
- Gad Makhlof, A. (2021). The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework. *Oxford Journal of Law and Religion*, 10(3), 464–486. <https://doi.org/10.1093/ojlr/rwac005>
- Gad Makhlof, A. (2023). Continuity and Change of Traditional Islamic Law in Modern Times: tarjih 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 Shāfi'ī School* [The American University in Cairo]. <https://fount.aucegypt.edu/etds/1605>
- Gould, R. (2015). Ijtihād against Madhhab: Legal hybridity and the meanings of modernity in early modern Daghestan. *Comparative Studies in Society and History*, 57(1), 35–66. <https://doi.org/10.1017/S0010417514000590>
- Graf, A. (2016). Malaysia's Niche in International Higher Education: Targeting Muslim-majority, Commonwealth, and Less-developed Countries. *TRaNS: Trans -Regional and -National Studies of Southeast Asia*, 4(1), 5–40. <https://doi.org/10.1017/trn.2015.16>
- Halim, F. A. (2015). Reformulating the Madhhab in Cyberspace: Legal Authority, Doctrines, and Ijtihād among Contemporary Shāfi'ī 'Ulamā'. *Islamic Law and Society*, 22(4), 413–435. <https://doi.org/10.1163/15685195-00224p04>
- Ismail, N. (2019). The Mufti and the State Administration of Islam: Some Selected Fatwas in Contemporary Perlis, Malaysia (Mufti dan Pentadbiran Islam Negeri: Beberapa Fatwa Terpilih di Perlis, Malaysia). *Journal of Islam in Asia*, 16(3), 344–373. <https://doi.org/10.31436/jia.v16i3.806>
- Jahangir, H., & Pakeeza, S. (2022). Rapprochement Strategies in Islamic Madhāhib. *AL-Qalam*, 27(2), 1–27. <http://www.alqalamjournalpu.com/index.php/Al-Qalam/article/view/2127>
- Jamaluddin, S., Djakat, M., Hidayatussalam, H., & Samin, S. (2023). Opportunities and challenges of the implementation of Islamic Law in Indonesia. *International Journal of Social Science*, 2(5), 2177–2186. <https://doi.org/10.53625/ijss.v2i5.4930>
- Jany, J. (2020). Legal Traditions in Asia: History, Concepts and Laws. In *Ius Gentium: Comparative Perspectives on Law and Justice* (pp. 163–230). Springer. <https://doi.org/10.1007/978-3-030-43728-2>
- Kamali, M. H. (2016). Caliphate and Political Jurisprudence in Islam: Historical and Contemporary Perspectives. *The Muslim World*, 106(2), 384–403. <https://doi.org/10.1111/muwo.12145>
- Khan, P. (2021). An outlook from Historical Review of Imam Malik Ibn Anas's Principles of Instruction and Classroom Management (715-795). *Al-Azhār*, 7(02), 18–26. <https://doi.org/10.46896/alazhr.v7i02.241>
- Kizilkaya, N. (2020). Scholarship and Education in Islamic Law and Economics: The Challenges of Comparative Law (Fiqh al-Muqāran). *Turkish Journal of Islamic Economics*, 7(2), 32–49. <https://doi.org/10.26414/A188>
- Mohiuddin, A. (2023). Religious Authority in Islam: Resilient Patterns of Evolution From the Formative Period to Contemporary Times. In *Navigating Religious Authority in Muslim Societies: Islamist Movements and the Challenge of Globalisation* (pp. 117–163). Springer. https://link.springer.com/chapter/10.1007/978-3-031-44825-6_4

- Moustafa, T., & Sachs, J. A. (2018). Law and society review special issue introduction: Islamic law, society, and the state. *Law & Society Review*, 52(3), 560–573. <https://doi.org/10.1111/lasr.12360>
- Muhammadin, F. (2020). *Fiqh Al-Jihād In The Contemporary World: Addressing The Gaps In The Regulations On The Means And Methods Of Warfare* [International Islamic University Malaysia]. <https://doi.org/10.2139/ssrn.3690225>
- Murphy, A. M. (2020). Islam in Indonesian Foreign Policy: The Limits of Muslim Solidarity for the Rohingya and Uighurs. *Asian Institute for Policy Studies*, 6. <https://www.jstor.org/stable/resrep27633>
- Oluwaseun, S. S. (2022). An Examination of The Major Madhhabs: A Case for Reunification. *Journal of Shariah Law Research*, 7(2), 161–184. <https://ejournal.um.edu.my/index.php/JSLR/article/view/40856>
- Pakeeza, S., & Jahangir, H. (2023). Unification of Muslim Ummah: An Impetus to Religious Harmony. *OEconomia*, 6(2), 200–230. <https://oekonomiajournal.com/index.php/Journal/article/view/66>
- Peters, R. (2020). What Does It Mean to Be an Official Madhab?: Hanafism and the Ottoman Empire. In *Shari'a, Justice and Legal Order* (pp. 585–599). Brill. https://doi.org/10.1163/9789004420625_032
- Picken, G. N. (2015). The Concept of sunna in the Early Shāfi'ī Madhab BT - The Sunna and its Status in Islamic Law: The Search for a Sound Hadith. In A. Duderija (Ed.), *Palgrave Series in Islamic Theology, Law, and History* (pp. 139–162). Palgrave Macmillan US. https://doi.org/10.1057/9781137369925_8
- Pill, S. C. (2018). Knowing Shari'ah Law: Epistemology and Indeterminacy in Islamic Jurisprudence. *Chi.-Kent J. Int'l & Comp. L.*, 18, 1.
- Pitlik, H., & Rode, M. (2017). Individualistic Values, Institutional Trust, and Interventionist Attitudes. *Journal of Institutional Economics*, 13(3), 575–598. <https://doi.org/10.1017/S1744137416000564>
- Powell, E. J. (2022). Complexity and Dissonance: Islamic Law States and the International Order. *International Studies Review*, 24(1), viac001. <https://doi.org/10.1093/isr/viac001>
- Rachlinski, J. J., & Wistrich, A. J. (2017). Judging the judiciary by the numbers: Empirical research on judges. *Annual Review of Law and Social Science*, 13(1), 203–229. <https://doi.org/10.1146/annurev-lawsocsci-110615-085032>
- Rafay, A., Sadiq, R., & Ajmal, M. (2016). Fragmentation of Islamic Financial Products—an Exploratory Study of Islamic Schools of Thought. *Abasyn Journal of Social Sciences, Special Is*, 48–61. <https://ssrn.com/abstract=2790458>
- Ramadhan, M. (2020). Feedback Ali Abdul Raziq System Of Khilafah: Concept Analysis Ala Ali Abdul Raziq State And Its Relevance Democracy In Indonesia. *Global Jurnal Al-Thaqafah*, 10(10), 1–27.

- Sebastian, L. C., & Othman Alkaff, S. H. Bin. (2024). Ideologies and Their Importance in Shaping Islam, Muslims, and Activism in Indonesia. In *Indonesia and Islam in Transition* (pp. 71–131). Springer. https://link.springer.com/chapter/10.1007/978-981-97-1140-6_3
- Suhadi, Mashdurohatun, A., & Gunarto. (2022). Reconstruction of Indonesian Islamic Law Compilation Using Madhab Perspective Based on Justice Value. *Scholars International Journal of Law, Crime and Justice*, 5(3), 122–127. <https://doi.org/10.36348/sijlcj.2022.v05i03.005>
- Vanberg, G. (2015). Constitutional Courts in Comparative Perspective: A Theoretical Assessment. *Annual Review of Political Science*, 18(1), 167–185. <https://doi.org/10.1146/annurev-polisci-040113-161150>
- Wahid, S. H. (2024). Research Insights on Online Fatwas. A Comprehensive Systematic Literature Review. *Journal of Fatwa Management and Research*, 29(1), 23–46. <https://doi.org/10.33102/jfatwa.vol29no1.570>
- Zartman, I. W., & Zartman, I. W. (2019). Dynamics and Constraints in Negotiating Internal Conflicts. *A Pioneer in Conflict Management and Area Studies: Essays on Contention and Governance*, 23, 161–172. https://doi.org/10.1007/978-3-030-06079-4_9
- Zubair, S., & Zubair, M. (2017). Situating Islamic Feminism (s): Lived Religion, Negotiation of Identity and Assertion of Third Space by Muslim Women in Pakistan. *Women's Studies International Forum*, 63, 17–26. <https://doi.org/10.1016/j.wsif.2017.06.002>
- Бектенова, М., Сейтахметова, Н., & Токтарбекова, Л. (2021). The Phenomenon of Islamic Identity in The Religious and Cultural Context of Islamic Philosophy. *Адам Әлемі*, 88(2), 122–131. <https://doi.org/10.48010/2021.2/1999-5849.12>