

TOWARD A COMPREHENSIVE UNDERSTANDING: THE DEDUCTIVE METHOD OF MADZHAB USHUL FIQH MUTAKALLIMIN AND ITS TRANSFORMATIVE IMPACT ON MODERATE FIQH DISCOURSE

Ahmad Munir Hamid

Fakultas Ekonomi dan Bisnis, Universitas Islam Darul Ulum Lamongan
munirhamid@unisda.ac.id

Abstract

This paper examines the deductive method used by the Ushul Fiqh Mutakallimin madhhab and its implications for moderate fiqh thought. Madzhab Ushul Fiqh Mutakallimin is one of the schools of thought in the science of Ushul Fiqh which has a strong deductive approach in understanding sharia laws. This paper involves an in-depth analysis of the basic principles of the deductive method used by the Ushul Fiqh Mutakallimin madhhab, including the use of textual postulates and qiyas (analogies) in determining the laws of fiqh. In the contemporary context, moderate fiqh thought is particularly relevant in the face of the complex challenges faced by Muslims. A more flexible understanding of sharia laws can help in addressing various social and moral problems that arise in modern society. Therefore, an understanding of the deductive method of the Ushul Fiqh Mutakallimin madhhab and its implications for moderate fiqh thought has important relevance in developing fiqh insights that are in accordance with the demands of the times.

Keywords: *deductive method, madhhab ushul fiqh mutakallimin, and moderate fiqh.*

INTRODUCTION

One school of Islamic thought that has a deep intellectual and philosophical tradition is Madzhab Ushul Fiqh Mutakallimin. This madhhab is known for its characteristic use of deductive methods in its reasoning process, which mainly emphasizes the use of reason and logic to formulate religious laws. This deductive approach relies on rationality and logical argument as a means of understanding and formulating laws that conform to Islamic principles. Although sometimes referred to as the Ahl al-Kalam madhhab, the Mutakallimin Ushul Fiqh Madhhab has a close relationship with Ushul Fiqh derived from the Islamic tradition¹. Imam al-Shafi'i was the figure who founded the science of the origin of fiqh, as well as being the originator of this madhhab².

The study of the history of fiqh is essential to understanding Islamic law. The study of the development of fiqh appeared simultaneously with the science of fiqh, according to Abu Zahrah, a famous scholar. This is because the creation of fiqh and other products of Islamic law requires extensive investigation using certain techniques. In other words, the science of fiqh, which is the understanding of Islamic law, is always based on techniques that can produce certain rules, and this is what is known as the proposition of *fiqhi*³. According to Mustafa Ahmad al-Maragi, legal

¹ Hasan Bisri, "Metode Istinbath Hukum Ibnu Katsir Dalam Kitab Tafsir Al-Qur'an Al-Azhim," *ADLIYA: Jurnal Hukum Dan Kemanusiaan* 11, no. 1 (2017): 1–24, <https://doi.org/10.15575/adliya.v11i1.4849>.

² Yasin Jetta, "Pemikiran Hukum Islam Ibnu Taimiyah," *Jurnal Ilmiah Al-Syir'ab* 8, no. 2 (June 14, 2010), <https://doi.org/10.30984/as.v8i2.19>.

³ R Rahmawati and Budiman - Budiman, "Logika Induktif Dalam Penemuan Hukum Islam, Kontribusi Pemikiran Asy-Syatibi Dalam Ilmu Ushul Fiqh," 2018.

istinbat—the practice of deriving legal principles from verses in the Qur'an or Hadith—began to emerge during the time of the Companions because fuqaha such as Ibn Mas'ud, Ali ibn Abi Talib, and Umar ibn Khattab found it difficult to solve problems without rationalizable basis and rules. For example, Ali ibn Abi Talib used corporal punishment to punish those who had experienced khamr. And if someone continues to drink, they will be punished using the approach of al-hukm bi al-ma'al or preventive punishment (al-hukm bi az-zara'i) ⁴.

The Mutakallimin method is one of two approaches used by ulama ushul in producing a legal principle, which is different from the Hanafiyyah approach⁵. Madhhab Ushul Fiqh Mutakallimin and Madzhab Ushul Fiqh Fuqaha are two directions in the science of Ushul Fiqh that have differences in the way they approach and develop their methodologies. Here is the difference between the two: Madhhab Ushul Fiqh Mutakallimin is famous for the use of deductive methods in their thought processes, with emphasis on the use of reason and logic to formulate religious laws. They lay down rationality and logical argument as tools for understanding and formulating laws in accordance with Islamic principles. This approach has a strong relationship with Ushul Fiqh as a method in extracting laws derived from Islam⁶.

LITERATURE REVIEW

The Ushul Fiqh Fuqaha madhhab is known for using inductive methods in its reasoning process. This method focuses on the use of sharia postulates to formulate religious laws, making sharia postulates the main source in formulating religious laws. This madhhab has a close relationship with Ushul Fiqh as its method, which emerged from within Islam itself, and the founder of this madhhab was Imam Abu Haneefah. Despite differences in approach and methodology, both schools share the same goal of formulating Islamic laws in accordance with Islamic principles⁷.

The Ushul Fiqh Mutakallimin madhhab had a great impact on the development of moderate fiqh thought. Moderate fiqh thought tends to adhere to a deductive approach in its reasoning, which is in line with the method applied by Madzhab Ushul Fiqh Mutakallimin. This enables responsive and relevant fiqh thinking in the face of complex changes in modern society. Modern societies often use logical argument and rationality in the process of ijihad (legal reasoning), creating a bridge between the intellectual heritage of Islam and the evolution of the times. This allows moderate fiqh thought to address contemporary challenges within Islamic societies⁸.

The Mutakallimin Madhhab of Ushul Fiqh also posits rationality and logical argument as tools for understanding and formulating laws in accordance with Islamic principles. This approach is in harmony with the moderate fiqh approach that emphasizes a broader and contextual understanding of Islamic laws. Therefore, a deeper understanding of the deductive method in Madzhab Ushul Fiqh Mutakallimin can help moderate fiqh thinking in formulating Islamic laws that are dynamic and relevant to changes in social, cultural, and economic contexts⁹.

In Indonesia, the majority follow the Imam Shafi'i School. In the context of Ushul Fiqh, Imam Shafi'i's thought is better known as the Mutakallimin School. Although the term Mutakallimin is often used in the science of kalam, it is not very popular in jurisprudence or Islamic law. The term Mutakallimin becomes foreign when used in everyday conversation,

⁴ Rahmawati and Budiman.

⁵ M Subiyanto, "Fikih Pernikahan Lintas Agama (Studi Terhadap Pemikiran Hukum Wahbah Az-Zuhaili Tentang Perempuan Ahl Al-Kitab)," 2012.

⁶ Noer Yasin, "Pemikiran Hukum Ibnu Hazm," *El-Harakah: Jurnal Budaya Islam* 7, no. 1 (2005), <https://doi.org/10.18860/el.v7i2.4655>.

⁷ Muhammad Jamil and Herian Sani, *Fikih Kontemporer: Sebuah Dialektika* (CV Manhaji, 2017).

⁸ Jamil and Sani.

⁹ Zainal Fanani, "Peran Publik Perempuan Dalam Pemikiran Muhammad Sa'ïd Ramadlân Al-Bu'î Perspektif Kesetaraan Gender," 2018.

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especially in discussions of Islamic law, even more so in discussions of constitutional law in Indonesia. In fact, the basics of legal excavation in Indonesia are largely influenced by the way of thinking of the Mutakallimin School¹⁰.

In constitutional law in Indonesia, its moderate character cannot be separated from the influence of the thought of the Mutakallimin School. From this moderate nature, an ideology that unites many nations, tribes, and religions that has lasted for centuries, was born which was formerly known as *Bhinneka Tunggal Ika*¹¹. Therefore, when Indonesia was born, another term called Pancasila was realized. Pancasila became the foundation in implementing religions spread across the archipelago. Pancasila is the result of the thought of a person who is able to correlate religion and state. Thanks to the wisdom of the founding fathers of the Indonesian nation who were able to practice *ijtihad*, Pancasila was accepted by all circles at that time, not only by Muslims but also non-Muslims¹². This shows clearly the nature of *rahmatan lil alamin* which was reflected in the core culture of the Indonesian nation at that time, which we know today as Pancasila.

RESEARCH METHODS

In this study, the method used is a qualitative descriptive analysis technique, where all data obtained are presented in the form of descriptions describing the results of the study (Sugiyono. 2018). Data collection is carried out through various approaches, including online and print literature studies, as well as literature sources relevant to this research. The data analysis process is a very crucial stage in this research. The data that has been collected will be carefully analyzed to enable accurate conclusions. In the context of this study, analytical techniques based on the Miles and Huberman model were used. As explained by Sugiyono (2018), qualitative data analysis is carried out interactively and continuously until all data is covered. This analysis process consists of three main stages: data reduction, data presentation, and conclusion/verification¹³.

Analysis of primary texts (classical manuscripts) on “toward a comprehensive understanding: the deductive method of madzhab ushul fiqh mutakallimin and its transformative impact on moderate fiqh discourse” discusses the deductive method in madzhab ushul fiqh mutakallimin and the impact of its transformation on moderate fiqh discourse. This manuscript discusses the different approaches in understanding legal texts and how deductive methods in the madzhab ushul fiqh mutakallimin can help understand legal texts comprehensively. The paper also discusses how this deductive method can influence moderate fiqh discourse and help develop a broader understanding of Islamic law¹⁴.

The deductive method of Madzhab Ushul Fiqh Mutakallimin has a transformative impact on moderate fiqh discourse in the following ways:

¹⁰ Hanif Aidhil Alwana, “Aliran Pemikiran Ushul Fiqh Dan Pengaruhnya Terhadap Pendekatan Hukum Islam,” *JURIS (Jurnal Ilmiah Syariah)* 19, no. 2 (December 18, 2020): 147, <https://doi.org/10.31958/juris.v19i2.2375>.

¹¹ Abu Yasid Pascasarjana Ekonomi Syariah et al., “Nalar-Moderat Mazhab Mutakallimin Dan Implikasinya Pada Pencatatan Nikah Di Indonesia,” *Journal of Islamic Family Law*, n.d., 2775–2887, <https://doi.org/10.36420/Asasi>.

¹² Abu Yazid, “Mendialogkan Dimensi Keilmuan Ushul Fiqh,” *At-Ta’dib* 7, no. 1 (June 25, 2012), <https://doi.org/10.21111/at-tadib.v7i1.524>.

¹³ Sugiyono, “Metode Penelitian Bisnis: Pendekatan Kuantitatif, Kualitatif, Kombinasi, Dan R\&D,” 2018.

¹⁴ Alwana, “Aliran Pemikiran Ushul Fiqh Dan Pengaruhnya Terhadap Pendekatan Hukum Islam.”

- 1) Introducing the understanding of legal texts: The deductive method allows Ushul Fiqh thinkers to understand legal texts comprehensively by combining logic and religious revelation. This leads to a broader approach to understanding legal texts and developing a deeper understanding of Islamic law¹⁵.
- 2) Develop skills in recognizing differences in approach: The deductive method allows Ushul Fiqh thinkers to recognize different approaches in understanding legal texts, such as the Mutakallimin approach which is identical to understanding legal texts, and the fuqaha approach which focuses on legal rules and reasons¹⁶.
- 3) Developing critical thinking: The deductive method encourages Ushul Fiqh thinkers to think critically about the legal basis they have and examine different aspects of legal understanding. This leads to the development of critical thinking and analytical skills in recognizing and understanding Islamic law in greater depth¹⁷.
- 4) Overcoming misconceptions: The deductive method helps to overcome misconceptions in understanding Islamic law by taking into account the context and logical-empirical postulates in order to bring up various operational legal provisions¹⁸.
- 5) Developing communication and dialogue: The deductive method allows Ushul Fiqh thinkers to provide clearer and structured arguments in a fast, improved communication and dialogue between Ushul Fiqh thinkers and other parties¹⁹.

By influencing moderate fiqh discourse through this deductive method, Madhhab Ushul Fiqh Mutakallimin made an important contribution in developing a broader and deeper understanding of Islamic law.

RESULTS AND DISCUSSION

Madzhab Ushul Fiqh Mutakallimin

Introduction to Madzhab Ushul Fiqh Mutakallimin and its history.

The Prophet SAW, as a mercy for all nature, played a very vital role in facilitating the understanding of the Qur'an for his companions. He received revelation directly from Allah Almighty and dedicatedly conveyed it to his companions in written form. Therefore, in order to explain the meaning of the Qur'an to the Companions, the Prophet relied on as-Sunnah as a guideline. The Companions trusted his knowledge and guidance because at that time, the Prophet was still alive and could provide explanations

¹⁵ Abu Yazid, "Mendialogkan Dimensi Keilmuan Ushul Fiqh" 7, no. 1 (2012).

¹⁶ A. Yasid, "Epistemologi Ushul Fiqh: Antara Pembaharuan Dan Pemberdayaan Mekanisme Istibath Al-Ahkam," *Jurnal Asy-Syir'ab* 45, no. I (2011).

¹⁷ Yasid.

¹⁸ Ruslan, "Aliran Pemikiran Ushul Fiqh Dan Pengaruhnya Terhadap Pendekatan Hukum Islam," *Jiemas* 1, no. 3 (2021): 1–12.

¹⁹ Yazid, "Mendialogkan Dimensi Keilmuan Ushul Fiqh," 2012.

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and guidance in responding to various questions and issues of religious law, all of which referred to the Qur'an²⁰.

The questions asked by the Companions were answered by the Prophet by adhering to the guidelines of the Qur'an. All these actions and sayings of the Prophet in response to the questions of his companions are known as the Sunnah of the Prophet of Allah. However, friends also do not always ask about everything. If there is a question similar to the one that has been asked before, you will make a similar decision, following the guidelines that have been given before. During the life of the Prophet (peace be upon him), Usul Fiqh developed through his explanations in answering the questions of the Companions about the Qur'an and the Sunnah²¹. At the time of the Companions, 'Ilm ushul al-fiqh and 'ilm al-fiqh (al-ijtihad) had become a major concern among them. 'Ilm al-fiqh was even recorded earlier than 'ilm ushul fiqh. This is due to the understanding that every law of fiqh must have a certain method or way to draw from its source. In the context of Islamic law, this method is known as ushul al-fiqh.

During the Tabi'in period and the Tabi'in generation they became the forerunner of the rapid development of the Islamic State. Along the way, there are various disputes, difficulties, views, and spiritual growth that occur gradually. All these problems unwittingly add to the responsibility of the mujtahid imams in broadening their horizons towards ijtihad. They relied on legal sources that had existed since the previous period, including the Qur'an, the Hadith of the Messenger of Allah, fatwas, decrees of the companions, and mujtahidin fatwas. Abu Zahra concluded that at this time the method of istinbat experienced rapid development along with the expanding territory of Islam. As a result, new problems arise that require legal solutions²².

Madzhab ushul fiqh mutakallimin at the time of four madzhab

Imam Abu Haneefah's thought in Usul Fiqh combines various sources of Islamic law to create a solid foundation in establishing religious laws. He took inspiration from various sources, including the Quran, the Sunnah of the Prophet of Allah, and the fatwas of the Prophet's companions. One of the important concepts in the thought of Imam Hanafi is Al-Qiyas, that is, analogous reasoning²³. Using Al-Qiyas, he was able to identify new laws based on principles contained in existing sources of Islamic law. This allowed the adaptation of Islamic law to new situations that arose as society developed. In addition to Al-Qiyas, Imam Abu Haneefa also introduced the concept of Istihsan, which permits the selection of laws that are considered the most just and good in a particular context, although they may not be directly related to any particular nash-nash (texts). This approach considers the welfare of the people and the values of justice in determining the law. In addition, Imam Hanafi also pays attention to the factor of Al-'Urf, which is a habit or practice accepted in society. He considered that customs that

²⁰ Munadi Idris Nim., "Tinjauan Hukum Islam Terhadap Rekayasa Kelahiran Melalui Caesar," 2011.

²¹ Irkham Afifianto, "Sejarah Perkembangan Pemikiran Ushul Fiqh," *At-Tabdzib* 1, no. 2 (2013): 220–41, <http://ejournal.kopertais4.or.id/mataraman/index.php/tahdzib/article/view/1169>.

²² azizi, "Penggunaan Metode Kaidah Ushuliyah Dalam Memahami Nash Secara Tekstualis Dan Kontekstual."

²³ Irkham Afifianto, "Sejarah Perkembangan Pemikiran Ushul Fiqh," *At-Tabdzib* 1, no. 2 (2013): 220–41, <http://ejournal.kopertais4.or.id/mataraman/index.php/tahdzib/article/view/1169>.

had been widely accepted in society could also be a consideration in establishing certain laws²⁴.

These ideas make the Hanafi school one of the most flexible schools in interpreting and applying Islamic law. Although Imam Abu Haneefa followed a certain approach in Usul Fiqh, he also accepted dissent and promoted tolerance of other views in Islam. With his dedication to science and his endeavours in understanding Islamic law, Imam Abu Haneefa left a valuable intellectual legacy that still influences the thinking and practice of Islamic law to this day. The Hanafi School remains one of the most widely followed schools throughout the Muslim world²⁵.

Imam Malik was renowned for his prudence in accepting hadiths as a source of law. He only accepted hadiths narrated by trusted narrators and had a strong sanad (chain of narrators). This shows the level of thoroughness and steadfastness of Imam Malik in maintaining the integrity of the science of hadith. Maliki Madhhab is also known for its approach that greatly respects the traditions and practices of ahlul Madinah. Imam Malik believed that the long-standing practices in Medina had high legal value. Therefore, he tended to prioritize the charity of Madinah in establishing the laws in his madhhab. In addition, in his ijthad method, Imam Malik also took into account the general maslahah (benefit). He was of the view that Islamic laws should accommodate the general benefit of society. This concept is known as al-Maslahah Mursalah in the Maliki madhhab²⁶. It is important to note that although Imam Malik is highly respected in the Islamic world, the Maliki madhhab does not become the majority madhhab in the Muslim world like the Hanafi madhhab or Shafi'i madhhab. However, the influence of Imam Malik's thought and approach to the science of fiqh and the science of hadith remains recognized and respected in the Islamic tradition, and the Maliki madhhab remains one of the four major schools of fiqh in Islam.

Muhammad ibn Idris As-Shafii, also known as Imam Shafii, was born in Gaza, Palestine, in 150 H/767 A.D. He was a scholar who attained the rank of mujtahid and wrote the famous work Al-Risalah, in which he compiled the legal point of view of various ideas considered valid in the legal dispute that developed between Ahl al-Hadith and Ahlu Rayi. While the academic known as Ahl al-Hadith lived in Medina, Ahlu Rayi was found in Iraq. Imam Shafi'i elaborated on the sources of law in Al-um in the following order: the Qur'an, As-Sunnah, ijma, and Qiyas²⁷.

Imam Ahmad bin Hambal is one of the important figures in the history of Islamic scholarship. He was known for his adherence to the Qur'an and Hadith in establishing religious laws. Imam Hambali was also very careful in accepting hadiths, and only accepted those that were considered strong according to the strict criteria he set²⁸. Madzhab Hambali is also known for its firmness in maintaining Islamic aqidah (faith). Imam Ahmad bin Hambal insisted on defending the belief of ahlul sunnah wal jama'ah,

²⁴ Yusno Abdullah Otta, "ISTIHSAN (Telaah Sosiologi-Kultural Pemikiran Imam Hanafi)," 2016, <https://doi.org/10.30984/as.v6i2.248>.

²⁵ Yusno Abdullah Ota, "Istihsan: Telaah Sosiologi-Kultural Pemikiran Imam Hanafi," *Jurnal Ilmiah Al-Syir'ah* 6, no. 2 (2008), <https://doi.org/10.30984/as.v6i2.248>.

²⁶ Fatkan Karim Atmaja, Program Magister, and Hukum Keluarga, "Perkembangan Ushul Fiqh Dari Masa Ke Masa 1 (Development of Ushul Fiqh From Time to Time)" 5, no. 1 (2017): 23–38.

²⁷ Afifianto, "Sejarah Perkembangan Pemikiran Ushul Fiqh," 2013.

²⁸ Fatkan Karim Atmaja, "Perkembangan Ushul Fiqh Dari Masa Ke Masa," *Mizan: Jurnal Ilmu Syariah* 5, no. 1 (2017): 23–38, <https://doi.org/10.32832/mizan.v5i1.20205>.

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and he rejected all forms of bid'ah (innovation in religion). It is one of the four major schools of Islam, in addition to the Maliki, Hanafi, and Shafi'i schools.

It is important to note that the Hambali madhhab places great emphasis on the use of the Qur'an and Hadith as the main sources of Islamic law. However, in emergencies, they also allow the use of qiyas (analogies) as a tool to answer new problems that have not been documented in the Qur'an and Hadith. Imam Ahmad bin Hambal left a valuable intellectual legacy in the form of books of law, such as "Musnad Ahmad," which is one of the largest and most famous collections of hadith in Islam. This book became an important reference for scholars and researchers in understanding religious laws²⁹. Thus, the Hambali madhhab, pioneered by Imam Ahmad bin Hambal, had a significant role in the history of Islamic thought and still has followers today.

Table .1 Thought and Dissemination of the four madhhabs

Madzhab	Founder	Key Thoughts	Spread
Hanafi	Abu Hanifah	Aql dan Ijtihad	Irak, Turki, India, dan Asia Tenggara
Maliki	Malik bin Anas	Al-Qur'an, al-Hadits, dan Ijma'	Mesir, Maroko, dan Afrika Utara
Syafi'i	Muhammad bin Idris asy-Syafi'i	Al-Qur'an, al-Hadits, Ijma', dan Qiyas	Mesir, Suriah, Yaman, dan Indonesia
Hanbali	Ahmad bin Hanbal	Al-Qur'an, al-Hadits, dan Ijma'	Irak, Arab Saudi, dan Asia Selatan

Source: Data processed

From the data above, it can be concluded that:

- 1) Abu Haneefa (700-767 CE) was the founder of the Hanafi madhhab. He was born in Kufa, Iraq, and studied jurisprudence from various scholars in the city. The Hanafi madhhab is known for its use of reason and ijtihad in establishing Islamic law.
- 2) Malik ibn Anas (711-795 CE) was the founder of the Maliki madhhab. He was born in Medina, Saudi Arabia, and studied jurisprudence from various scholars in the city. The Maliki madhhab is known for its use of the Qur'an, al-Hadith, and ijma' in establishing Islamic law.
- 3) Muhammad ibn Idris ash-Shafi'i (767-820 AD) was the founder of the Shafi'i madhhab. He was born in Gaza, Palestine, and studied jurisprudence from various scholars in Mecca, Medina, and Iraq. Shafi'i madhhab is known for its use of the Qur'an, al-Hadith, ijma', and qiyas in establishing Islamic law.
- 4) Ahmad ibn Hanbal (780-855 AD) was the founder of the Hanbali madhhab. He was born in Baghdad, Iraq, and studied jurisprudence from various scholars in the city. The Hanbali madhhab is known for its use of the Qur'an, al-Hadith, and ijma' in establishing Islamic law.

²⁹ Author Team et al., USHUL FIQIH, 2023, www.penerbitwidina.com.

The development of these Ushul Fiqh Schools is growing rapidly in various Islamic regions. The Hanafi school flourished in Iraq, Turkey, India, and Southeast Asia. The Maliki madhhab flourished in Egypt, Morocco, and North Africa. Shafi'i madhhab flourished in Egypt, Syria, Yemen, and Indonesia. The Hanbali madhhab flourished in Iraq, Saudi Arabia, and South Asia. Until now, these madhhabs are still studied and embraced by Muslims around the world.

Explanation of the deductive method in Madzhab Ushul Fiqh Mutakallimin.

The rules of the Mutakallimin school emphasize rational reasoning, proper use of language, and direct quotation. Therefore, this flow is known as the deduction formulation pattern. Meanwhile, the fuqaha school focuses more on elaborating the problems of the *furū'iyah* which they use as arguments for their opinions. This is then referred to as the induction formulation pattern. The choice of one of these two schools has implications for the pattern of legal *istinbat* and has a significant impact on the development of Islamic law, which is always faced with the challenge of change in society

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The mutakallimin method is an approach applied by scholars of *ushul fiqh* from the mutakallimin group, including al-Shafi'i, Malik bin Anas, Ahmad bin Hambal, as well as adherents of their madhhab. This approach has more characteristics that focus on legal analysis based on the texts of the Qur'an and Sunnah. This is closely related to the belief that the only legitimate source of law is Allah and His Messenger³¹. In practice, this method adopts a deductive thinking pattern. They seek rational understanding of texts (*nash*) or propositions using rational reasoning. From this understanding, they draw logical and general rules based on rational reasoning. Therefore, in developing the principles of *ushuliyah* law, elements such as science, reasoning (*nadhar*), and interpretation of words in the context of meaning, definition of terms, as well as demonstration (*burhan*) are considered as basic aspects³².

For example, in the Qur'an there is a command to perform prayers expressed in commandment words (*amar*). From this the question arises, "What is the law of performing this prayer? Is it obligatory or only recommended (*sunnah*)?" To answer the question, scholars must have the ability to determine the laws contained in the commandment of prayer formulated in the words of the commandment³³.

The deductive method can simply be described as follows:

- 1) Allah Almighty commands people to perform prayers.
- 2) Prayer is considered very important in Islam because it is one of the five pillars of Islam, the pillars of religion, the first charity counted, and so on.

³⁰ Abdul Helim, Syarifuddin Syarifuddin, and Aris Sunandar Suradilaga, "Examining the Ethical Considerations of Placing Elderly Parents in Nursing Homes: A Perspective on Maqasid Sharia and Social Welfare," *Uhlul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 6, no. 2 (2024): 189, <https://doi.org/10.30659/jua.v6i2.30584>.

³¹ Abudin Nata et al., "Pendidikan Islam Isu Dan Inovasi," 2017.

³² Ahmad Sukria, "Problematika Pembelajaran Bahasa Arab Dan Pemecahannya (Studi Kasus Pada Siswa SMP Muhammadiyah 04 Sukorejo Kendal Tahun Ajaran 2007/2008)," 2008.

³³ Azizi, "Penggunaan Metode Kaidah Ushuliyah Dalam Memahami Nash Secara Tekstual Dan Kontekstual."

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- 3) Disobedience to Allah's commands can result in insults to His servants, as mentioned in Surah An-Nur verse 63.
- 4) Acts punished when not done and rewarded when done are regulated in jurisprudence or taklif law.
- 5) Therefore, legal prayer is considered an obligation.
- 6) Prayer exists because there are verses that contain commandments (sighat amr). As long as the true meaning of a sentence can be understood, it does not need to be interpreted majazi³⁴.

The sentence can be rearranged as follows:

“If we consider that prayer is obligatory and the direction to perform prayer is expressed in nash using a pronunciation indicating the commandment (amar), then we can conclude that the origin of the commandment is to affirm the obligation. From this concept, we can formulate a rule: 'The origin in the commandment is to indicate obligation.' Once this rule is established, the scholars then reach it in the form of ijma' (agreement). Although this rule generally applies to many laws of fiqh (furu'), we also realize that in some cases, this deductive method is not always relevant to the various laws of fiqh³⁵”.

Therefore, in the mutakallimin method, various principles of language law were further developed and served as a basis for exploring different aspects of fiqh law. These derivatives depend largely on the ability of a mujtahid to analyze the nash and use his thinking power wisely.

The concept of moderate fiqh thought and its relevance in modern society.

The concept of moderate fiqh thought refers to an approach that considers the social, cultural, and historical context in understanding Islamic law. Some of the relevance of this concept in modern society is how to encourage tolerance and harmony between religious communities. Moderate fiqh thinking emphasizes the importance of tolerance and harmony between religious communities. This is relevant in an increasingly multicultural and multireligious modern society³⁶. Moderate fiqh thinking also encourages women's involvement in various aspects of life, including in politics and economics. This is relevant in modern societies that increasingly value gender equality³⁷. Moderate fiqh thinking also encourages inclusive understanding of various groups of society, including minority groups. This is relevant in a modern society that increasingly values diversity³⁸. Moderate fiqh thought also encourages progressive thinking in understanding Islamic law. This is relevant in modern societies that are increasingly inclined to adopt progressive values³⁹. In the Indonesian context, moderate fiqh thinking is also relevant in efforts to reform Islamic law in pesantren.

³⁴ Azizi.

³⁵ Azizi.

³⁶ Syifa S. Mukrimaa et al., *Jurnal Penelitian Pendidikan Guru Sekolah Dasar*, vol. 6, 2016.

³⁷ Fanani, “Peran Publik Perempuan Dalam Pemikiran Muḥammad Sa’id Ramadlān Al-Būṭi Perspektif Kesetaraan Gender.”

³⁸ Lu’lu’ Nurhusna, “Multikulturalisme Azyumardi Azra Dan Relevansinya Dengan Pendidikan Agama Islam,” 2014.

³⁹ Muhammad Nasruddin, “Halaqah Fikih Peradaban Dan Relevansinya Terhadap Penguatan Nilai Moderasi Beragama Di Pesantren,” *Pesantren Studies Annual Symposium on Pesantren Studies (Ansops) 2022 Prosiding Nasional Vol. 01 2022 e ISSN: 2746-1238* 01 (2022): 2–14.

When we find that the amar (commandment) indicates an obligation, the question arises whether the performance of this obligation, such as the five daily prayers, should be done immediately or is it permissible as long as there is time? To give an answer to this question, we can make the following statement:

“First, there is no demand in religion that the adhan must be declared immediately. Existing religious texts emphasize that prayers should be performed as quickly as possible before the end of prayer time, and it is best to pray from the beginning of time. In this context, the command requires quick action, but can be adapted to circumstances and situations. It is different if in religious texts there is the word “now,” which signifies actions that must be carried out without delay. Second, prayer times have a predetermined time limit, such as the time of day from sunrise to asr time, or when the shadow of the body exceeds the length of the object. Thirdly, therefore, the performance of prayer is not only about urgency, but also about carrying out the commandments perfectly. Fourth, it can be concluded that as long as there is no clue confirming urgency in a religious text, then basically the commandment has no element of urgency⁴⁰.”

According to Hanafiah and Shafiiyah;

(al'asl faa al'amr la yuqtadaa alfanr) الأصل في الأمر لا يقتضى الفور

The core principle is that there is no necessity to act immediately. This is because the described Sharia law of Amr was created only as a demand to perform an act. Therefore, there are no instructions that require immediate action or allow it to be delayed. Fuqaha, Malikiyah and Hanablah argue.

(al'asl faa al'amr yuqtadaa alfanr) الأصل في الأمر يقتضى الفور

“The basic principle requires immediate action”, They liken it to shigat nahyu which means 'immediately', because both are the same request. Amr regulations after there is a ban on any of the nashes used, such as the order for grave pilgrimages after it is forbidden to do so. In this regard, there is a hadith about grave pilgrimages and recommendations to practice them taken from the book “Adab Pilgrimage of the Grave for Women” by Amr Abdul Mun'in⁴¹.

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: بَهَيْتُكُمْ عَنْ زِيَارَةِ الْقُبُورِ فَرُزُواهَا

It means, “I have forbidden you to make a pilgrimage to the grave long ago. But now make your pilgrimage there. (HR Muslim)”

In simple terms from the thinking of the concept of the mutakallimin method we can see from the following statements:

- a) Statement I: If any instruction initially prohibits, then the prohibition is considered an exclusion factor for the instruction.
- b) Statement II: Instructions that have an exclusion factor cannot be made mandatory.
- c) Statement III: Allows a balance between obligations and prohibitions.

⁴⁰ Azizi, “Penggunaan Metode Kaidah Ushuliyah Dalam Memahami Nash Secara Tekstualis Dan Kontekstual.”

⁴¹ Azizi.

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- d) Statement IV: The original law for instructions that previously prohibited it is permissible.

Implications of Madzhab Ushul Fiqh Mutakallimin Thought on Moderate Fiqh Thought

Introduction to moderate fiqh thought and its characteristics

Fiqh is the result of mujtahid efforts that have flexible characteristics and are able to adapt to the times. Moderate fiqh is an attempt to present fiqh with a moderate approach, which is neither extreme nor too liberal. This approach is in the middle, namely in understanding sacred texts such as the Quran and Hadith, using the method of *ijtihad bayani*, *qiyas*, and *istislahi* or *maslahah*. In this way, the results of *ijtihad* produced will be moderate and in accordance with the context of the times. The concept of sustainability in a religious context is known as religious moderation⁴².

Religious moderation has become one of the most popular concepts in the last two years. One important aspect of this concept is moderate religious attitude, which has four main benchmarks. These four aspects have an important value to understand together, because they become a guide in our every step; First, have an open attitude to new inputs. For example, M Nur Kholis illustrates this with the attitude of Imam Malik, author of the book *Al-Muwaththa'*. In one narration, it is mentioned that Imam Malik took 40 years to write the book. The length of writing is due to Imam Malik's desire to receive input from scholars. Every input received was then analyzed and improved, until finally the scholars agreed that Imam Malik's work had reached an adequate level of perfection.

Second, always think rationally in carrying out worship and good deeds. All religious acts must be logically described. If an action seems contrary to common sense, then there needs to be room to question and understand the reasoning. It is important to know that there are aspects of religious teachings referred to as '*ta'abbudi*' that cannot always be explained rationally. For example, why should we perform ablution and why should farts be washed on their faces. Things like this fall under the category of '*ta'abbudi*' and do not always have to be understood with reason⁴³.

The next action is *tawadhu'* or humility. In the context of moderate skills, it is important for individuals to present themselves as individuals who are aware of the limitations of their knowledge. They must be constantly eager to learn more, and they must maintain a humble attitude when interacting with others. They must not feel superior or have absolute understanding, especially in terms of religious understanding. Furthermore, moderation also requires individuals to always view that every action they take must provide benefits. This approach is not merely a material benefit, but rather a qualitative benefit and religious understanding that can provide guidance for an educated society⁴⁴.

This concept of moderate fiqh aims to maintain balance and fairness in the understanding of Islamic law. The mujtahids or fiqh experts who adhere to this approach seek to integrate the texts of the Quran and hadith with common sense and contextual

⁴² Sandra F Sanusi, "Kaidah Fikih: Sejarah Dan Pemikiran Empat Mazhab," 2021.

⁴³ M Nur Kholis, "Bagaimana Sikap Moderat? Ini Empat Cirinya," 2019, <https://kemenag.go.id/nasional/bagaimana-sikap-moderat-ini-empat-cirinya-s3dnhp>.

⁴⁴ Kholis.

understanding. They do not take sides with one extreme that ignores *nash* literally or that relies too much on reason absolutely. Moderate jurisprudence emphasizes the importance of understanding the social, cultural, and changing context of the times in formulating Islamic laws. This allows the religion of Islam to remain relevant and to be applied fairly in a variety of different situations. The scholars who follow this approach also value diverse views and accept dissent within reasonable limits⁴⁵. In this regard, the scholars of *ahlussunnah wal jamaah* such as Imam Abu Haneefah, Imam Malik, Imam Shafei, and Imam Ahmad bin Hanbal, as well as other scholars, are known as defenders of moderate *fiqh*. They seek to avoid extremism in religious understanding and maintain a balance between *nash* and reason.

The Method of Ijtihad in Moderate Fiqh

To achieve a moderate understanding of Islam, a stage called *Ijtihad* is needed. There are several methods of *Ijtihad* that can produce Islamic law or moderate religious understanding. Some of the methods of *Ijtihad* are as follows⁴⁶:

1) *Ijtihad bayani*:

Ijtihad bayani is an approach in determining sharia law by referring to sharia texts, both Quran and hadith. Imam Shafii often refers to it as *bayan Ilahi* (Quran) and *bayan nabawi* (hadith). However, someone who wants to take law from sharia texts should understand that legal reform from sharia texts is not easy. This is due to the complexity of sharia texts that include absolute and *muqoyad* aspects, *muhkamat*/clear and *mutasyabihat*, and various other things. Therefore, a person who wants to practice legal practice must have a deep understanding of the study and interpretation of the Qur'an and Hadith.

To understand verses like Surah Al-Maidah verses 44 and 45 correctly, one needs to master the information regarding *asbabunuzul ayat* or *asbabul wurud*. This is very important because without such knowledge, the risk of misinterpretation of the verse or misunderstanding the meaning of the verse becomes greater. It is not enough if he only relies on translation in Indonesian to take the law. He must have a deep understanding of the linguistic rules of the Arabic language. In addition, he must also be able to understand the *nash* being studied, because understanding the verses of the Quran, cannot be done in pieces. There must be a connection between one verse and another, and one hadith with another.

b. Method Al Qiyas

Qiyâs in Arabic means to make comparisons or measurements, such as comparing A with B because both have the same height, body shape, face, and so on. In addition, *qiyâs* can also refer to the act of measuring, such as measuring the ground with a meter or other measuring device. It also includes comparisons between two things to find the similarities. From the various understandings given by *ushûl fiqh* scholars, we can specify that *qiyâs*, according to *ushûl fiqh* scholars, is a method of establishing the law of an event or situation that is not expressly explained in the legal text (*nash*) by

⁴⁵ Sanusi, "KAIDAH FIKIH: SEJARAH DAN PEMIKIRAN EMPAT MAZHAB."

⁴⁶ H Muhammad Jamil, dkk Herian Sani, and Sebuah Dialektika, "FIKIH KONTEMPORER," n.d.

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comparing it with other events or situations that already have a clear law based on nash, because there are similarities 'illat (legal reasons) between the two⁴⁷.

When there is an event or events that need to be given a law, but there is no nash that can be used as a reference to determine it, then qiyâs can be used as a method to establish the law. This is done by looking for other events or events that already have a law based on nash, and between them there is an equation of 'illat. It is important to note that qiyâs can only be used when it is certain that no nash can be used as a basis for establishing the laws of an event or occurrence⁴⁸. Therefore, the first step that must be taken by someone who wants to use qiyâs is to find out if there is a nash that can be used as a basis for determining the law of the event or occurrence. If it is confirmed that there is no relevant nash, then qiyâs can be done.

Reflections on how deductive methods can strengthen or weaken moderate fiqh thinking

The deductive method, in the context of moderate fiqh thought, has the potential to strengthen or weaken an argument in several ways. On the one hand, the deductive method can strengthen moderate fiqh thinking by taking accepted premises and producing logical conclusions consistent with moderate thinking. It can strengthen the understanding of moderate fiqh in a way that is based on strong arguments. However, on the other hand, deductive methods can also weaken moderate fiqh thinking if the premises used do not conform to existing social and cultural realities. If the deductive method does not take into account the diversity of views and different social contexts, then the resulting conclusions may become irrelevant and do not provide strong support for moderate fiqh thought. Therefore, it is important for moderate fiqh thinkers to exercise the deductive method carefully, ensuring that the premises used reflect the complex social and cultural realities that surround them. Thus, the deductive method can be a useful tool for reinforcing moderate fiqh thinking when used wisely⁴⁹.

Moderations, they are a group that understands religious texts with a moderate approach, not literally but also not freely. They interpret religious texts according to general purposes, relate practical issues to key principles, always refer to clear texts and firm instructions, avoid ambiguous interpretations, and return to firm texts. Qaradawi himself claims to be a follower of this approach. For him, this approach is the most capable of conveying the essence of Islam as well as protecting the teachings of Islam from changes and deviations that may be made by opponents of Islam⁵⁰.

The deductive method in Madzhab Ushul Fiqh Mutakallimin is a method of taking Islamic law by deriving the law from the general rules that have been established before. These general rules can be in the form of shari'i postulates (Qur'an, Sunnah, and Ijma') as well as rules of reason. Here are the steps in using the deductive method in Madzhab Ushul Fiqh Mutakallimin:

1. To determine the general beliefs that are relevant to the problem to be discussed.

⁴⁷ As Subki et al., "Baca Juga : • Akhlak Para Ulama - Mahaguru Madrasah Nidhamiyah • Menengok Isi Kitab Ushul Fiqh ' Al - Burhan ' Karya Imam Haramain Kandungan Kitab Al - Mustashfa," 2019.

⁴⁸ Sanusi, "Kaidah Fikih: Sejarah Dan Pemikiran Empat Mazhab."

⁴⁹ Muhammad Jamil, Herian Sani, and Dialektika, "FIKIH KONTEMPORER."

⁵⁰ Muhammad Jamil, Herian Sani, and Dialektika.

2. Identify specific facts related to the problem.
3. Match these specific facts with predetermined general rules.

Draw legal conclusions based on such matches. For example, one of the general rules in the Madhhab of Ushul Fiqh Mutakallimin is “The original law of all things is mubah (permissible)”. This general rule can be derived from the postulates of the Shari'i, such as the Qur'anic verse which reads “Allah justifies for you the good and forbids for you the bad” (QS. Al-A'raf: 157).

Now, we will use the deductive method to establish the laws of playing chess. First of all, we must determine the general rules relevant to this issue. The most relevant general rule is the rule “The original law of all things is mubah (may)”. Next, we must identify specific facts related to the game of chess. These specific facts include:

1. The game of chess does not contain elements of gambling or betting.
2. The game of chess does not contain elements of violence or persecution.
3. The game of chess can train thinking skills and strategies.

After that, we must match these specific facts with the general rules that have been established before. Based on the rule “The original law of all things is mubah (may)”, and the specific facts mentioned above, we can conclude that the law of playing chess is mubah (may). The deductive method in Madzhab Ushul Fiqh Mutakallimin has several advantages, as it can be used to solve legal problems for which there is no specific nash that governs. This method can be used to develop Islamic laws that are in accordance with the times and the needs of society. And this method can help us to understand Islamic laws more deeply. However, the deductive method also has some disadvantages, due to several reasons, such as; This method can produce different legal conclusions, depending on the general rules used. This method can trap us in misguided reasoning, if we are not careful in using it. Therefore, it is important to use the deductive method in Madzhab Ushul Fiqh Mutakallimin carefully and responsibly.

On the other hand, other philosophers put a lot of emphasis on the idea of substantialism, which holds that every provision of Shariah has a purpose. Under the guise of pursuing the greater good in line with the objectives of sharia (maqashid sharia), they often ignore or even avoid certain parts. The group is referred to by Qaradawi as “neosubpolandists,” who retain a traditional substantialist perspective while ignoring the true significance of God's names. They are limited to examining only those Qur'anic verses that support their claims, not their entire content. Strong paragraphs actually never conflict with advantages. According to Qadhâw, acts such as abolishing hudud punishment, legalizing alcohol, encouraging adultery, abolishing zakat requirements, banning polygamy, allowing prostitution, and equalizing⁵¹.

Finding a middle ground is the best strategy according to Qardhawi. This implies that literary or significant features should not be overemphasized. This method will help us avoid the possibility of disobeying the established verses (dalâlah and qoth'i tsubût). This strategy can be implemented by incorporating the understanding of juz'i texts within the framework of maqashid Sharia (general purpose of sharia). As a result, the idea of maqashid as-shari'ah according to al-Qaradawi differs from the general idea. In the context of ijti'ah, he thought that a person who has the capacity to consider different

⁵¹ Muhammad Jamil, Herian Sani, and Dialektika.

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points of view, come to conclusions, and compare the truth among them (*tarjih*) deserves to be free from ties to a particular school⁵².

The above description explains that if we combine the term literalistic paradigm with al-Jabiri's frame of mind on Islamic epistemology, then the classical Islamic legal paradigm can be considered a literalistic paradigm. This means that the main discussion in this paradigm is texts, especially Arabic texts, both grammatically and syntactically, with a tendency to ignore the basic understanding of the message contained in the literal text. In other words, this paradigm emphasizes the text as a source of knowledge, either directly by considering the text itself as knowledge, or indirectly by using the text as a basis for reasoning⁵³.

In this paradigm, reason is considered unable to provide knowledge unless it is connected to the text (*nash*). In this context, the term “*bayani paradigm*” is used to describe this approach, which al-Jabiri says has several meanings, including appearance and clarity. In terminology, *al-bayan* refers to the search for clarity centered on the points of the text (*naql-nas*), either directly or indirectly. In this paradigm, the text becomes the main foundation in understanding and retrieving knowledge.

Examples of Thought and Legal Istimbâth Popular Madzhab Ushul Fiqh Mutakallimin

Istimbâth of Ibn Qayyim Al-Jauziyah's Law on Medicine and Health. The results of this study reveal two methods of legal istimbâth used by Ibn Qayyim al-Jauziyah in the context of medicine and health. First, in matters of medicine, the method is based on the *dilâlah 'ibârah* or *ibârat nash* of the Qur'an, as found in suras Yunus [10]: 57 and Al-Isra' [17]: 82, which are clarified through the hadith of the Prophet. Secondly, with regard to health issues, the method refers to the *dilâlah 'ibârah* or *ibârat nash* of the Qur'an, specifically suras al-Maidah [5]: 6 and Al-'Araf [7]: 31, which are also clarified by the teachings of the Prophet's hadith. Both of these methods have important relevance to modern concepts of medicine and health. One of its prominent relevance is in the theory of therapies that involve the process of medical measures, such as maintaining a healthy body through preventive measures and carrying out the process of expulsion of harmful substances from the body, following the guidelines found in this study⁵⁴.

Reviewing the Concept of Al-'Adah Al-Muhakkamah on the Tradition of “Batal Wudhu” in Traditional Marriages of the Ternate People in Ternate. This study found that the ablution procession carried out by the community is a hereditary tradition and has developed for a long time. The 'null ablution' procession understood by the community consists of two forms: first, there are those who understand this procession as a form of legalization and change of mahram relations between men and women. Second, as a prayer giving to the wife called 'Paha ngoma-ngoma' by placing her hands on the crown of the wife while praying. Analysis using Al'Ibadah Al-muhakkamah makes the first form distorted. This falls into the category of 'fasid worship or 'urf fasid while

⁵² Muhammad Jamil, Herian Sani, and Dialektika.

⁵³ A Abdullah, “Kritik Nalar Arab: Tinjauan Kritis Atas Pemikiran Muhammad ‘Abid Al-Jâbirî,” 2013, <https://doi.org/10.24252/jdi.v1i1.6586>.

⁵⁴ Suansar Khatib, “The Legal Istimbâth of Ibnu Qayyim Al-Jauziyah in the Terms of Medication and Health,” *Madania* Vol. 24, I, no. pp 233-246 (2021).

'Paha ngoma-ngoma' may be 'Saheeh worship or 'urf Saheeh is justified, hence the 'paha ngongoma' procession is applied, not 'ablution void'⁵⁵.

Explore Imam al-Ghazali's character education in *Bidayah Al-Hidayah*. The paragraph delves deeper into al-Ghazali's character education contained in *Bidayah al-Hidayah*. Through this study, we can gain a deep understanding of various aspects of character education, such as its purpose, scope, and the material contained therein. Moreover, we can also understand the methods advocated by al-Ghazali to implement this character education. The results of this study revealed several significant things, namely: First, morals are mental states that are able to encourage a person to behave well without hesitation or doubt. Second, character education in *Bidayah al-Hidayah* includes aspects such as character education towards Allah, character education towards oneself, and character education towards others. Third, there are various methods used to internalize educational material into students, such as providing examples, riyadloh, scheduling, habituation, practice, and memorization⁵⁶.

Pandemic Jurisprudence: Legal Deductions from the History of Al-Ṭā'ān's Plague Transmission in Islam and Its Relationship to Maqāṣid Sharīah. From this study can be concluded six steps taken by the Muslim community at that time as a general and practical response to the outbreak. The six measures involve controlling movement, joint consultation, implementing quarantines, social distancing and prohibiting large gatherings, taking care of corpses infected with infectious diseases, and dealing with the outbreak of al-ṭā'ūn which is considered maraḍal-makhūf. Moreover, the measures are aligned with Islamic principles and meet the demands of the maqasid of sharia to safeguard the welfare of Muslims and protect them from the threat of a pandemic⁵⁷.

Imam al-Shāfi'ī's Method of al-Shāfi'ī in Hadith Criticism. Studies show that al-Shāfi'ī had a high level of expertise in evaluating hadith. In addition to having a considerable collection of hadiths, he was known for his accuracy in narrating hadiths. In hadith criticism, his analysis is based on the observation of the phenomena of tafarrud and mukhālafah as indicators of 'illah. He also applied the method of matan criticism as supporting evidence that strengthened sanad's criticism. In general, there is no significant difference between the method of criticism used by him and the method used by earlier hadith scholars. These findings at the same time raise questions about the claim of methodological differences between hadith experts and fiqh experts in hadith criticism⁵⁸.

The above are some examples of the implementation of the mutakallimin madzhab in a modern and novel phenomenon. There are actually many examples of its implementation, and the fact is that this idea is easily accepted by modern society. The study above also explains that in some problems in some areas there are problems that sometimes still have no legal source, so this approach is the most suitable to apply.

⁵⁵ Muhrim Djakat Nur Azizah Rahman, Marwa Anjamila Tarima, Harun Ginoni, "Review the Concept of Al-Āḍāḥ Al-Muhakkamah on Tradition Āḍāḥ Batal Wudhuāḥ• the Traditional Wedding of Ternate People in Ternate," *Jurnal Ilmiah Al-Syir'ah* Vol. 20, I, no. 1-1 (2022).

⁵⁶ Nur Afifah, "Exploring Character Education of Imam Al-Ghazali in *Bidayah Al-Hidayah*," 2018.

⁵⁷ Lukman Abdul Mutalib, "The Fiqh of Pandemics: Legal Deduction from The History of The Contagion of Al-Ṭā'ūn Plague in Islam and Its Relationship with Maqāṣid Sharīah," *Universiti Sains Islam Malaysia* Vol. 1, Is, no. pp 18-41 (2021).

⁵⁸ Umar Muhammad Noor, "METODE IMAM AL-SHĀFI'Ī DALAM KRITIK HADITH: Method of Al-Shāfi'ī in Hadith Criticism" 21-32. doi (n.d.).

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CONCLUSION

With a deductive approach, the Ushul Fiqh Mutakallimin madhhab combines text interpretation with rational thinking to formulate sharia law that is more appropriate to the context of the times. This approach allows the adaptation of Islamic law to changing societies and social dynamics without neglecting religious principles. In addition, this deductive method also encourages open dialogue and tolerance in fiqh thinking, helps build an inclusive understanding of fiqh and reduces the potential for conflict in society. Therefore, an understanding of the deductive method of the Ushul Fiqh Mutakallimin madhhab has an important role in shaping moderate and relevant fiqh thinking in the modern era, which can provide guidance that better suits the needs of Muslims living in diverse social and cultural contexts.

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Conflict of Interest

This article has an interest in the history of the development of Islamic economic sources of law (istinbath) and its contentary policies as well as understanding what underlies the framework for determining legal sources enforced in Indonesia, as well as exploring how the government harmonizes the rules of law of Usul Fiqh in an effort to develop an economy based on sharia principles.

REFERENCE

- Abdullah, A. (2013). Kritik nalar Arab: Tinjauan kritis atas pemikiran Muhammad 'Abid al-Jâbirî. *Jurnal Diskursus Islam*, 1(1), 114–126. <https://doi.org/10.24252/jdi.v1i1.6586>
- Afifah, N. (2018). Exploring character education of Imam al-Ghazali in Bidayah al-Hidayah [Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang]. Etheses UIN Malang.
- Afifianto, I. (2013). Sejarah perkembangan pemikiran ushul fiqh. *At-Taahdzib*, 1(2), 220–241.
- Alwana, H. A. (2020). Aliran pemikiran ushul fiqh dan pengaruhnya terhadap pendekatan hukum Islam. *JURIS: Jurnal Ilmiah Syariah*, 19(2), 147–162. <https://doi.org/10.31958/juris.v19i2.2375>
- Asshidqi, M. Y., Hanifa, A. N., & Makfi, M. M. (2023). Pengaruh aktivitas keberagamaan terhadap implementasi moderasi beragama bagi santri Pondok Pesantren Universitas Islam Indonesia. *At-Thullab: Jurnal Mahasiswa Studi Islam*, 5(1), 1303–1318. <https://doi.org/10.20885/tullab.vol5.iss1.art8>
- Atmaja, F. K. (2017). Perkembangan ushul fiqh dari masa ke masa. *Mizan: Jurnal Ilmu Syariah*, 5(1), 23–38. <https://doi.org/10.32832/mizan.v5i1.20205>

- Azizi, A. Q. (2020). Penggunaan metode kaidah ushuliyah dalam memahami nash secara tekstualis dan kontekstual. *Journal of Islamic Studies and Humanities*, 5(1), 14–31. <https://doi.org/10.21580/jish.v5i1.5963>
- Bisri, H. (2017). Metode istinbath hukum Ibnu Katsîr dalam kitab Tafsîr al-Qur'ân al-Azhîm. *ADLIYA: Jurnal Hukum dan Kemanusiaan*, 11(1), 1–24. <https://doi.org/10.15575/adliya.v11i1.4849>
- Fanani, Z. (2018). Peran publik perempuan dalam pemikiran Muḥammad Sa'îd Ramadlân al-Būṭî perspektif kesetaraan gender [Master's thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang]. Etheses UIN Malang.
- Idris, M. (2011). Tinjauan hukum Islam terhadap rekayasa kelahiran melalui caesar [Undergraduate thesis, Universitas Islam Negeri Sunan Kalijaga Yogyakarta]. Digilib UIN Sunan Kalijaga.
- Jamil, M., et al. (2017). Fikih kontemporer: Sebuah dialektika (H. Sani, Ed.). CV Manhaji.
- Jetta, Y. (2010). Pemikiran hukum Islam Ibnu Taimiyah. *Jurnal Ilmiah Al-Syir'ah*, 8(2). <https://doi.org/10.30984/as.v8i2.19>
- Kementerian Agama Republik Indonesia. (2019, November 22). Bagaimana sikap moderat? Ini empat cirinya. <https://kemenag.go.id/nasional/bagaimana-sikap-moderat-ini-empat-cirinya-s3dnhp>
- Khatib, S. (2020). The legal istinbâth of Ibnu Qayyim al-Jauziyah in the terms of medication and health. *Madania: Jurnal Kajian Keislaman*, 24(2), 233–246. <https://doi.org/10.29300/madania.v24i2.5229>
- Mansur, M., Yasid, A., Ghozali, L., & Ritonga, I. (2023). Nalar-moderat mazhab Mutakallimin dan implikasinya pada pencatatan nikah di Indonesia. *ASASI: Journal of Islamic Family Law*, 3(2).
- Mutalib, L. A., Wan Ismail, W. A. F., Baharuddin, A. S., Ismail, A. M., Awang, M. S., Gunardi, S., Salleh, S. F., & Ahmad, M. H. (2020). Fiqh pandemik: Istintâj hukum dari sejarah penularan hawar al-Ṭā'ūn dalam Islam dan hubungannya dengan maqâṣid syariah. *AL-MAQASID: The International Journal of Maqasid Studies and Advanced Islamic Research*, 1(2), 18–41.
- Nasruddin, M. (2022). Halaqah fikih peradaban dan relevansinya terhadap penguatan nilai moderasi beragama di pesantren. *Prosiding AnSoPS: Annual Symposium on Pesantren Studies*, 1, 1–13.
- Nata, A., Fitri, A. Z., Arief, A., Latip, A. E., Azra, A., Muslim, B., Rosyada, D., Sobiruddin, D., Nanto, D., Fauzan, Fachruddin, F., Dwirahayu, G., Jaya, I., Kadir, Kurniawati, L., Istiqoriyah, L., Lolytasari, Zuhdi, M., Murodi, Nuraida, Shidiq, S., Sururin, & Suwendi. (2017). Pendidikan Islam: Isu dan inovasi. FITK UIN Syarif Hidayatullah Jakarta.
- Noor, U. M. (2019). Metode Imam al-Shāfi'î dalam kritik hadith: Method of al-Shāfi'î in hadith criticism. *Journal of Hadith Studies*, 4(1), 21–32. <https://doi.org/10.33102/johs.v4i2.81>
- Nurhusna, L. (2014). Multikulturalisme Azyumardi Azra dan relevansinya dengan pendidikan agama Islam [Undergraduate thesis, Universitas Islam Negeri Sunan Kalijaga Yogyakarta]. Digilib UIN Sunan Kalijaga.

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- Ota, Y. A. (2008). Istihsan: Telaah sosiologi-kultural pemikiran Imam Hanafi. *Jurnal Ilmiah Al-Syir'ah*, 6(2). <https://doi.org/10.30984/as.v6i2.248>
- Rahman, N. A., Tarima, M. A., Ginoni, H., & Djakat, M. (2022). Review the concept of al-‘Adah al-Muhakkamah on tradition “Batal Wudhu” the traditional wedding of Ternate people in Ternate. *Jurnal Ilmiah Al-Syir'ah*, 20(1), 1–15. <https://doi.org/10.30984/jis.v20i1.1775>
- Rahmawati, R., & Budiman, B. (2018). Logika induktif dalam penemuan hukum Islam: Kontribusi pemikiran Asy-Syatibi dalam ilmu ushul fiqh. TrustMedia Publishing.
- Ruslan, R. (2022). Aliran pemikiran ushul fiqh dan pengaruhnya terhadap pendekatan hukum Islam. *Jurnal Ilmiah Ekonomi, Manajemen dan Syariah*, 1(3), 1–12. <https://doi.org/10.55883/jiemas.v1i3.1>
- Sanusi, S. R. F. (2021). Kaidah fikih: Sejarah dan pemikiran empat mazhab. *Tahkim: Jurnal Peradaban dan Hukum Islam*, 4(2), 23–46. <https://doi.org/10.29313/tahkim.v4i2.6809>
- Subiyanto, M. J. (2012). Fikih pernikahan lintas agama: Studi terhadap pemikiran hukum Wahbah az-Zuhaili tentang perempuan Ahl al-Kitāb [Undergraduate thesis, Universitas Islam Negeri Sunan Kalijaga Yogyakarta]. Digilib UIN Sunan Kalijaga.
- Sugiyono. (2018). Metode penelitian bisnis: Pendekatan kuantitatif, kualitatif, kombinasi, dan R&D. Alfabeta.
- Suherman, M. (2014). Aliran ushul fiqh dan maqashid syari’ah. *Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial*, 2(4), 353–368. <https://doi.org/10.30868/am.v2i04.130>
- Syamsudin, M. (2019, January 16). Mengenal kitab ushul fiqh “Al-Mustashfa” karya Imam al-Ghazali. NU Online.
- Tim Penulis. (2023). Ushul fiqh. Widina Bhakti Persada Bandung.
- Yasid, A. (2011). Epistemologi ushul fiqh: Antara pembaharuan dan pemberdayaan mekanisme istinbath al-ahkam. *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, 45(1). <https://doi.org/10.14421/ajish.v45i1.3>
- Yasin, N. (2005). Pemikiran hukum Ibnu Hazm. *El-Harakah: Jurnal Budaya Islam*, 7(1). <https://doi.org/10.18860/el.v7i2.4655>
- Yazid, A. (2012). Mendialogkan dimensi keilmuan ushul fiqh. *At-Ta'dib*, 7(1). <https://doi.org/10.21111/at-tadib.v7i1.524>