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THE ISSUES AND RELEVANCE OF ISTINBATH IN THE RECONSTRUCTION METHODOLOGY OF ISLAMIC CONTEXTUAL LAWS

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Abstract
Islamic law as the norm composed by Muslim Jurist in the first three centuries of Islam is examined in this study. Even though extracted from the Qur'an and Hadith, these norms are not the revelations rather than the human interpretations toward such sources. In addition, its compositional process is in a particular context that basically differs from the contemporary context. Hence, it gives the possible way for modern Muslims to make the same process in interpreting and implementing the Qur'an and Hadith by establishing an alternatively and appropriately Islamic Public Law to be applied nowadays. The theories of the contextualization of Islamic Law and the evolutionary principle (inverting the Nasakh process) see the appropriate way to compose the modern Islamic Law derived from the Qur'an and Hadith. A radical reform toward Islamic Law is necessary regardless of those methodologies accepted or refused by the contemporary Muslims.

Keywords:reforms, methodology, and Islamic law

Introduction

This article delves into istinb, an Islamic term that refers to the primary sources of fiqh, or Islamic law. The istinb method employs the qauliyyah method, which employs ulemas' arguments written in traditional books known as Kitab Kuning with limited contextualization. Some pesantrens use the bahth al-mas'il forum for istinb practices as a tradition in Indonesian pesantren and traditional Islamic practices (Ma'mun & Muhsin, 2020). This forum is extremely effective in providing solutions to various Islamic law issues that exist in the community and society at large. The problem is that Islamic legal doctrine is textual, relying on fiqh books or the qaul (opinions) of ulemas to solve problems (Usman, 2015).

Today, the situation and condition of Muslims aresignificantly different from those at the time of the Prophet. The Muslim community or the Muslim world nowis far behind the Western world. Europe, which previously started to recognize Greek civilization and greetings owing to Arab/Islamic scientists, is now in many ways much more advanced than the Islamic world, including its social and political roles. Even in law, most of the new countries that began to appear in the Islamic world since the end of the Second World War, including the Republic of Indonesia, follow the West in its constitutional law, civil law, and criminal law.The only one that still adheres to the teachings of Islam in these countries is

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family law: marriage, divorce, inheritance and waqf, and even then with various modifications (Sjadazli, 1997).

The rapid progress achieved by western countries today is because they continue to seek by exploiting reason, which is the most important gift from God to humanity. Meanwhile, intellectual development in the Islamic world has been arguably stalled for a long time. Although the phrase "The door to ijtihad has been closed" is rarely heard, Islamic thinkers still seem to be deterred from daring to think. As a result, Islam, which was in the Prophet's hands, was revolutionary teaching, now represents a backward sect, if it is not to be said: "outdated." (Sjadazli, 1997; Hosein, 1989).

It seems that it is necessary to reconsider MunawirSjadzali's Thesis that the leading cause of the decline in the Islamic world is the lack of courage to think and develop intellectually.As a result, God's revelation is only understood "textually" not "contextually".If these conditions continue, Islam is threatened with "being unable to talk about contemporary issues of humanity and civilization" (Sjadazli, 1997).

Textual Provisions as Contemporary Problems

Perhaps Muslims agree with the statement that the criterion for an Islamic proportion is that it must comply with the totality of the Qur'an and Sunnah. The problem, concerning this criterion, according to An-Na'im (1996), is that certain Qur'an verses and Sunnah prove incompatible with one another. For instance, the Qur'an at the earliest times of Mecca ordered the Prophet and his followers to preach peacefully and give the other partiesthe freedom to accept or reject Islam. Still, the Qur'an and Sunnah on the Medina period obliged and even emphasized under certain conditions to use force to compel unbelievers to embrace Islam (An-Na'im, 1996).Then An-Na'im, with his various arguments, says that the existing Islamic legal system, namely the Shari'ah, gives rise to severe problems with the modern constitution of criminal law, international law, and the latest standards of human rights, especially concerning the status of women and non-Muslims (Sjadazli, 1997; An-Na'im, 1996).

If a new principle of interpretation is not introduced to all or modern Muslims to modify or change aspects of Shari'ah public law, there are only two options left: to ignore the Shari'ah in public affairs, as is the case in many Muslim countries, or continue to enforce Shari'ah principles that ignore constitutional objections, international law, and human rights (An-Na'im, 1996).There are still many other statements from An-Na'im expressed in his work entitled Deconstruction of Shari'ah (translation) with their respective arguments, which genuinely reflect the "anxiety" arising from the incompatibility between the textual provisions of the Shari'ah and"ooutside view".In other words, there are many textual provisions of Islamic law, which An-Na'im considers as a problem if these provisions are related to the development of world civilization today (An-Na'im, 1996).

An-Na'im is not the only thinker who has questioned the textual provisions of the Shari'ah.In Indonesia, the unrest experienced by An-Na'im can also be seen inthe "Reactualization of

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Islamic Law"byMunawirSjadzali, which reflects the same view. If An-Na'im takesissue with the textual provisions of the Shari'ah in relation to modern constitutionalism and human rights, MunawirSjadzalidebates the provisions of Islamic law regarding the position of women, bank interest, non-Muslim citizens, and slavery as examples of textual provisions which in the present context are problematic (Sjadazli, 1997).

Apart from what has been stated above, there are still many statements written in various other books, which contain information about the problematic nature of some of the textual provisions of Islamic law in terms of current developments in the world.An article written by M. AthoMudzharpresented at a seminar at the Muhammadiyah University of Surakarta states about the number of Islamic countries that have an issue with a number of textual provisions of Islamic law, even though the concerned legal provisions are presented directly by the verses of the Qur'an,which incidentally has been considered as the most crucial legal provision (Mudzhar, 1997).

After the reality of the textual provisions of Islamic law has been disputed, the problem then is what will these Islamic legal thinkers do to solve the problem in question?Are they suggesting that the problematic provision be abandoned, or are they offering something else?

Critique towards Methodology of Islamic Law

Rereading what Abdullah Ahmed An-Na'im said in the book Deconstruction of Shari'ah, it is found several statements that contain criticism toward the theory of textual understanding of Islamic law that has been developed in the literature of ushul al-fiqh. Indeed, supporters of modern Shari'ah always speak of ijtihad in response to all the problems of modern Shari'ah practices.Given the nature and fundamental limitations of ijtihad within the framework of Shari'ah, this approach is unlikely to produce adequate reforms in overcoming the problems of modern public law (Anshori, 2008).

Although, on the whole, the author disagrees with the supporters of Shari'ah, who insist on implementing Shari'ah by ignoring the problems that may be faced by women and non-Muslims, the author respects their consistency and honesty.The supporters claim that these problems can be resolved through ijtihad within the framework of Shari'ah.Given the fundamental conception and detailed rules of Shari'ah, it is clear that the aspects that cannot be agreed upon cannot possibly be replaced through ijtihad as defined in the historical Shari'ah.The reason is simple; Shari'ah does not justify ijtihad in matters which are regulated by clear and detailed texts of the Qur'an and Sunnah (Djamil, 1997).

It can be concluded that internal reforms carried out within the framework of Shari'ah are no longer adequate when dealing with issues of public law. As long as ijtihad is within the framework of Shari'ah, its validity cannot be tested (Daniel, 1960). According to Fazlur Rahman, scholars who are educated in fiqh are not able to contribute to the modernization process because their education and orientation do not only limit them to traditional boundaries but also prevent them from paying attention to these problems (Rahman, n.da).

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In fact, if we go back to the ushul al-fiqh books, even in the section on how to take the law from the Shari'ah text, we can see the possible emergence of methodological criticism regarding the understanding of the law. The various ways that can be taken in an effort to understand Islamic law, as described in the ushul al-fiqh books, seem to be a signal for the "necessity" of the emergence of opinion differences. Choosing a particular way of understanding, which means leaving another way, clearly contains a"hidden criticism," which is aimed at those exposed to that other way and understanding.

However, the methodological criticism that has been seen in the interpreter's explanation always struggleswith and never leaves the frame of textual understanding.In other words, even though the criticism is poured in the description of the interpretation, all of them are only very partial (Mas'adi, 1997).It can be said to be a very "small thing" when it has to be compared with the criticism put forward by An-Na'im (1996), that ijtihad within the framework of Shari'ah is no longer adequate when it comes to dealing with issues of public law.This is a very radical criticism.An-Na'im's statement can be concluded that if the thought system offered is to solve the "problem of the textual provisions of Islamic law", then the conceptualization which has been "standardized" in the literature of ushul al-fiqh must be overhauled.

As mentioned earlier, An-Na'im also criticized Fazlur Rahman's academic career regarding the methodology of Islamic law.However, this does not mean that Rahman never made a fundamental criticism of the methodology of Islamic law at the peak of its development in his lifetime.Rahman (1984) has criticized the basic methodology of Islamic law. In fact, although An-Na'im (was not satisfied, Rahman actually did not just criticize, but he did more than that. He had reconstructed the methodology of the Islamic law that had developed before. The last quote presented above also implies that Rahman (n.da) wanted to change the paradigm of immortality and immutability of the law provisions of the Qur'an, which have been developed and are continuously being maintained.

Alternative Reforms of Methodology

In the interpretation books, it is explained that the Qur'an, which is thirty juz thick, was not sent down at once by God to the Prophet Muhammad, but gradually. Even scholars divide areas where the verses of the Qur'an were revealed into two categories:firstly, when the Prophet was in Mecca and secondly, after moving to Medina. The Qur'an verses that came down both in Mecca and in Medina are responses to problems that occurredin the society at that time and are a guide in solving those problems, while problems continue to develop over time (Coulson, 1987).

Both Qur'an and Hadith contain Nasakh.There are verses in the Qur'an that contain or even annul (Nasikh) the law or instructions that have been given in the verses received by the Prophet at previous times (Mansukh).Likewise, there are many Hadiths of the Prophet that recall the instructions he had previously given. The Qur'an justifies the existence of the Nasakh concept itself (QS. 2: 106).

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Removing the law from the text by considering the current context means returning to the principle of Nasakh.This principle has been widely accepted by Sunni law experts and various other schools of thought. It has become the basis for multiple principles and rules of Shari'ah, particularly in the public sphere. As one of the main problems of Shari'ah, Nasakh must be enforced in order to maintain consistency. In fact, it is an obligation to do so if the issues of Shari'ah nowadays need to be solved (An-Na'im, 1996).

Mahmoud Mohamed Toha argues by proposing a revolutionary reform of methodology, which describes it as "the evolution of Islamic legislation", which is essentially an invitation to build principles.New interpretations allow the application of verses from the Qur'an and Hadith with the principle of Nasakh.If this approach is applied, it will break the deadlock between goals andreforms and the limitations of the concepts and techniques of historical Shari'ah (Taha, 1987).

Mohammad Toha's principle of evolution is an evolutionary principle of interpretation that proves the process of Nasakh (abolition of the law of a text).So that texts deleted in the past can be used again in today's law, with the consequence that the deleted textsare used as the basis of Shari'ah.Verses used as the basis for Shari'ahare revoked, and the revoked verses were reused as the basis for modern Islamic law (Taha, 1987).If this proposal is accepted as the basis of modern public law, then the entire product of the law will be as Islamic as the existing Shari'ah.

Each of these thinkers has the view that what is eternal in the Qur'an is its ethical value, which in the socio-cultural context of Arab society in the seventh century "must be symbolized" in the form of specific legal rules which is Qur'anicin some way. Still, it doesn't have to be that way forever.However, it needs to be remembered that their view does not concern with the laws of "worship". The implications of the three methods offered seem to be about the whole sub-system of thought in the classical Islamic law methodology (Darokah, 1988).Each of them demands a change in the Maslahah theory and the field of Ijtihad because these two matters are significant in the framework of the methodology of Islamic law. Another implication, because on the one hand Islamic law must be built from universal ethical values and on the other hand, it must "accommodate the socio-cultural diversity" of various cultural areas, the proposal of the three methods has the same meaning as the offer of the plurality principle of Islamic law (Rahman, 1984; n.db).

To realize the reform of the methodology of Islamic law offered by the above modernist thinkers, it seems that the author agrees with Ibrahim Hosein's offer as follows: (1) abandon the literal understanding of the Qur'an and replace it with an understanding based on the spirit and soul of the Qur'an;(2) take on the sunnah of the Prophet from the point of view of his soul for tasyri'al-ahkam and provideutmost flexibility to develop techniques and implementation of worldly problems;(3) replace the ta'abbudi approach to nash with ta'aqquli approach;(4) break away from the old style of mashaihul 'illah and develop the formulation of a new'illah law;(5) shift attention from the criminal problem set by the nash (Jawabir) for the issue of criminal punishment (Zawabir) (Amal, 1989).

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According to Hosein, in the past, if they encountered a reality that was not in accordance with the nash of the Qur'an, they immediately rejected it because justifying such a reality means enforcing the law based on nothing revealed by Allah. Now, we must capture the soul of the Qur'an before blaming reality. So that if in this life we find rules or legislation that is relevant in terms of spirit and soul to the Qur'an, then such regulations and legislation can certainly be justified by Islam, even though they are not literally mentioned by or even in terms of the text is contradictory from the Qur'an (Amal, 1989).Ibrahim Hosein's argument above is presented not only because it is democratically accepted but also because it has the same vision and mission as well as practical implications as the thinkers presented above.

Ijtihad with Contextual Understanding of Text

In early history, Islamic law or fiqh was a dynamic and creative force.It can be seen from the emergence of a number of schools of law which had their characteristics, according to the socio-cultural and political background in which thoseschools of law grew and developed.The dynamic and creative development was driven by at least three main factors: First is religious motivation. Because Islam was the source of vindora and normative values that govern all aspects of Muslim life, the need to ground these norms and values as well as interpret the life of Muslims always cameout to the surface. Likewise, the all-encompassing Islamic law must always be able to provide solutions to new problems faced by society (Iqbal, 1981).

Second, is the independence of Islamic law specialists from political power.This independence has made them able to develop their legal thinking according to their respective understandings without getting hindered. The third is the flexibility of Islamic law itself, which has the characteristics of developing to overcome space and time throughout time. The examples of Umar bin Khaththab's policies are a good illustration of this(Iqbal, 1981).

The pioneers of Islamic law must be and are required to always be sensitive to the developments overtimes, situations, and conditions to find the relevance between the essence of law and the needs of society. According to Hasbi Ash-Shiddiqie, there are five principles that enable Islamic law to develop according to the times: (1) the principle of ijma';(2) the principle of qiyas;(3) the principle of maslahah mursalah;(4) the principle of 'urf;and (5) the principle of the changing of law bythe changing of times (Ash-Siddiqie, 1975).

The last principle above is in line with Muhammad RasyidRidha's statement: "In fact, those laws were enacted for the benefit of humans, and it can differ due to differences in time and place.So, a law is passed at a time when the need for that law is felt. But when the need for that law no longer exists, then it is a wise act to abolish the law and replace it with another law more appropriate to its time (Ridha, 1367 H).

The phenomenon of the closure of ijtihad as if there was a consensus gradually established itself, which more or less meant that from then on, no one could claim that he had the qualifications to carry out absolute ijtihad and that all future activities should be limited to the explanation, application, and interpretation of the doctrines that have beenformulated.The

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door closing of ijtihad, as it is usually called, logically leads to the need for taqlid. This term is generally interpreted as blind acceptance of the doctrines of schools and authorities which have been considered established (Schacht, 1971).

In fact, in the author's opinion, the words,ijtihad's door, do not exist in a theoretical sense. But, the qualifications are idealized in such a way that the existence of absolute ijtihad is limited by requirements that cannot be realized by a person, even according to Iqbal: The door closing to ijtihad is merely fiction, partly caused by the crystallization of thought in Islamic law, and partly by intellectual laziness, especially in a period of spiritual bankruptcy that has turned great thinkers into idols (Iqbal, 1981).

The consequences of all this are intellectual death and the cessation of ijtihad. As a result, what used to be a dynamic and creative Islamic law has now become a kind of grave misfortune. Even the results of the ijtihad of the mazhabs are considered to be untouched and accepted as is (Mas'ud, 1987). With these phenomena, Ibn Taimiyyah seems to have appeared on the historical reform of Islamic law by claiming the right of absolute ijtihad for himself and inviting Muslims to return to their spiritual roots-the Qur'an and Hadith.However, Ibn Taimiyyah's ideas had only limited influence among his students like Ibn Qayyim and never became a movement in his time (Taimiyah, n.d.).

In the modern period of Islam, Ibn Taimiyyah's religious appeals received a positive response from Muslim reformers. The drastic social changes that took place as a result of the infiltration of Western culture accompanied by Western colonialization in almost the entire Islamic world have given rise to several reformers who were concerned about the relevance of their religion to the modern world. The religious heritage of Traditional Islamic Law was seen as no longer meeting the needs of the times. From here, thinkers of Islamic law, according to the myth about the closed ijtihad doorwas then opened again,introduced a new formulation (Rahman, 1984).The crucial question that arises in this regard is it appropriate to open the door and use ijtihad while still within the framework of the existing principles of Shari'ah? Will the use of ijtihad now be able to solve fundamental problems concerning Shari'ah public law that is highlighted at the beginning of this paper?

In the context of historical textual and legal reasons, ijtihad is only limited to matters that have not been explained by clear and detailed texts of the Qur'an and sunnah.In addition, under the historical formulation of ushul al-fiqh (the rules governing the elaboration of Shari'ah principles from the source), ijtihad is not possible, even in matters that have been agreed upon through ijma (Rahman, 1984).In the author's opinion, the two restrictions on ijtihad must be modified or overhauled.This suggestion is supported by the historical fact that Umar bin Khaththab, the second Caliph and prominent companions, carried out ijtihad on matters which were clearly regulated by the texts of the Qur'an and Sunnah.

For example, it is stated in QS.9:60, a clear and detailed warning to determine the asnaf (posts) of expenditures or recipients of funds originating from zakat by determining al-mu'allafatuqulubahum (those whose hearts and loyalty still need attention from the Muslims), or are bound by material-intensive provisions. Thus, that community group has a legal right

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or a share of public property with the authority of the clear and detailed texts of the Qur'an and Sunnah. However, Umar bin Khaththab refused to pay the funds on the basis that the special funds should be paid at a time when the Muslims were still weak and needed their support. Since such a situation no longer exists, distribution among them should not be made.

Another significant example of the efforts of ijtihad in a matter which the texts clearly and in detail point out is based on Umar's refusal to share the spoils of war during the conquests in Iraq and Syria as part of the ghanimah (booty) to the Muslim soldiers who participated in the fighting. It is pointed directly by the text of the Qur'an in the QS.59: 5-10.When opposed by those who argued that the Prophet distributed the spoils of war throughout his life, Umar continued to refuse following the Qur'an's textual provisions as interpreted and applied by the Prophet. If this were done, it would drain an essential source of state financing needed to build an army to defend the country's territory (Sjadazli, 1997).

Still in the example of deviation cases from the textual provisions of the Qur'an by Umar Ibn Khaththab.The Qur'an surahAl-Maidah: 38 states that the punishment for a thief above a certain amount of wealth or price is cutting off his hand and the Prophet used that sentence. But Umar did not carry out the punishment for a thief on the consideration that at that time, Medina was in danger of starvation (Sjadazli, 1997).There are many other examples of Umar'sijtihad that did not follow the textual provisions of the Qur'an and the Sunnah stated in detail in MunawirSjadzali's work.

Fazlur Rahman argues that what Umar has done is based on his perception of the Muslim's main interest. But here is the point of the problem, that there was a clear and strong precedent from the earliest Islamic era, that those benefit considerations could legitimize the application of a rule spelled out through ijtihad even though by "rejecting" the clear and detailed provisions of the texts of the Qur'an and Sunnah (Rahman, 1984).

The various examples made by Umar cannot be considered as separate cases that can be simply ignored by the subsequent systematic formulation of ushul al-fiqh.An-Na'im (1994) clearly states that contemporary Muslims also have the ability to formulate ushul al-fiqh and have the right to carry out ijtihad even when it comes to matters that have been regulated clearly and in detail by the texts of the Qur'an and Sunnah, as long as the results of the ijtihad are in accordance with the essence and purpose of the Islamic treatise (An-Na'im, 1996).

People may agree to Umar Ibn Khaththab's breakthrough steps in understanding and practicing as well as in providing legal policies, because Umar's way in understanding what is stated in the Qur'an is nothing but a "method", a way that must be monitored for its validity and relevance from the point of view of its effectiveness in realizing principles. If a Shari'ah, a method becomes less or no longer effective, not due to the Shari'ah itself but because of its specific conditions, then the breakthrough is made not for the sake of denial of the Shari'ah, but for the realization of the principles that the Shari'ah initially intends to achieve (Rofiq, 1998). It can be seen clearly, starting from his policy to collect the Qur'an's manuscripts (mushaf), which was not instructed by the Prophet.The cancellation of the law of

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cutting off hands for thieves during the dry season, up to the cancellation of the distribution of booty (ghanimah) for soldiers who fought, which have been described above by the author.

There is one fact that needs to be stated here that every policy of breakthrough (ijtihad) towards the Shari'ah as indicated in verse, the basis is not on the general trend if that is only semi-general, but Umar's commitment to the messageof universality which is the goal of the concerned Shari'ah.So, every breakthrough (ijtihad) from Umar, which at first appears as a "deviation from the doctrine" even in the eyes of those who want to be benefited from the policy itself. But with the da'wah approach in this context, it must be translated into a process of awareness, conscientization, which is an approach that is vital for any social transformation process, so that the elite image of Umar can finally be accepted and implemented without having to go through coercion.

In other words, the intended breakthrough or modification must stick to the basic idea of the verses themselves. Thus, ijtihad is not just to validate and comply with what is currently becoming a general trend, let alone a semi-general one, but a breakthrough which is objectively more potent for the effort to realize a universal message that animates the verses in question.

Conclusion

In order to maintain the relevance of Islamic teachings, which are societal in nature, with the present world, and Muslims should not always be caught up in the literal or textual understanding and provisions of the verses of the Qur'an and the Sunnah of the Prophet. Still, they must use a ta'aqquli, contextual approach, or even situational by prioritizing the essence, spirit, and soul of the Qur'an and based on the belief that Islamic teachings have the flexibility to develop according to the development of civilization.

Actually, the proposal of the thought presented above is not something new. Umar bin Khaththab has provided many examples in understanding and applying Islamic teachings/laws. He didijti had in the context that there were no instructions from the Qur'an or the Sunnah. Still, he dared to pursue policies that were no longer in accordance with the literal meaning of the verses of the Qur'an or tradition, which was once done by the Prophet, with arguments among other things that situations and conditions have changed and times have been different.

References

Al-Qur'an dan Terjemahannya, (1998), Jakarta: Departemen Agama.

Amal, Taufik Adnan, (1989), Islam dan TantanganModernitas: Studi Atas Pemikiran Hukum Fazlur Rahman, Bandung: Mizan.

An-Na'un, Abdullah Ahmed, (1994), DekontruksiSyari'ahWacanaKebebasanSyzil, HakAsasiManusia dan HubunganInternasionaldalam Islam, Terj., Yogyakarta: Lkis.

Ash-Shiddieqie, T.M. Hasbi, (1975), Filsafat Hukum Islam, Jarkarta: Bulan Bintang.

The Seybold Report
ISSN 1533-9211
DOI 10.5281/zenodo.6759704

Anshori, Abdul Ghafur, (2008). Hukum Islam Dinamika dan Perkembangannya di Indonesia, Yogyakarta: Kreasi Total Media, Cet. Pertama.

Coulson Noel J., (1987). Hukum Islam dalamPerspektifSyari'at. (Terj).P3M, Jakarta.

Daniel, Sorman, (1960). Islam and West, Edinburgh.

Darokah, Ali, (1988), "ReaktualisasiMencariKebenaran, Ikhtiyar Yang Wajar" Dalam PolemikReaktualisasiAjaran Islam, Jakarta: Pustaka Panjimas.

Djamil, Fathurrahman,(1997), Filsafat Hukum Islam, Bagian Pertama,Ciputat: Logos WacanaIlmu, Cet. Pertama,

Hosein, Ibrahim, (1989)."Sampaidimana Ijtihad dapatberperan", Makalah yang disampaikan pada diskusi di IAIN Sunan GunungJati, Bandung.

Iqbal, Muhammad, (1981), The Reconstruction of Religious Thought in Islam, New Delhi: Kitab Bhavan.

Ma'mun, Sukron& Muhsin, Ilyya. (2020). Istinbat Method of Tablighi Students in Pesantren Temboro: Textual and Contextual Matter, Justicia Islamica: Jurnal Kajian Hukum dan Sosial, 17(2), 185-204.

Mas'adi, Ghufron, A., (1997), Pemikiran Fazlur Rahman tentang MetodologiPembaharuan Hukum Islam, Jakarta: Bulan Bintang.

Mas'ud, Muhammad Khalid, (1987).Islamic Legal Philosofi a Study of Syatibi's, Terj. Yudian W. asmin. Al Ikhlas, Surabaya.

Mudzhar, M. Atho' (1997). "Persoalan Gender dan DampaknyaterhadapPerkembangan Hukum Islam", makalahdisampaikandalam Acara Seminar yang Diselenggarakantanggal 22 November 1997.

Rahman, Fazlur, (1984). Islam, Bandung: Pustaka.

Rahman, Fazlur, (n.da), MembukaPintu Ijtihad, (Bandung: Pustaka, t.t)

Rahman, Fazlur, (n.db.), The Major Themes Of the Qur'an, (Chicago: Bibliotheca, t.t)

Ridha, Muhammad Rasyid, (1367 H), Tafsir Al-Manar, Kairo: Al-Manar.

Rofiq, Ahmad,(1998), Hukum Islam di Indonesia, Jakarta: Raja Grafindo,Cet. 3,

Schacht, Joseph, (1971), An Introduction to Islamic Law, London: Oxford At the Clarendon Press.

Sjadzali, Munawir, (1997), Ijtihad Kemanusiaan, Jakarta: Paramadina.

Taha, Mahmoud Mohamed,(1987), The Second Message of Islam. Translated by Abdullahi A. An-Na'im, Syracuse: University Press,

Taimiyah, Ibn. (n.d) al-Siyasah al-Syar'iyah fi Islah al-Ra'iywa al-Ra'iyah, Beirut: Daral-Fikral-Hadis, t.th.

Usman, M., (2015), RekonstruksiTeori Hukum Islam MembacaUlangPemikiranReaktualisasi Hukum Islam MunawirSjadzali, Yogyakarta: LKiS, Cet. Pertama.