MUḤAMMAD SAYYID ṬANṬĀWĪ ON *IJTIHĀD*: CONCEPT AND TYPOLOGY

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Abstract: This study aimed at exploring the concept and the typology of *ijtihād* according to Muḥammad Sayyid Ṭanṭāwī. The concept was descriptively expressed while analyzing it using content analysis techniques with a comparative approach. Meanwhile, in scrutinizing the biography and ideas of Ṭanṭāwī, this study utilizes inductive methods and a socio-historical approach to look at his social and political circumstances and the interaction of a *mujtahid* with his socio-cultural or socio-political environments. The results of the study showed that *ijtihād* according to Ṭanṭāwī, is an outpouring of the maximum ability of a *mujtahid* to arrive at the sharī‘ah law by means of *istinbāṭ* of the sharī‘ah propositions. The area of *ijtihād* according to Ṭanṭāwī is on the *ẓanniyāt al-thubūt* texts such as the Ḥadīth which is a lot of discussion of the Ḥadīth experts about its *sanad*, validity, weakness and so forth, or *ẓanniyāt al-dilālah*, such as the Ḥadīth or the Qur’ān which includes more than one meaning based on the meaning of *lughawī* or fairness of sharī‘ah. In addition, the Ṭanṭāwī’s typology of *ijtihād* covers the moderate and middle ground group that pay much attention to *maqāṣid sharī‘ah*, *naṣṣ*, and human interests as long as it does not conflict with *naṣṣ*.
Keywords: Ṭanṭāwī; *ijtihād*; sharī‘ah; moderate; Religious Utilitarianism.

Introduction

In the fourth century of *hijrah*, the problem of "closing the door of *ijtihād*" arose. According to al-Zuḥaylī, the phenomenon was inseparable from the fact that the Islamic State was divided into several small states and kingdoms, weakening Muslim society

and breaking their political ties. As a result, the Muslim community experienced the loss of freedom of thought, obstruction of *ijtihād* activities, and other scientific activities. The ulama were trapped in the bondage of religious fanaticism, loss of self-confidence, and the development of disagreements. They are fixated on textual *fiqh* and *ikhtiṣār*.[1]

These problems are the reason why *ijtihād* is *farḍ* (obligatory) in Islam. *Ijtihād* is the spirit of sharī'ah, or in other words that the development of sharī'ah in life depends on *ijtihād*. That "closing the door" was also contradicted by al-Suyūṭī. He said that *ijtihād* is *farḍ* at any time, and this world must not be empty of *mujtahids*, because in every period in society, there are new problems that must be completed and solved by a *mujtahid*.[2] Among those who reached the *mujtahid* level was Muḥammad Sayyid Ṭanṭāwī.

Ṭanṭāwī is the Grand Mufti of Egypt who was appointed on October 28, 1986. He held this position for nearly ten years, until he was appointed for Grand Imam of the Al-Azhar Mosque and the Grand Shaykh of Al-Azhar University by the President of Egypt, Husni Mubarak, on March 27, 1996 until his death on March 10, 2010. During his life, Ṭanṭāwī was known by some scholars as moderate thinker, and his opinions were often at odds with hard-liner Muslims. Ebrahim Moosa, a Professor at University of Notre Dame, mentioned that Ṭanṭāwī is a scholar who possessed a very pluralist and pro-western mindset.[3]

The consistency of Ṭanṭāwī in terms of opening the door of *ijtihād* can be seen from his *fatwās*. In 1989, Ṭanṭāwī said that a certain interest rate based on government investment is not categorized as prohibited usury.[4] His *fatwā* caused a storm of controversy with the opposition of all traditional scholars. For instance, Ṭanṭāwī mentioned that the interest on bank deposits is perfectly Islamic. Ṭanṭāwī suggests that the law should be changed

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[1] Wahbah al-Zuḥaylī, *Uṣūl al-Fiqh al-Islāmī* (Beirut: Dār al-Fikr al-Mu'āṣir, 2001), 1113.

[2] Al-Suyūṭī, *al-Radd 'alā Man Akhlada ilā al-'Arḍ wa Jahila anna al-Ijtihād fī Kull 'Aṣr Farḍ* (Aljazair: Maṭba'at al-Jazā'ir, 1325 H), 3-13.

[3] 'Alī 'Abd al-Aẓīm, *Mashīkhat al-Azhar mundhu Inshā'ihā ḥattā al-Ān*, Vol. 3 (Cairo: Majma' al-Buḥūth al-Islāmīyah, n.d.), 925.

[4] Muḥammad Sayyid Ṭanṭāwī, *Mu'āmalāt al-Bunūk wa Aḥkāmuhā al-Shar'iyah* (Cairo: Hay'at al-Miṣrīyah li al-Kitāb, 1998), 106.

to change the legal terminology used for the benefit of banks and bank accounts to explain their freedom from the stigma of usury. This *fatwā* contradicts the Al-Azhar Islamic Study Institute (Majma' al-Buḥūth al-Islāmīyah) in Egypt.

This study tries to examine the principal thoughts of Ṭanṭāwī about *ijtihād*, including the method of *ijtihād* and legal edicts. The concept of ijtihād seems to be one of the neglected areas of study, especially when compared to other themes in Ṭanṭāwī's thoughts, such as the concept of infidelity (*kāfir*),[5] ideal family,[6] *istinbāṭ aḥkām*,[7] and his methodology of Qur'ānic interpretation (*tafsīr*).[8] One may find the study about Ṭanṭawi's ijtihad. Still, the idea of *ijtihād* does not become the main body of study, but only as a supporter of the main themes in the study of other Ṭanṭāwī thought.[9] The study is then to explore the concept of ijtihād of Ṭanṭāwī, and to identify its typology, as they are significant in the context of the overall Islamic legal opinion of the Grand Mufti.

This research problem can be formulated as follows: What is the concept of *ijtihād* of Ṭanṭāwī? What is the typology of legal and *ijtihād* thinking of Ṭanṭāwī? This study only uses the method of library research. There are two sources used in data mining, namely primary and secondary sources. Primary sources, directly coming

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[5] Ilham Mustofal Ahyar, "Konsep Kafir Muhammad Sayyid Tantawi: Studi Analisis Kitab Al-Tafsir Al-Wasit li Al-Qur'an Al-Karim dengan Perspektif Hermeneutika Jorge J.E. Gracia" (M.A. Thesis--UIN Sunan Kalijaga Yogyakarta, 2016).

[6] Hawin Uswatun Najah, "Konsep keluarga sakinah dalam al-qur'an kajian tafsir tematik menurut penafsiran Muhammad Sayyid Tantawi dalam karyanya Al-Tafsir Al-Wasit Li Al-Qur'an Al-Karim" (M.A. Thesis--UIN Sunan Ampel Surabaya, 2016).

[7] Muhammad Fadhlan Is, "Analisis Intinbāṭ Aḥkām Fatwa Muḥammad Sayyid Ṭanṭāwī yang Kontroversial" (M.A. Thesis--IAIN Sumatera Utara Medan, 2013).

[8] Fithrotin, "Metodologi Tafsir Al Wasit (Sebuah Karya Besar Syaikh Muh. Sayyid Tantawi)," *AL FURQAN: Jurnal Ilmu al-Qur'an dan Tafsir*, Vol. 1, No. 1 (2018), 41-55.

[9] To mention one well-representative study, in this respect, is M. Alipour, "Islamic Shari'a Law, Neotraditionalist Muslim Scholars and Transgender Sex-reassignment Surgery: A Case Study of Ayatollah Khomeini's and Sheikh al-Tantawi's Fatwas," *International Journal of Transgenderism*, Vol. 18, No. 1 (2017), 91-103.

from the first hand, are namely the works of Ṭanṭāwī; *al-Ijtihād fī al-Aḥkām al-Sharʿīyah*, *Muʿāmalat al-Bunūk wa Aḥkāmuhā al-Sharʿīyah*, *Adab al-Ḥiwār fī al-Islām*, *al-Wasīṭ fī Tafsīr al-Qurʾān*, and *Fiqh al-Muyassar*, while the secondary sources are: *Fatwas of the Indonesian Ulema Council* by M. Atho Mudzhar, *al-Fiqh ʿalā al-Madhāhib al-Arbaʿah* by ʿAbd al-Raḥmān al-Jazīrī, *al-Fiqh al-Islāmī wa Adillatuh* by Wahbah al-Zuḥaylī, *Iʿlām al-Muwāqiʿīn* by Ibn al-Qayyim al-Jawzīyah, *Bidāyat al-Mujtahid* by Ibn Rushd, *al-Muwāfaqāt fī Uṣūl al-Fiqh* by al-Shāṭibī, *al-Ashbāh wa al-Naẓāʾir* by al-Suyūṭī, and other jurisprudence literatures, the principles of *fiqh* science, the history of Islamic law, and the sociology of law in general.

As Ṭanṭāwī lived during the reign of Gamal Abd al-Nasir, Anwar Saddat, and Husni Mubarak, this study therefore uses historical approach to analyze Ṭanṭāwī's biography and contextualize his thought,[10] *uṣūl al-fiqh* approach to give a basis for content analysis used in this study, and comparative approach to compare the *ijtihād* of Ṭanṭāwī with that of other experts before him, whether his thoughts are influenced by other figures or purely from his own.

Biography of Ṭanṭāwī

Muḥammad Sayyid ʿAṭiyyah Muḥammad Sayyid Ṭanṭāwī was born in the village of Sulaym, Markaz Thama Suhaj Province on 14 Jumādā al-Ūlā, 1347 H., coinciding with October 28, 1928. His father vowed that his son would become a lover of knowledge, until Ṭanṭāwī grew to be a person who loves knowledge, memorizes the scriptures of the Qurʾān, when he was thirteen years old or just graduated from the *madrasah ibtidāʾiyah* (primary school) level. [11] Ṭanṭāwī learned the basics of religious knowledge in his village. After memorizing the Qurʾān, he continued to enter a *maʿhad dīnīyah* in Alexandria in 1944. Then after graduating from *madrasah thānawīyah* (secondary school level), he continued his education to the Uṣūl al-Dīn Faculty at al-Azhar University and

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[10] This is because every product of Islamic legal thinking is basically the result of the interaction of a mujtahid with the socio-cultural or socio-political environment that surrounds it. Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2009), 126.

[11] Al-ʿAẓīm, *Mashīkhat al-Azhar*, 929.

graduated in 1958. In 1959, Ṭanṭāwī completed his "specialist" education at al-Azhar, on the study program of Tafsīr and Ḥadīth. Then in September 1966, he received his doctorate in the field of Ḥadīth, and was honored *mumtāz*, after defending his dissertation entitled "Banū Isrā'īl fī al-Qur'ān wa al-Sunnah."

Ṭanṭāwī is widely known as a *zuhd*, calm, and cool looking eyes. The words of him can pierce into the souls of those who want to understand it. Ṭanṭāwī is a person who is very strong and even too absorbed in reading, so that he is told to tell one of his servants to wait and remind him when prayer time has arrived. This is because if he read at the beginning of the morning, it will only be finished reading if it has entered the time of nobility.

After his study completed, Ṭanṭāwī became *Khaṭib* and lecturer at the Ministry of Wakaf in Egypt in 1960, and eight years later, precisely in 1968, he became a lecturer of Tafsīr and Ḥadīth at the Uṣūl al-Dīn Faculty of al-Azhar University. In 1972, he enrolled as an Assistant Professor position at the faculty, al-Siyut branch. This position then lead him to be a lecturer at the Islamic University of Libya in 1972-1976. His capabilities and intelligence brought him into higher position as a Dean at the Uṣūl al-Dīn Faculty Al-Azhar University, al-Siyut branch. In addition, he was also a Head of the Tafsīr study program of the Postgraduate Studies of Islamic University, Medina, Saudi Arabia, 1980-1984, and Dean of the Faculty of Dirāsāt al-Islāmīyah wa al-'Arabīyah, al-Azhar University, in 1985. In 1986-1996, Ṭanṭāwī became the Mufti of Egypt.

On 8 Dhū al-Qa'dah 1416 H., coinciding with March 27, 1996, Ṭanṭāwī was appointed as Shaykh al-Azhar.[12] Ṭanṭāwī completed the program of Shaykh 'Abd al-Ḥalīm Maḥmūd (the 40th Shaykh of al-Azhar), which is to restore all al-Azhar assets that have been seized by the Egyptian government for hundreds of years since the leadership of Ismā'īl Pasha. When Aceh, Indonesia, was rocked by the Tsunami in 2004, Ṭanṭāwī took the policy of providing scholarships to all al-Azhar students from Indonesia, without exception. This is a form of concern of the al-Azhar's Shaykh to his students. Ṭanṭāwī is an active reader and writer, some of his works are: *Banū Isrā'īl fī al-Qur'ān wa al-Sunnah* (1969), *Tafsīr al-*

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[12] Ibid., 931.

Wasīṭ li al-Qur'ān al-Karīm (1972), *al-Qiṣṣah fī al-Qur'ān*, *al-Ijtihād fī al-Aḥkām al-Sharʿīyah*, *al-Fiqh al-Muyassar*, *al-Mar'ah fī al-Islām*, *Muʿāmalat al-Bunūk wa Aḥkāmuhā al-Sharʿīyah* (1991).

Ijtihād According to Ṭanṭāwī

Ijtihād originally derived from the Arabic word *jahada-yajhadu-juhdan wa jahdan*. *Al-Juhd* means power, ability, and strength while *al-jahd* means *al-mashaqqah* or difficulty. Etymologically, *ijtihād* means *badhl al-wusʿ wa al-majhūd* or mobilization of power and ability.[13] The change from the word *jahada* to *ijtahada* occurs by adding two letters (*mazīd ḥarfayn*): *alif* at the beginning and *ta'* between the letters *jim* and *dal*, so that it becomes *ijtahada-yajtahidu-ijtihādan*, meaning a real action by exerting all abilities.[14] Thus, in this respect, the word *ijtihād* means devoting abilities and spending opportunities in realizing an affair from an existing problem (*badhl al-majhūd wa al-istifrāgh al-wusʿ fī taḥqīq amr min al-umūr*) or outlining the ability of a *fiqh* expert to produce sharʿī ẓannī legal conclusions (*badhl ṭāqah min al-faqīh fī taḥṣīl ḥukm sharʿī ẓannī*).[15]

According to Ṭanṭāwī, *ijtihād* is:

الإجتهاد: بذل الفقيه نهاية جهده وأقصى وسعه لتحصيل حكم شرعي عملي بطريق الاستنباط من الادلة الشرعي.

"An outpouring of the maximum ability of a *fiqh* expert (*mujtahid*) to arrive at the sharīʿah law of *ʿamalī* by way of *istinbaṭ* from the sharīʿah arguments."[16]

As a comparison, al-Āmidī (d. 631 H) defines *ijtihād* as:

إستفراغ الوسع في طلب الظن بشيئ من الأحكام الشرعية علي وجه يحس من النفس العجز من المزيد فيه

"Depleting the ability to search strongly for a legal problem until it feels there is no additional capability in its search."[17]

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[13] Ibn Manẓūr, *Lisān al-ʿArab*, Vol. 3 (Mesir: Dār al-Miṣrīyah li al-Ta'līf wa al-Tarjamah, n.d.), 107-108.

[14] Luwīs Maʿlūf, *al-Munjid fī al-Lughah wa al-Aʿlām* (Beirūt: Maktabat Dār al-Mashriq, n.d.), 106.

[15] Al-Zuḥaylī, *Uṣul al-Fiqh*, 1037.

[16] Muḥammad Sayyid Ṭanṭāwī, *al-Ijtihād fī al-Aḥkām al-Sharʿīyah* (Cairo: al-Azhar al-Sharīf, 2007), 9.

Al-Shawkānī (d. 1250 H) gives the definition of *ijtihād* by means of:

بذل الوسع في نيل حكم شرعي عملي بطريق الاستنباط

"Exerting the ability to obtain practical sharī'ah law *'amalī* through *istinbāṭ*."[18]

Ijtihād relates to two cases, *ijtihād* in the matter of *taqlīdīyah* and *ijtihād* in matters for which there is no basis yet.[19] According to al-Shāṭibī (d. 790 H), *ijtihād* are of two kinds, *ijtihād* in *dark al-aḥkām al-shar'īyah* (find, know the law of sharī'ah) and *ijtihād* in *taṭbīq al-aḥkām al-shar'īyah* (applying sharī'ah law). The first form of *ijtihād* is particular in nature that should only be done by those who meet the qualified qualifications to do so, while the second one is general in nature that is permissible for all Muslims.[20]

Ṭanṭāwī discusses the object or scope of *ijtihād* in his book *al-Ijtihād*. According to him, the area of *ijtihād* is in *ẓanniyyāt al-thubūt* text like the Ḥadīth in the terms of its *sanad*, validity, weakness, and so forth; or *ẓanniyyāt al-dilālah*, such as the Ḥadīth or the Qur'ān that includes more than one meaning, either *luqhawī* or *adillah shar'īyah*. Like the verses of al-Mā'idah about ablution, every Muslim recognizes that the verses are *qaṭ'ī al-thubūt*. The difference among scholars about the verses is only in understanding the meaning of them. Regarding the words *famsaḥū bi ru'ūsikum*, scholars have agreed that rubbing the head is including the pillars of ablution based on the argument of *mantūq* from the above verse, but they differ about the level of the head that must be rubbed.[21]

Al-Ghazālī (d. 505 H) argued that the *ijtihād* area is any sharī'ah law which has no proof of *qaṭ'ī*. Therefore, it does not enter the area of all laws agreed upon by the people as having a clear

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[17] Al-Āmidī, *Al-Iḥkām fi Uṣūl al-Aḥkām* (Beirut: Dār al-Kutub al-Islāmīyah, n.d.), 218.

[18] Al-Shawkānī, *Irshād al-Fuḥūl fi 'Ilm al-Uṣūl* (Beirut: Dār al-Kutub al-Islāmīyah, n.d.), 250.

[19] 'Abd al-Ḥalīm, *Fatāwā* (Cairo: Maktabat al-Tawfīqīyah, n.d.), 362.

[20] Abū Isḥāq al-Shāṭibī, *al-Muwāfaqāt fi Uṣūl al-Sharī'ah*, Vol. 4 (Beirut: Dār al-Kutub al-Islāmīyah, n.d.), 64; Muḥammad Abū Zahrah, *Uṣul al-Fiqh* (Beirut: Dār al-Fikr, n.d.), 379.

[21] Ṭanṭāwī, *al-Ijtihād*, 11.

understanding of their meaning, such as the obligation to pray five times a day, pay zakat, and so forth.[22]

According to al-Zuḥaylī, there are laws that are *ijtihād* areas and laws that are not *ijtihād* areas.[23] The laws which are not the area of *ijtihād* are laws that are generally accepted and known, and determined based on the proofs of *qaṭʿī al-thubūt-qaṭʿī al-dalālah*. Such laws are like the issue of the obligatory five-time prayers, fasting in Ramadan, zakat, ḥajj, reading *shahādatayn*, then the prohibition of adultery, stealing, killing, drinking *khamr*, and the sanctions imposed by the Qurʾān or Sunnah.[24]

While the laws which are the area of *ijtihad*, according to al-Zuḥaylī, include: the law that already has a text, but its doubt and the designation of its meaning is unclear *ẓannī al-thubūt wa ẓannī al-dalālah*; the law that already has the texts but the outwardity is doubtful *ẓannī al-thubūt*; the law that already has a text, but the designation of its *ẓannī al-dalālah* meaning is not clear; and a law that does not have a passage and has never been existed before.[25]

In terms of the presence or absence of the Qurʾān or Sunnah scriptures that govern, the legal events that occur can be grouped into three types. First, the legal event that has *naṣṣ sharʿī qaṭʿī al-wurūd wa qaṭʿī al-dalālah* (authentic-definite origin from the Prophet and clearly his appointment to the meaning that referred to). Second, legal events that have *naṣṣ sharʿī ẓannī al-wurūd wa al-dalālah aw iḥdāhumā* (assumed or lack of clear designation). Third, legal events that do not have *naṣṣ sharʿī* at all.

In the first category of legal events, since it has been regulated by *naṣṣ sharʿī qaṭʿī al-wurūd wa qaṭʿī al-dalālah*, the implementation of *ijtihād fī dark aḥkmihā* is no longer needed. Meanwhile, *ijtihād fī taṭbīq aḥkāmihā* still remains necessary. Put the sanctions for thieves, for instance, in this respect. To find out the sanctions for a thief do not need *ijtihād* because there is already *a qaṭʿī*, as recited by al-Māʿidah [5]: 38 which has determined the level of legal sanctions clearly in the form of hand deductions; "Men who steal

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[22] Abū Ḥāmid al-Ghazālī, *al-Mustasfā fī ʿIlm al-Uṣūl*, Vol. 2 (Beirut: Dār al-Kutub al-ʿIlmīyah, 1993), 315.
[23] Al-Zuḥaylī, *Uṣūl al-Fiqh*, 1052-1054.
[24] Ibid., 1052.
[25] Ibid., 1053-1054.

and women who steal, cut off both hands (in retaliation) for what they do and as torture from Allah. And Allah is Mighty, Most Wise."

Legal events that fall into the second category that have *naṣṣ sharʿī ẓannī*, the *ijtihād fī dark aḥkāmihā* may be implemented. With respect to *naṣṣ ẓannī al-wurūd*, like Ḥadīth *aḥād*, *ijtihād* is oriented to prove whether the Ḥadīth originated from the Prophet or to establish his ratification, while in *naṣṣ ẓannī al-dalālah*, *ijtihād* is implemented to find the exact meaning of the *naṣṣ* instructions. Perhaps, by interpreting the *naṣṣ*, or capturing it, or choosing the right meaning of the *mushtarak* pronunciation, or completing *taʿārud* (contradictions between *naṣṣ*) with another *naṣṣ*, or compromising, or establishing its *khāṣ* or *ʿām*, *muṭlaq* or *muqayyad*, or determine whether an order shows mandatory or not, its prohibition indicates unclear or not, and so forth.

Mujtahid Qualifications According to Ṭanṭāwī

In his book, *al-Ijtihād,* Ṭanṭāwī explained that a *mujtahid* must have some qualifications.[26] *First*, knowledge of Arabic. The main requirement for becoming a *mujtahid* is knowing Arabic with all its aspects, by which he can understand the Qurʾān which also uses Arabic. Moreover, the Qurʾān and Sunnah as a source of Islamic legal rights present themselves in the form of a very high-Arabic literature style. A *mujtahid* cannot possibly understand and explore the laws contained in the Qurʾān and Sunnah without being based on Arabic knowledge.[27] The ability of Arabic with all its aspects which includes such sciences as of Naḥw, Ṣarf, Bayān, Maʿānī, Badīʿ, and others helps a *mujtahid* to explore the intentions of Allah's will in the Qurʾān precisely and far from mistakes, and to produce strong legal conclusions. Regarding the quality of Arabic skills required as a condition for *mujtahids*, there are several different opinions.

Al-Ghazālī determines certain abilities in language, which allow a *mujtahid* to distinguish the pronunciation, including *ṣarīḥ*, *ḥaqīqah*,

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[26] Ṭanṭāwī, *al-Ijtihād*, 13.
[27] ʿAbd al-Karīm Zaydān, *al-Wajīz fī Uṣul al-Fiqh*, Vol. 6 (Beirut: Muʾassasat al-Risālah, 1994), 402.

majāz, *ẓāhir*, *mujmal*, separating between *‘ām* and *khāṣ*, *muḥkam* and *mutashābihāt*, *muṭlaq* and *muqayyad*, *naṣṣ* and *mafhūm*.[28]

Al-Shāṭibī does not demand certain limits but states that the quality of *ijtihād* results achieved by a *mujtahid* is in line with his language abilities. If the language skills are still in the basic level, then it is still basic in understanding the sharī‘ah. Likewise, if the language ability reaches intermediate level, then the understanding of the sharī‘ah is still intermediate as well. If the language ability reaches the advanced stage, then the understanding of the sharī‘ah has also reached the advanced stage by which a *mujtahid* reaches the power of *ḥujjah*.[29]

Thus, the mastery of Arabic with all its aspects is crucial for a *mujtahid* to understand the meaning of the content and the desired direction of the Qur’ānic scriptures and the Sunnah. However, language is not the only condition, since other factors, such as the social, psychological, and historical conditions of *nuzūl al-āyāt* or *wurūd al-Sunnah* also greatly help correct understanding.

Second, knowledge of the Qur’ān. The Qur’ān is the main source of law, so that all ulama agree that knowledge of the Qur’ān is a sufficient requirement for a *mujtahid*. It is not possible for a person to explore, formulate, and understand the law without having knowledge of the Qur’ān and all forms of its character.[30] The fact that the Qur’ān introduces itself with various characteristics is a reason why the Qur’ān becomes a book whose authenticity is guaranteed by Allah and is used as a fundamental reference for solving legal problems.[31] In addition, in its designation of a meaning, *naṣṣ* of the Qur’ān displays two characteristics, namely *qaṭ‘ī al-dalālah* and *ẓannī al-dalālah*.[32]

The scope of the discussion of the Qur’ān and *‘ulūm al-Qur’ān* is very broad, so that the scholars do not require to memorize the entire verses of it. They limit the understanding of the Qur’ān only to the law verses, without having to memorize but know the context when needed to discuss a law. Al-Ghazālī and al-Shawkānī

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[28] Al-Ghazālī, *al-Mustaṣfā*, 315.
[29] Al-Shāṭibī, *al-Muwāfaqāt*, Vol. 2.
[30] Zaydān, *al-Wajīz*, 402.
[31] M. Quraysh Shihab, *Membumikan al-Qur’an* (Bandung: Mizan, 1994), 21.
[32] Mukhtar Yahya and Fatchurrahman, *Dasar-dasar Pembinaan Hukum Islam* (Bandung: Al Ma’arif, 1997), 37-38.

gives a limit to the memorization of the Qur'ān only in the amount of 500 verses. [33]

A *mujtahid* must have sufficient understanding of the language of the Qur'ān so as to be able to separate and understand between verses *muḥkamāt* and *mutashābihāt*, *manṭūq* and *mafhūm*, *muṭlaq* and *muqayyad*, *ḥaqīqah* and *majāz*, *ṣarīḥ* and *kināyāt*, *amr wujūb* and *amr ghayr wujūb*, *nahī taḥrīm* and *nahī ghayr taḥrīm*, etc.[34]

Third, knowing the traditions of the Prophet. A *mujtahid* may give a *fatwā* or *ijtihād* if it meets the qualifications of understanding the Ḥadīth of the Prophet Muḥammad, as well as the sciences related to it so that the *fatwā* or *ijtihād* does not actually conflict with the Ḥadīth of the Prophet. The knowledge of a *mujtahid* about the Ḥadīth of the Prophet make him possible to know and distinguish between Ḥadīth *mutawātir* and Ḥadīth *aḥād*, between Ḥadīth *ṣaḥīḥ*, *ḥasan*, and *ḍa'īf*. He is also required to be able to know Ḥadīth *maqbūl* (accepted as a legal basis) and Ḥadīth *mardūd* (rejected cannot be used as a legal basis).[35]

Because of the broad scope of the Ḥadīth and the related sciences (*'ulūm al-Ḥadīth*),[36] which is not possible for a *mujtahid* to reach the whole of them, the ulama of *uṣūl* therefore limits the requirements of *mujtahid* knowledge about the Ḥadīth, preferably in the related traditions with the laws of *taklīfiyyat* which enables him to find the law in the *ḥadīth*. They do not require having to memorize the *ḥadīth* by rote, but rather knowing where it is possible to refer to it when needed.[37]

Forth, knowing of *uṣūl al-fiqh* and *maqāṣid al-sharī'ah*. A *mujtahid* currently must have adequate knowledge about the science of *uṣūl al-fiqh* and the *maqāṣid al-sharī'ah*, because this knowledge learns what is needed for *ijtihād*. With this knowledge, a *mujtahid* will be able to return the branch law to the original law in an easy way. Conversely, if he does not master the science of *uṣūl al-fiqh*, it will have difficulty in returning the problem and even errors will occur.

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[33] Al-Ghazālī, *al-Mustaṣfā*, 101; al-Shawkānī, *Irshad al-Fuḥūl*, 220.

[34] Al-Ghazālī, *al-Mustaṣfā*, 101-102.

[35] Muḥammad Ajjāj al-Khaṭīb, *Uṣūl al-Ḥadīth 'Ulūmuhā wa Muṣṭalāḥuhā* (Beirut: Dār al-Fikr, 1980), 287-280 and 303-353.

[36] Ibid.,11.

[37] Al-Zuḥaylī, *Uṣūl al-Fiqh*, 1156.

Included in the science of *uṣūl al-fiqh* is knowing *nāsikh wa al-mansūkh*. According to al-Zuḥaylī, this knowledge is also a requirement for a *mujtahid* so that in doing *ijtihād* he does not violate the rules which apply, both the rules of *nāsikh mansūkh* and the agreed rules of Islamic law.

Fifth, the intelligence and reasoning ability to perform *ijtihād*. Ṭanṭāwī agree with 'Abd al-Karīm Zaydan about the importance of intelligence and the ability of reason as a basic condition even though among the ulama of uṣūl they are not explained clearly. A *mujtahid* must have the ability of reasoning and understanding, high comprehension, power of accuracy as well as the qualified ability to analyze. Without this requirement, a person will not be able to do the *ijtihād* even if other requirements have been fulfilled. It seems that this requirement leads to mastery of Manṭiq/Logic science, which in the view of other ulama it has included in the mastery of *uṣūl al-fiqh* and *ulūm al-Qur'ān* as well as *ulūm al-Ḥadīth*. Meanwhile, the intelligence leads a *mujtahid* to orderliness of thinking starting from capturing information to drawing conclusions.

Regarding the words "opening of the door of *ijtihad*" and that "the *ijtihād* door is closed," Ṭanṭāwi agrees with the *uṣūl* scholars before him, such as al-Suyūṭī and Ibn Taymīyah who stated that *ijtihād* both in the form of *istinbaṭ al-aḥkām* and *taṭbiq al-aḥkām* were never closed.[38] The Ṭanṭāwi's opinion is in line with Yūsuf al-Qaraḍāwī. Dealing with the opening of the door of *ijtihād* in modern times, al-Qaraḍāwī identified different opinions from three flow groups.[39]

First, the flow that narrows and complicates *ijtihād*. Sectarianism is a group that believes in the obligation to follow certain madhhab, and may not leave the madhhab, and is obliged on new issues, to follow the opinions that exist within its own environment, by endorsing the opinions of *muta'akhkhirīn* ulama directing the books of that madhhab. Often in the field of mu'āmalah, they forbid new forms of transactions with

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[38] Al-Suyūṭī, *al-Radd*, 3-13.
[39] Yusuf al-Qardlawy, *Ijtihad dalam Masyarakat Islam* (*Beberapa Pandangan Analitis tentang Ijtihad Kontemporer*), translated by Achmad Syathori (Jakarta: Bulan Bintang, 1987), 255-260.

contradictory reasons or are not in the reference to the madhhab. The neo-*ẓahiriyah* group is a literal and textual group, understanding the *naṣṣ* literally without accepting any other understanding. They pursue the Ḥadīth by not practicing *fiqh* and not wanting to know the differences in jurisprudence and how to observe the law. Currency is only made of gold and silver that existed at the time of the Prophet, while that of made from paper are not considered *sharʿī*, so that it do not apply to usury laws and not to obligatory zakat.

Second, excessive extreme flow in expanding the field of *ijtihād* even in *naṣṣ muḥkamāt* and fixed laws. This flow was followed by two groups namely the al-Ṭūfiyah and the al-Tabrīr. Al-Ṭūfiyah is a group that is concerned with *maṣlaḥah* from *naṣṣ*. This group is attributed to Najm al-Dīn al-Ṭūfī who prioritizes *maṣlaḥah* from the *naṣṣ,* if both are in conflict. Al-Tabrīr is a group that gives legitimacy to any problems that occur in accordance with what is desired by the public or by the ruling Government. This group acts as a validator and provides arguments for problems that occur by looking for interpretations of arguments from sharīʿah arguments that support so that the problem can be accepted.

Third, the moderate madhhab as a group that takes a middle way that unites the attitude of following *naṣṣ* and pays attention to his *maqāṣid al-sharīʿah*, and to human interests with the provisions that these interests are not contrary to the *naṣṣ*. This group consists of people who are equipped with enough knowledge, have the character of the guard against the influence of volition, and be straight that are neither extreme nor apathetic. This flow is a group that is needed today as a reflection of Islam that takes the middle ground of other religions desired by Allah in al-Baqarah [2]: 143 which recites:

> "And so (also) We have made you (Muslims), a just and chosen people so that you can be a witness of (human) deeds and that the Apostle (Muḥammad) is a witness to your (deeds). And We did not set the Qibla that became your Qibla (now) but so that we knew (so that it was real) who followed the Apostle and who defected. And indeed (the transfer of Qibla) feels very heavy, except for those who have been instructed by Allah, and Allah will not waste your faith. Truly Allah is Most Gracious, Most Merciful to humans."

Al-Qaraḍāwī includes into groups who call on *ijtihād* without fear and worry, so that *ijtihād* continues to walk straight and does not turn backwards, and do not turn to the right or left. To that end al-Qaraḍāwī gives contemporary *ijtihād* rules with several characters as follows: (a) There is no *ijtihād* without devoting all of his abilities; (b) There is no *ijtihād* in *qaṭʿī* legal matters (definitely and clearly); (c) Must not regard the laws that are *qaṭʿī*; (d) Linking jurisprudence to Ḥadīth; (e) Take care not to fall under the pressure of the reality of the modern world; (f) Welcomes a useful new discovery; (g) Should not be unaware of the conditions and situations of the times and their needs; (h) Switch to *ijtihād jamāʿī* (collective); and (i) it is Grace that there is a possibility of correction by the next generation of ulama, because of possible errors or other negligence.[40]

The urgency of contemporary *ijtihād* from ulama who have fulfilled *mujtahid* qualifications and with sincerity is very much felt, and is a hope to answer all legal problems that will continue to emerge, due to socio-cultural changes in society and advances in science and technology.

Sources of *Ijtihād* According to Ṭanṭāwī

The author found the term *maṣadīr al-ijtihād* (sources of *ijtihad*) in *Mawsūʿah al-Fiqhīyah al-Kuwaytīyah*, Vol. 1, page 41 and *Uṣūl al-ʿĀmmāh al-Jāmiʿah li al-Fatāwā*, Vol. 1, page 20. What is meant by *maṣadīr al-ijtihād* here is the guide/guidance of a *mujtahid* in seeking legal answers about a problem. The word "source" in Indonesian means 'the place of origin,' and from there the term source of Islamic law can be interpreted as the origin of the place of taking Islamic law.[41] In Arabic, the word "source" is, among others, called *maṣdar* from the plural *maṣādir*. So in *uṣūl al-fiqh*, the source of Islamic law is termed *al-aḥkām al-sharʿīyah*. But sometimes it is used with the term *uṣūl al-aḥkām* which means legal basics. It is also used *dalīl al-ḥukm* with the plural *adillat al-aḥkām* which means something from which there is a clue to the sharīʿah law.

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[40] Ibid., 261-273.
[41] Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia* (Jakarta: Balai Pustaka, 1988), 867.

In the Islamic law literatures in Indonesia, the words *maṣādir al-aḥkām*, *uṣūl al-aḥkām*, and *adillat al-aḥkām* are all interpreted with the sources of Islamic law. The word "*maṣādir al-aḥkām*" in *uṣūl al-fiqh* was only used around the end of the 14th century of *hijrah*, or the mid of the 20th century, namely with the publication of several books of *uṣūl al-fiqh* which uses *maṣādir* to cite sources of legal returns. Among the books is the work of Zakariyyā al-Ṣabrī entitled *Maṣādir al-Aḥkām al-Islāmīyah*.

The ulama analyze and say that the word "*maṣādir*," "*uṣūl*," and "*dalīl*" are included in the meaning of *istinbāṭ al-aḥkām* in general. Therefore to distinguish the whole is to mention *dalīl naqlī* or *maṣādir al-naqlīyah* for the original source of the Qur'ān and Sunnah, as for the method *istinbāṭ* called *dalīl 'aqlī* or *maṣādir al-'aqlīyah*.[42]

From a technical point of view of its use in Islamic law, the word "*dalīl*" can also be used in general, both the Qur'ān and Sunnah as well as for *dalīl* other than both, such as *ijmā'* and *qiyās*, since they all lead to the discovery of God's law.[43] Therefore, for the Qur'ān and Sunnah, in addition to being referred to as the source of Islamic law, it can also be called as the proposition of Islamic law. Referred to as a source, it is because the Qur'ān and Sunnah are sources of all the provisions and norms of Islamic law. Meanwhile, called as proposition, it is because they lead a *mujtahid* to find the law for the actions of a believer.

In addition to the Qur'ān and Sunnah, the experts of *uṣūl al-fiqh* also stipulate that the source of the law includes *ijmā'* and *qiyās*. The Qur'ān revealed by Allah contains teachings so that Muslims are also guided by the Sunnah, *ijmā'*, and *qiyās*. From this understanding, the majority of ulama of *uṣūl al-fiqh* stated that the agreed legal sources were the Qur'ān, Sunnah, *ijmā'*, and *qiyās*. However, 'Abd al-Wahhāb Khallāf as the contemporary ulama of *uṣūl al-fiqh* states that the true source of law is the Qur'ān and Sunnah, while the *ijmā'* and *qiyās* are methods of exposing the law

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[42] Zakariyyā al-Ṣabrī, *Maṣādir al-Aḥkām al-Islāmīyah* (Makkah: Dār al-Ijtihād al-'Arabī, 1975), 13.

[43] Amir Syarifuddin, *Usul Fikih I* (Jakarta: Logos Wacana Ilmu, 1997), 43.

of the Qur'ān and the Sunnah. *Ijmā'* and *qiyās* are those based or relied on the Qur'ān and the Sunnah.[44]

The author is more inclined to the opinion of Khallāf, because the Qur'ān and Sunnah are the source of all laws. Every legal provision produced by the ulama will never be separated from the Qur'ān and the Sunnah. While *ijmā'* and *qiyās* are only an alternative way of taking *istinbāṭ al-ḥukm*, the Qur'ān and Sunnah will continuously be used as the basis of the correct law.

Then the source of *ijtihād* for Muslim is sourced from Allah through intermediaries of revelation. The Qur'ān is the main source since it is a revelation coming from Allah as *waḥy al-matluw* (the process was received by the Prophet Muḥammad through the reading of Jibrīl). Then the second source is the Sunnah as a *ghayr al-matluw* revelation (accepted directly by the Prophet Muḥammad without Jibrīl's intermediary). *Ijmā'* becomes the accompanying source of *ijtihād* if the *ijmā'* is based on the ulama agreement in opening the veil of Allah's law. Likewise, *qiyās* becomes a source of accompaniment of a *mujtahid* who already has *ijtihād* requirements in opening the veil of Allah's law.

Typology of Ṭanṭāwī's Islamic Legal Thoughts

The methodological offerings of modern scholars and those who are different from the classical scholars emerged after Muḥammad 'Abduh (d. 1905). Under the influence of Abduh's liberal and rational thought, there came new methodological offers that sought to explore Islamic law from its original sources (te Qur'ān and Sunnah) to adjust to the dynamics of the times. According to Hallaq, the offer of this new methodology is not the same as the classical ulama's methodology which devotes more attention to the literal interpretation of verses of the Qur'ān and the *matn* of Sunnah. Hallaq divides the group that offers this new methodology to two groups, namely Religious Utilitarianism and Religious Liberalism.

The cornerstone of the theory of Religious Utilitarianism group is the concept of *maṣlaḥah* which was a long-standing controversy from among the classical traditional scholars.

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[44] 'Abd Wahhāb Khallāf, *'Ilm Uṣul al-Fiqh* (Cairo: Dār al-Qalam, 1978), 101.

Maṣlaḥah, this group is working on, is in the field of *mu'āmalah*, both *mu'āmalah māliyah* or *mu'āmalah siyāsīyah*. This is because the revelation texts that explain this are limited and more global in nature.

The Religious Liberalism group emphasizes the deictic relationship between the commandments of the text of revelation and the reality of the modern world. The approach used is to understand revelation both in terms of the text and its context. The relationship between the text of the revelation and modern society is not composed through literal interpretation but through interpretation of the soul and the universal message contained in the text of the revelation.[45]

Ṭanṭāwī, from childhood until the end of his life, struggled and took part in the world of Islamic science, and showed his seriousness or sincerity (*mujāhadah*) in seeking and spreading Islamic knowledge. It is appropriate for him to get the title as *mujtahid*, it is just that his level of *mujtahid* is the *mujtahid fatwā*, because in answering the problems faced in addition to using the *ijtihād* methods that already exist, he also often answers the problem by highlighting the opinion of the previous scholars especially al-Shāfi'ī or Shafi'īyah scholars.

In terms of the dynamics of *ijtihād*, Ṭanṭāwī, is not too, but classified as, moderate. To that end, he takes a middle ground that unites attitudes following *naṣṣ*, and pays attention to *maqāṣid al-sharī'ah* and the human interests that are not contrary to the *naṣṣ*. Ṭanṭāwī belongs to a group that is armed with sufficient knowledge, has the nature of *warā'*, guards against the influence of volition, and straight that is neither extreme nor apathetic. This Ṭanṭāwī's model of legal thinking is as a type of thought that is needed today as a reflection of Islam taking the middle way from other religions desired by Allah as it is recited in al-Baqarah [2]: 143.

The *ijtihād* model undertaken by Ṭanṭāwī is in the form of *ijtihād tarjīḥ al-intiqā'ī* that attempts to take Islamic law containing *fatwās* and legal decisions. So that his level of *mujtahid* is *mujtahid*

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[45] Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Uṣūl al-Fiqh* (Cumbridge: Cumbrigde University Press, 1997), 231-253.

fatwā by selecting strong and relevant opinions to the condition of his country. Social changes that occur within a community caused by several factors, including population, habitat, physical, technological, and community structural and cultural. Whereas the process can be driven by the advancement of the education system, the attitude of tolerance towards deviant behavior, an open social stratification system, the level of heterogeneity of the population, and a sense of dissatisfaction with certain living conditions.[46]

Changes in law in a society always have two functions, namely as social engineering and social control. In its function as a legal social engineering, it creates changes in social structure that spur people to want and be able to move. While its function as legal social control has the opposite role, namely maintaining social stability, controlling the direction and controlling the speed of change in society so as not to break out of applicable provisions. In this last function, the law is always often considered to be lagging the change itself. On the one hand the law is considered to curb various activities in society, while on the other hand the dynamics of society always require that the law adjusts to the needs of the times.[47]

Conclusion

From the previous explanations, this study can conclude that; the concept of *ijtihad*, according to Ṭanṭāwī, is an outpouring of the maximum ability of a *faqīh* (*mujtahid*) to arrive at the sharī‘ah law of *‘amalī* by means of *istinbāṭ* of the sharī‘ah propositions. The area of *ijtihād* according to Ṭanṭāwī is on *ẓanniyyāt al-thubūt* texts, such as the Ḥadīth and all aspects relating to it, such as *sanad*, validity, weakness, and so forth, or *ẓanniyyat al-dilālah*, such as the Ḥadīth or the Qur’ān which includes more than one meaning of *luqhawī* or fairness of *shar‘iyah*. The conditions that must be fulfilled by a *mujtahid*, according to Ṭanṭāwī, are that he has knowledge of Arabic and *dalālah*; memorizes the Qur’ān and knows its meaning; knows the traditions of the Prophet and all aspects relating to the

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[46] Soerjono Soekanto, *Beberapa Permasalahan dalam Kerangka Pembangunan di Indonesia* (Jakarta: Yayasan Penerbit UI, 1975), 40-42.
[47] Ibid.,146-147.

science of traditions; understands sharīʿah and customary *maqāṣid*; masters the science of jurisprudence and its basic; and has a sense of intelligence. The Ṭanṭāwī's Islamic legal thoughts is classified Religious Utilitarianism group. In term of the dynamics of *ijtihād*, Ṭanṭāwī also belongs to the moderate sense as well as a group that takes a middle ground that unites attitudes to follow *naṣṣ*, pays attention to *maqāṣid al-sharīʿah*, and human interests provided that these interests do not conflict with *naṣṣ*.

Bibliography

Ahyar, Ilham Mustofal. "Konsep Kafir Muhammad Sayyid Tantawi: Studi Analisis Kitab Al-Tafsir Al-Wasit li Al-Qurʾan Al-Karim dengan Perspektif Hermeneutika Jorge J.E. Gracia." M.A. Thesis--UIN Sunan Kalijaga Yogyakarta, 2016.

Alipour, M. "Islamic Shariʾa Law, Neotraditionalist Muslim Scholars and Transgender Sex-reassignment Surgery: A Case Study of Ayatollah Khomeini's and Sheikh al-Tantawi's Fatwas," *International Journal of Transgenderism*, Vol. 18, No. 1, 2017.

Āmidī (al). *Al-Iḥkām fī Uṣūl al-Aḥkām*. Beirut: Dār al-Kutub al-Islāmīyah, n.d.

Aẓīm (al), ʿAlī ʿAbd. *Mashīkhat al-Azhar*. Cairo: Majmaʿ al-Buḥūth al-Islāmīyah, n.d.

Departemen Pendidikan dan Kebudayaan. *Kamus Besar Bahasa Indonesia*. Jakarta: Balai Pustaka, 1988.

Fithrotin. "Metodologi Tafsir Al Wasit (Sebuah Karya Besar Syaikh Muh. Sayyid Tantawi)," *AL FURQAN: Jurnal Ilmu al-Qurʾan dan Tafsir*, Vol. 1, No. 1, 2018.

Ghazālī (al), Abū Ḥāmid. *Al-Mustaṣfā fī ʿIlm al-Uṣūl*, Vol. 2. Beirut: Dār al-Kutub al-ʿIlmīyah, 1993.

Ḥalīm (al), ʿAbd. *Fatāwā*. Cairo: Maktabat al-Tawfīqīyah, n.d.

Hallaq, Wael B. *A History of Islamic Legal Theories: An Introduction to Sunni Uṣūl al-Fiqh*. Cumbridge: Cumbrigde University Press, 1997.

Ibn Manẓūr. *Lisān al-ʿArab*, Vol. 3 (Mesir: Dār al-Miṣrīyah li al-Taʾlīf wa al-Tarjamah, n.d.), 107-108.

Is, Muhammad Fadhlan. "Analisis Intinbāṭ Aḥkām Fatwa Muḥammad Sayyid Ṭanṭāwī yang Kontroversial." M.A. Thesis--IAIN Sumatera Utara Medan, 2013.

Khallāf, 'Abd Wahhāb. *'Ilm Uṣūl al-Fiqh*. Cairo: Dār al-Qalam, 1978.

Khaṭīb (al), Muḥammad Ajjāj. *Uṣūl al-Ḥadīth 'Ulūmuhā wa Muṣṭalāḥuhā*. Beirut: Dār al-Fikr, 1980.

Ma'lūf, Luwīs. *Al-Munjid fī al-Lughah wa al-A'lām*. Beirūt: Maktabat Dār al-Mashriq, n.d.

Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2009.

Najah, Hawin Uswatun. "Konsep keluarga sakinah dalam al-qur'an kajian tafsir tematik menurut penafsiran Muhammad Sayyid Tantawi dalam karyanya Al-Tafsir Al-Wasit Li Al-Qur'an Al-Karim." M.A. Thesis--UIN Sunan Ampel Surabaya, 2016.

Qardlawy (al), Yusuf. *Ijtihad dalam Masyarakat Islam* (*Beberapa Pandangan Analitis tentang Ijtihad Kontemporer*), translated by Achmad Syathori. Jakarta: Bulan Bintang, 1987.

Ṣabrī (al), Zakariyyā. *Maṣādir al-Aḥkām al-Islāmīyah*. Makkah: Dār al-Ijtihād al-'Arabī, 1975.

Shāṭibī (al), Abū Isḥāq. *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, Vol 2 and Vo. 4. Beirut: Dār al-Kutub al-Islāmīyah, n.d.

Shawkānī (al). *Irshād al-Fuḥūl fī 'Ilm al-Uṣūl*. Beirut: Dār al-Kutub al-Islāmīyah, n.d.

Shihab, M. Quraysh. *Membumikan al-Qur'an*. Bandung: Mizan, 1994.

Soekanto, Soerjono. *Beberapa Permasalahan dalam Kerangka Pembangunan di Indonesia*. Jakarta: Yayasan Penerbit UI, 1975.

Suyūṭī (al). *Al-Radd 'alā Man Akhlada ilā al-'Arḍ wa Jahila anna al-Ijtihād fī Kull 'Aṣr Farḍ*. Aljazair: Maṭba'at al-Jazā'ir, 1325 H.

Syarifuddin, Amir. *Usul Fikih I*. Jakarta: Logos Wacana Ilmu, 1997.

Ṭanṭāwī, Muḥammad Sayyid. *Al-Ijtihād fī al-Aḥkām al-Shar'iyah*. Cairo: al-Azhar al-Sharīf, 2007.

-----. *Mu'āmalāt al-Bunūk wa Aḥkāmuhā al-Shar'īyah*. Cairo: Hay'at al-Miṣrīyah li al-Kitāb, 1998.

Yahya, Mukhtar and Fatchurrahman. *Dasar-dasar Pembinaan Hukum Islam*. Bandung: Al Ma'arif, 1997.

Zahrah, Muḥammad Abū. *Uṣūl al-Fiqh*. Beirut: Dār al-Fikr, n.d.

Zaydān, 'Abd al-Karīm. *al-Wajīz fī Uṣūl al-Fiqh*, Vol. 6. Beirut: Mu'assasat al-Risālah, 1994.

Zuḥaylī (a), Wahbah. *Uṣūl al-Fiqh al-Islāmī*. Beirut: Dār al-Fikr al-Muʿāṣir, 2001.