

SHĀFI'Ī LITERATURE IN INDONESIA: A HISTORICAL ACCOUNT

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Abstract: al-Shāfi'ī is one of the moderate Islamic scholars and is seen as the most crucial party in the history of the civilization of Islamic legal thought. This study reveals the various fiqh literature of the Shāfi'ī madhhab, which are spread in the Muslim world and their development in Indonesia by tracing historically through prioritizing an understanding of historical facts using heuristic methods through critical analysis sourced from library data. Then, this study states that the role of the Shāfi'ī students and scholars in the dissemination of Shāfi'ī literature greatly influences the existence of the Shāfi'ī madhhab in the life of the Islamic world, including Indonesia. The dynamics of Indonesian legal opinion initiated by several figures from the Shāfi'ī madhhab have made the madhhab continue to exist and be used as a reference in determining Islamic law in Indonesia. Moreover, various Shāfi'ī madhhab of literature written by Indonesian scholars has been discovered. Thus, the Shāfi'ī madhhab is always relevant to be used as a guide for Islamic law in Indonesia.

Keywords: Historical process; Shāfi'ī madhhab; literature; Indonesia.

Introduction

Al-Shāfi'ī (d. 820) is one of the crucial figures in the history of Islamic legal thought. He is one of the moderate scholars and is the most critical characteristic of the Arab-Islamic experience in history. In addition, al-Shāfi'ī is an expert not only in the field of fiqh but also in several scientific fields, such as interpretation

(*tafsīr*), Ḥadīth, language, and Arabic literature.¹ In addition to *al-Hujjah*, *al-Umm* and *al-Risalah*, there is *al-Musnad* which collects various Ḥadīths recited in *al-Umm* and *Dīwān al-Shāfiʿī*² which contains multiple beautiful poems composed directly by al-Shāfiʿī. There is no doubt about the knowledge of Shāfiʿī in the science of fiqh. He becomes imam of a madhhab named by attributing to his name, Shāfiʿī madhhab, one of the four madhhabs of Islamic jurisprudence.

Madhhab is a collection of views (*al-arāʾ*) and studies (*naẓariyyāt*) carried out by *mujtahid* imams with the same methodological ties and reasoning and forming a structured and organized relationship. The madhhab is also called the view of the *mujtahid* priest, which is followed in various issues or differences to unite these multiple views.³ Wahbah al-Zuhaylī provides a more detailed definition by saying that a school is the opinion of a fiqh figure about the law in matters of *ijtibādīyah*.⁴

Among the peculiarities of the treasures of legal thought in the Shāfiʿī school that is not found in other schools are two *qawls* known as *qawl qadīm* and *qawl jadīd*. Al-Shāfiʿī presented or issued two different legal decisions in the same case. The opinions of al-Shāfiʿī decided while he was still in Iraq (195-199) are mentioned as *qawl qadīm*, while his views selected while he was living in Egypt (199-204) are known as *qawl jadīd*.

Al-Shāfiʿī's *qawl qadīm* and *qawl jadīd* prove that thought will not be born from a vacuum. Instead, it will appear as a reflection of the social setting that surrounds it. al-Shāfiʿī absorbed various characteristics of different schools of fiqh from multiple regions,

¹ Yunus Araz, "İmam Şafii'nin Seyahatleri ve Fıkıh Anlayışındaki Değişim" (Ph.D Thesis--Marmara Üniversitesi, İstanbul, 2010); Bilal Aybakan, "İmam Şafii Ve Fikih Düşüncesinin Gelişimi," *DOĞU'DAN BATT'YA* (n.d.), 131; Muhammad Syarif Hidayatullah, "İmam Şāfiʿī Sebagai Mujtahid dan Imam Mazhab Fikih (Studi Historis, Yuridis dan Sosiologis)," *Al Yasini: Jurnal Keislaman, Sosial, Hukum dan Pendidikan*, Vol. 5, No. 2 (2020), 398-423.

² Nur Syahirah Md Sabran, Khazri Osman, and Abu Dardaa, "Personification in Diwan Imam Shafi'i," *International Journal of Academic Research in Business and Social Sciences*, Vol. 10, No. 5 (2020), 878-909.

³ Quṭb Mustafā Sānū, *Muʿjam Mustalahāt Uṣūl al-Fiqh: ʿArabi-Injilzī* (Damascus: Dār al-Fikr, 2000), 399.

⁴ Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuh*, Vol. 1 (Damascus: Dār al-Fikr, 1989), 32.

including Mecca, Medina, Yemen, Egypt, Iraq and others. This absorption ultimately affects the flow of thought and application of legal products.⁵

Al-Shāfi'i's fiqh is centred on four sources: the Qur'ān, Sunna, *Ijmā'* (consensus) and *Qiyās* (analogy).⁶ The legality of the Sunna is based on the Qur'ān and the arguments taken from its explicit and implied meanings. In his books, law enforcement is a source that is the obsession of his thought plan, even the most basic. Therefore, he received the title "*Nāṣir al-Sunnah*" (The Defender of the Tradition). In addition to the Qur'ān and Sunna, which become a semantic organic structure, al-Shāfi'i built *Ijmā'* based on this structure to become a straightforward text that derives its significance from understanding the text of the Qur'ān and Sunna. Likewise, in *Qiyās*, the source of the law is from a text consisting of the three previous bases.

Aḥmad b. Ḥanbāl (d. 241) said that al-Shāfi'i was a reliable jurist.⁷ The religious sect of al-Shāfi'i is the same as the priests of other three madhhabs of thought: Abū Ḥanīfah, Mālik b. Anas and Aḥmad b. Ḥanbāl who are classified as *Ahl al-Sunnah wa al-Jamā'ah*. In the field of *furū'*, *Ahl al-Sunnah wa al-Jamā'ah* is divided into two madhhabs, namely *Ahl al-Ḥadīth* and *Ahl al-Ra'y*. In this respect, al-Shāfi'i is included in the first madhhab, *Ahl al-Ḥadīth*.

According to Abū Bakr al-Bayhaqī in *Aḥkām al-Qur'ān*, al-Shāfi'i's works are quite a lot, both in the form of treatises and books. Al-Qāḍī Abū Ḥasan b. Muḥammad al-Marūzī said that al-Shāfi'i compiled 113 books on interpretation, fiqh, adab and others. The books were written by al-Shāfi'i himself, such as *al-Umm* and *al-Risālah*, and by his students, such as *Mukhtaṣar* by al-Muzanī and *Mukhtaṣar* by al-Buwayṭī. The Shāfi'i madhhab of thought spread to Islamic countries, in the West and the East,

⁵ Khoirul Ahyar, "Qaul Qodim Wa Qaul Jadid Imam Syafi'i (Kemunculan & Refleksinya Di Indonesia)," *Nizham Journal of Islamic Studies*, Vol. 3, No. 1 (2017), 122-155.

⁶ Joseph E. Lowry, "Does Shāfi'i Have a Theory of Four Sources of Law?," in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss (Leiden-Boston-Köln: Brill, 2002), 23-50; E. Okon, "The Sources and Schools of Islamic Jurisprudence," *Am. J. Soc. Mgmt. Sci.*, Vol. 3, No. 3 (2012), 106-111.

⁷ Shams al-Dīn al-Dhahabī, *Siyār A'lam al-Nubalā'*, 8th Edition (Kairo: Dār al-Ḥadīth, n.d.), 271.

brought by its followers from one country to another, including Indonesia. Almost Muslims in Indonesia, in terms of worship and *mu'amalah*, follow the Shāfi'ī madhhab of thought.

Shāfi'ī madhhab was asked to be a moderate madhhab. Scholars have carried out many studies regarding this madhhab which explain that during the development of Islamic law, this madhhab became the initial meeting point for the concept of Islamic moderation from a legal perspective. Studies conducted by Nedzad Basic,⁸ Yuki Shiozaki,⁹ Shahram Akbarzadeh and Joshua M. Roose,¹⁰ Nuraan Davids,¹¹ and Ali Bardakoglu,¹² indicate that this madhhab is moderate and. Therefore, it is considered to be able to bridge the two major groups in the development of Islamic legal thought. Perhaps, this is one of the reasons why this madhhab is easily accepted by people who are new to Islam and makes them interested in Islam and ready to take Islam as a new belief.

Indonesia has a Muslim-majority population, most of which adheres to the Shāfi'ī madhhab. Shāfi'ī madhhab has long developed and is rooted in the Muslim majority in Indonesia. It is understandable enough because the spread of Islam in Indonesia cannot be separated from the influence of the Shāfi'ī madhhab. This madhhab became the primary reference for Islamic scholars who spread Islam in Indonesia in establishing law.¹³ In fact, since the kingdom era, Shāfi'ī's fiqh was well-developed in the Samudera

⁸ Nedzad Basic, "The Nature of Islamic International Law (Siyar)," *Journal of Religious Studies*, Vol. 3, No. 2 (2020), 1-16.

⁹ Yuki Shiozaki, "The Historical Origins of Control over Deviant Groups in Malaysia: Official Fatwa and Regulation of Interpretation," *Studia Islamika*, Vol. 22, No. 2 (2015), 205-232.

¹⁰ Shahram Akbarzadeh and Joshua M Roose, "Muslims, Multiculturalism and the Question of the Silent Majority," *Journal of Muslim Minority Affairs*, Vol. 31, No. 3 (2011), 309-325.

¹¹ Nuraan Davids, "Islam, Moderation, Radicalism, and Justly Balanced Communities," *Journal of Muslim Minority Affairs*, Vol. 37, No. 3 (2017), 309-320.

¹² Ali Bardakoglu, "'Moderate Perception of Islam' and the Turkish Model of the Diyanet: The President's Statement," *Journal of Muslim Minority Affairs*, Vol. 24, No. 2 (2004), 367-374.

¹³ Anny Nailatur Rohmah and Ashif Az Zafi, "Jejak Eksistensi Mazhab Syafii di Indonesia," *Tamaddun: Jurnal Sejarah dan Kebudayaan Islam*, Vol. 8, No. 1 (2020).

Pasai Kingdom in Aceh.¹⁴ In addition, the Banjar Kingdom emphasized Islamic law amid society which was largely influenced by the products of the Shāfi'i madhhab of jurisprudence. Even, the Kingdom made this madhhab the official madhhab of the Kingdom through the regulation of the Sultan Adam Act of 1835.¹⁵ The law of the Banjar kingdom's era in South Kalimantan was made and established by Sultan Adam al-Watsiqubillah, ruling from 1825-1857.¹⁶

In this study, we reveal the various fiqh literature of the Shāfi'i madhhab spreading in the Muslim world, including Indonesia, by tracing it historically through prioritizing an understanding of historical facts. As an analytical method, history can present an overview of the various elements that support the emergence of an event. At the same time, this study aims to reveal the history of the birth of the Shāfi'i madhhab of thought, the dissemination of its various kinds of literature in the Islamic world and Indonesia, and their development in Indonesia.

This study uses a heuristic method with critical analysis sourced from the literature, as the data used are obtained from various books, journals and other documentation relevant to this research. The historical approach used in this research is not only limited to looking at an event's growth, development and collapse aspects but also understanding all the symptoms of the structure accompanying the event with critical reasoning. This study discusses the birth of the Shāfi'i madhhab, the literature of the Shāfi'i madhhab spreading in the Muslim world, and the development of its literature in Indonesia.

The Birth of the Shāfi'i Madhhab

At the beginning of the development of Islam, Islamic law was not very visible because the area of Islam had not yet spread widely, and the Prophet Muḥammad himself held the authority in

¹⁴ Ahmad Mansur Suryanegara, *Api Sejarah: Mahakarya Agung Perjuangan Ulama Dan Santri Dalam Menegakkan Negara Kesatuan Republik Indonesia* (Bandung: Penerbit Suryadinasti, 2014), 120.

¹⁵ Rustam Effendi, "Struktur Dan Makna Undang-Undang Sultan Adam Pada Masa Kerajaan Banjar Kalimantan Selatan," *LITERA*, Vol. 12, No. 2 (2013).

¹⁶ Abdurrahman, "Undang-Undang Sultan Adam 1835 Dalam Perspektif Sejarah Hukum," *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman*, Vol. 12, No. 1 (2015).

answering various problems that occurred in the lives of Muslims at that time. However, Muslims outside Medina were free to resolve the various legal issues they faced by referring to the Qur'an. If no provision in the Sunna governs it, it is ordered to exert one's ability to perform *ijtihad*.

Al-Shāfi'ī is one of the absolute and productive *mujtahids* in creating legal fatwas. During the life of al-Shāfi'ī, many fiqh experts have been found, both as disciples of Abū Ḥanīfah and Mālik b. Anas. The accumulation of various ideas of the fiqh experts from Mecca, Medina, Iraq, Syria and Egypt gave al-Shāfi'ī broad insight into multiple madhhabs of fiqh.¹⁷ Therefore, no *mujtahid* was considered to have qualified qualities to carry out *ijtihad*. Instead, the scholars, after the death of al-Shāfi'ī, including the other absolute *mujtahid* priests, had to perform *taqlid*. As evidence, Schacht stated that the scientific activities of the imams of the four schools of fiqh were to serve *ijtihad* as the only way to create a new law. Meanwhile, the activities of the scholars after the imams' death were only limited to writing explanations (*sharḥ*) and interpretations (*tafsīr*) formulated by the imams.¹⁸ At this time, many scholars or students of the fiqh priests then wrote *sharḥ* of the fatwas of their teachers, and not a few also wrote *mukhtaṣar* (summaries) of their teachers' works.

One of the imams was Muḥammad b. Idrīs b. al-ʿAbbās al-Shāfi'ī b. al-Sā'ib b. Ubayd b. ʿAbd Yazīd b. Hāshim b. al-Muṭṭalib b. ʿAbd Manāf. From his mother's line, al-Shāfi'ī was the granddaughter of the sister of ʿAlī b. Abī Ṭālib's best friend. So the mother and father of al-Shāfi'ī are from the Quraysh tribe. His father travelled from Mecca to earn a living in Medina, then, with al-Shāfi'ī's mother, left Medina for Gaza, where he finally died after two years of al-Shāfi'ī's birth. On another note, al-Shāfi'ī was born orphaned in the month of Rajab in 150/767 in Gaza, Palestine.

At the age of nine, al-Shāfi'ī had memorized the whole Qur'an. After that, he continued to study Arabic, Ḥadīth and fiqh. Then, at the age of twenty, al-Shāfi'ī went to Medina and learned from

¹⁷ M. Ali Rusli Bedong, "Metodologi Ijtihad Imam Mujtahidin (Corak Pemikiran Dan Aliran)," *Al-'Adl*, Vol. 11, No. 2 (2018), 130-148.

¹⁸ Joseph Schacht, *An Introduction to Islamic Law* (Oxford: The Clarendon Press, 1964), 70-80.

Mālik, the founder of the Mālikī madhhab. In 189, al-Shāfi'ī returned to Mecca after studying with one of Abū Ḥanīfah's best students, namely Muḥammad b. Ḥasan al-Shaybānī (189), on fiqh and uṣūl fiqh of Abū Ḥanīfah (*abl al-ra'y* of the madhhab) for five years, starting from 184 to 189. He left Baghdad and returned to Mecca after the death of his teacher in 189. While in Mecca, al-Shāfi'ī played an active role in education and fatwas. He opened regular recitations in one corner of the Grand Mosque, and many people from all over the world came to learn from him, making his name famous in various parts of the country.

After Mālik's death, al-Shāfi'ī began to conduct legal studies, issued jurisprudence fatwas and even compiled a methodology for studying fiqh. In his analysis of fiqh, al-Shāfi'ī expressed the opinion that Islamic law must be sourced from the Qur'ān, the Sunna and *Ijmā'*. When these three sources had not presented clear and definite legal provisions, al-Shāfi'ī referred to the *qawl* of the Companions and only then *ijtihād* with *Qiyās* and *istishab*.¹⁹

The birth of al-Shāfi'ī was a mediator between those based in the Hijaz and those different in Iraq. Through his various experiences, al-Shāfi'ī benefited from the goodness of multiple parties to colour the school he built. As a result, al-Shāfi'ī absorbed various characteristics of jurisprudence schools from different regions such as Mecca, Yemen, Iraq, and Egypt. This absorption ultimately affects the flow of thought and the application of the resulting legal product.²⁰

In addition to mastery of text and context, al-Shāfi'ī's intellectual property is also complemented by his wealth of experience in the form of *riḥlāh* (odyssey) to various Muslim countries. This experience has provided his share in his *ijtihād* on various legal issues influencing the school.²¹

Socio-cultural factors also influence the mindset of al-Shāfi'ī regarding *qawl qadīm* and *qawl jadīd*. *Qawl qadīm* was built in Iraq in 195/811. Al-Shāfi'ī lived in Iraq during the reign of al-Amīn. In Iraq, al-Shāfi'ī learned a lot from Iraqi scholars and also took many

¹⁹ Ajat Sudrajat, *Sejarah Pemikiran Dunia Islam Dan Barat* (Malang: Intrans Publishing, 2015), 101.

²⁰ Ahyar, "Qaul Qodim Wa Qaul Jadid."

²¹ Abdul Karim, "Pola Pemikiran Imam Syafi'i dalam Menetapkan Hukum Islam," *Jurnal Adabiyah*, Vol. 13, No. 2 (2013), 187-193.

opinions from them, including *ahl al-ra'y*. Among the Iraqi scholars influenced by al-Shāfi'ī's ideas were Aḥmad b. Ḥanbāl (d. 241), Abū 'Alī al-Ḥusayn b. 'Alī b. Yazīd al-Karābīsī (d. 284), Muḥammad b. al-Ḥasan b. al-Ṣabāḥ al-Za'farānī/Abā 'Alī (d. 260), Abū 'Abd al-Raḥmān Aḥmad b. Muḥammad b. Yaḥyā al-Ash'ārī al-Baṣrī and Ibrāhīm b. Khālīd al-Kalbī/Abū Thawr (d. 237).²²

Leaving Iraq, al-Shāfi'ī travelled to several areas and stayed in Egypt, where al-Shāfi'ī met and studied with Egyptian scholars who were generally Mālik's associates. Mālik was the successor of the Medinan scholars of *fiqh* or *ahl al-Ḥadīth*. Because of his intellectual journey, al-Shāfi'ī changed some of his opinions, later called *qawl al-jadīd*. Thus, *qawl al-qadīm* is the opinion of the Shāfi'ī priest who has an *ahl al-ra'y* pattern, while *qawl al-jadīd* is his opinion with a classic/Ḥadīth style.²³

There were also several Shāfi'ī students in Egypt, namely Abū Ya'qūb Yūsuf b. Yaḥyā al-Buwayṭī (d. 231), al-Rābi' b. Sulaymān Abū Muḥammad (d. 270), al-Rābi' b. Sulaymān al-Jizī (d. 256), Sulaymān b. Yaḥyā b. Ismā'īl al-Muzannī (d. 264), Yūnus b. 'Abd al-A'lā al-Ṣadafī (died at the age of 96), Ḥarmalah b. Yaḥyā b. Ḥarmalah al-Tujībī (d. 266), and Muḥammad b. 'Abd Allāh b. 'Abd al-Ḥakam (d. 268).

The Shāfi'ī Literature Spreading in the Muslim World

History has proven that al-Shāfi'ī was a *mujtahid* who first developed the science of Islamic legal theory (*uṣūl al-fiqh*). Although various rules bound the previous *mujtahids* in *ijtihād*, there were no rules that were arranged in law as a scientific discipline that the scholars could guide.²⁴ Al-Shāfi'ī was in such conditions to contribute to the compilation of *uṣūl al-fiqh* book named *al-Risalah*.

²² Muhittin Özdemir, "Şafii Furu'ıfıkıh Literatüründe Mezhep Görüşleriyle İlgili Kavramların Gelişimi" (Ph.D Thesis--Marmara Üniversitesi, İstanbul, 2010); Yunus Araz, "İmam Şâfi'nin Fıkıh Anlayışındaki Değişim," *Eskişehir Osmangazi Üniversitesi İlahiyat Fakültesi Dergisi*, Vol. 2, No. 2 (2015), 33–74.

²³ Jaih Mubarak, *Modifikasi Hukum Islam: Studi Tentang Qawl Qadim Dan Qawl Jadid* (Jakarta: Raja Grafindo Persada, 2002), 124.

²⁴ Sayyid Mohsen Sa'idzadeh, "Fiqh and Fiqahat," *UCLA J. Islamic & Near EL*, Vol. 1 (2001), 239; Wael B. Hallaq, "On the Origins of the Controversy about the Existence of Mujtahids and the Gate of Ijtihad," *Studia Islamica*, No. 63 (1986), 129-141.

Al-Risālah can be said to be the founder of the foundations of *uṣūl al-fiqh*. According to Aḥmad Muḥammad Shākir, the writing of *al-Risālah* occurred twice; first, when al-Shāfi'i was in Mecca where he received a letter from 'Alī b. al-Madīnī (d. 234). Al-Shāfi'i answered the note at the suggestion of al-Madīnī. According to al-Rāzī (d. 606), the book *al-Risālah* (*al-Risālah al-Qadīmah*) was first written when al-Shāfi'i was in Baghdad. Regardless of the differences in meaning, what can be ascertained is that the second book of *al-Risālah* (*al-Risālah al-Jadīdah*) currently in circulation was written when al-Shāfi'i was domiciled in Egypt. This second writing is based on the memorization of al-Shāfi'i, which was then dictated to Rābi' b. Sulaymān (d. 270). In addition, it is estimated that this second writing was presented after al-Shāfi'i had produced several of his writings.²⁵

Al-Risālah becomes the first book of al-Shāfi'i discussing *uṣūl al-fiqh*. It contains conclusions about Shāfi'i's fiqh and its madhhab of thought. It includes the condition of the people of the book, the sending of the Messenger of Allah, knowledge and the position of humans before science, and the Qur'ān beside various core themes. Al-Shāfi'i begins his discussion by talking about *al-bayān*: *Bayān* of Allah and His Messenger. Then, he explains that Islamic shari'ah still applies in every era and place. Then, he discusses multiple laws, *nāsikh wa al-mansūkh*, Ḥadīth and other chapters. *Al-Risālah* is one of the most high-quality writings owned by al-Shāfi'i.

The masterpiece of al-Shāfi'i's thoughts is contained in many articles he wrote himself, and in teaching, he pressed to and then reported by his students. Fakhr al-Dīn al-Rāzī even said that al-Shāfi'i in the science of *uṣūl al-fiqh* was like Aristotle in the science of *mantīq* and Khalīl b. Aḥmad in the science of *'arūd*.²⁶ Until now, *al-Risālah* is still a reference for anyone who intends to know and deepen about *uṣūl al-fiqh*.

Apart from *al-Risālah*, the books written by al-Shāfi'i, which also became his masterpiece, are *al-Umm* and *al-Hujjah*. *Al-Hujjah* is al-Shāfi'i's old thought (*qawl qadīm*) narrated by four Iraqi imams:

²⁵ Muḥammad b. Idrīs al-Shāfi'i, *al-Risālah*, ed. Aḥmad Muḥammad Shākir (Kairo: Maktabat Dār al-Turāth, 1979), 16-19.

²⁶ Imam Fakhrudīn Ar-Razi, *Manāqib Imam Syaf'i*, trans. Andi Muhammad Syahril (Jakarta: Pustaka Al-Kautsar, 2017), 98.

Aḥmad b. Ḥanbāl, Ibrāhīm b. Khālīd al-Kalbī, al-Za‘farānī, and al-Karabīsī. Meanwhile, *al-Umm* as the new thought (*qawl jadīd*) of al-Shāfi‘ī that his followers in Egypt narrated, such as al-Muzannī, al-Buwayṭī, al-Rābi‘, al-Jīzī. In particular, *al-Risālah* describes *ṭuruq al-istinbāṭ al-aḥkām* (method of discovery of law) logically and systematically. Meanwhile, *al-Umm* explained the combination of the results of al-Shāfi‘ī’s *ijtihād* accompanied by his methodology but mostly alluded to various issues of *fiqhīyah*.²⁷

In general, *uṣūl al-fiqh* of the Shāfi‘ī madhhab is guided by the Qur’ān, Ḥadīth, *Ijmā’* and *Qiyās*. In practice, he also uses other sharī‘ah arguments such as *istiḥsān*, *maṣlaḥah mursalah*, *istishāb* and others. Regarding the *uṣūl al-fiqh* explanation of the Shāfi‘ī madhhab in detail, we can read the books written by the great Shāfi‘ī scholars, including *al-Risālah* by al-Shāfi‘ī, *al-Mu‘tamad* by al-Ḥusayn al-Baṣrī (d. 436); *al-Burhān* by Imām al-Ḥaramayn (d. 478), *al-Muṣtaṣḥaf* by al-Ghazālī (d. 505), *al-Maḥṣūl fī ‘Ilm Uṣūl* by al-Rāzī (d. 606), *al-Iḥkām fī Uṣūl al-Aḥkām* by al-Amidī (d. 630), *Muntabā al-Sūl* by Ibn al-Ḥājib (d. 646), *Minhāj al-Wuṣūl ilā ‘Ilm al-Uṣūl* by al-Bayḍāwī (d. 685), *al-Ibḥāj* by al-Subkī (w. 756), *Jam‘ al-Jawāmi‘* by al-Subkī (d. 771), *Lubb al-Uṣūl* by Zakariyyā al-Anṣārī (d. 926), and *al-Ta‘arūf* by Ibn Ḥajar al-Haytamī (d. 974).

The fiqh books of the Shāfi‘ī madhhab are very numerous. This shows the seriousness of the Shāfi‘ī scholars in studying the fiqh by strong argumentative analysis. Not only the *matn*, but also the *sharḥ* of Shāfi‘ī fiqh books appeared. The following are the book names of Shāfi‘ī scholars from the time of al-Shāfi‘ī until now, namely *al-Umm* by al-Shāfi‘ī, *Mukhtaṣar al-Muḥzanī* by al-Muzanī (d. 264), *al-Ḥāwī al-Kabīr* by al-Māwardī (d. 450), *al-Muhadhdhab* by al-Shayrāzī (d. 476), *Nihāyat al-Maṭlab fī Dirāyat al-Madhdhab* by Imām al-Ḥaramayn (d. 478), *al-Bāsīt* by al-Ghazālī (d. 505), *al-Wasīṭ* by al-Ghazālī, *al-Wajīz* by al-Ghazālī; *al-Khulāṣah* by al-Ghazālī, *al-Muḥarrar* by al-Rāfi‘ī (d. 623), *al-Sharḥ al-Kabīr* by al-Rāfi‘ī, *Minhāj al-Ṭalībīn* by al-Nawawī (d. 676), *Rawḍat al-Ṭalībīn* by Nawawī, *al-Majmū‘ Sharḥ al-Muhadhdhab* by Nawawī, *Faṭḥ al-Wahbāb* by Zakariyyā al-Anṣārī, *Tuḥfat al-Muḥtāj* by Ibn Ḥajar al-Haytamī (d.

²⁷ Ainul Yaḥqīn, “Telaah Kritis terhadap Qaul Qadim dan Qaul Jadid,” *Jurnal Wasathiyah*, Vol. 2, No. 1 (2018).

974), *Mughnī al-Muḥtāj* by al-Shirbīnī (d. 977), and *Nihāyat al-Muḥtāj* by al-Ramlī (d. 1004).

In *Muʿjam al-Buldān*, there is information about the long list of the names of books written by al-Shāfiʿī, most of which were compiled by a Shafiʿī student Rābiʿ b. Sulaymān al-Murādī in one big book named *al-Umm*.²⁸ In addition, Shāfiʿī thoughts have also influenced many writings of great scholars spread in the Islamic world.²⁹

The Development of the Shāfiʿī Literature in Indonesia

Indonesian people have many madhhabs or sects, as evidenced by the implementation of various religious rituals and concrete performances in society based on the understanding of each madhhab. Therefore, a version of the study of certain madhhabs of thought can become an ideology and determine a person's attitudes and actions. Sometimes, differences in understanding related to studying a particular madhhab of opinion end in a conflict.

Of the four madhhabs of jurisprudence that are well-known in the Islamic world, Shāfiʿī madhhab is the largest school adopted by the Islamic community in Indonesia. This fact can be seen from the various books of Islamic jurisprudence used as references, most of which come from the Shāfiʿī school.³⁰ The Shāfiʿī school entered Indonesia together with the entry of Islam. The school was brought by Muslims who spread Islam for the first time in Indonesia. So Indonesian people first knew the Shāfiʿī madhhab of Islamic legal thought as early as they recognized Islam. The Shāfiʿī madhhab also continued to grow. The rhythmic patterns of the Shāfiʿī madhhab with the personality of Indonesia.³¹

The fiqh of the Shāfiʿī madhhab has long been a feature of Indonesian Muslim society. Almost all regions in Indonesia follow the Shāfiʿī school. Academic information regarding the early entry

²⁸ Tariq Suwaidan, *Biografi Imam Syafi'i*, trans. Imam Firdaus (Jakarta: Penerbit Zaman, 2015), 228–230.

²⁹ Muhammad Ajib, *Mengenai Lebih Dekat Mazhab Syafi'i* (Jakarta Selatan: Rumah Fiqih Publishing, 2018), 28–30.

³⁰ Mahfudz Junaedi, "Fikih Indonesia: Epistemologi Sosio-Kultural," *YUDISLA: Jurnal Pemikiran Hukum dan Hukum Islam*, Vol. 9, No. 2 (2018).

³¹ Rohmah and Zafī, "Jejak Eksistensi Mazhab Syafi'i."

and development of Islam in Indonesia indicates sufficient evidence about how Islam struggles with adat in the field of fiqh, especially Shāfiʿī fiqh, starting from the early Islamic period, the sultanate period until now. Among the archaeological evidence is the tomb of Maulana Malikus Saleh, adherent to the Shāfiʿī madhhab in Aceh. Even Sri Indrawan, the king of Sriwijaya in Palembang, had a correspondence with the Caliph Umar b. ʿAbd al-ʿAzīz who practised the fiqh of al-Shāfiʿī.³² In other words, the Islamic model that first entered the territory of Indonesia was dominantly associated with the Shāfiʿī madhhab.³³

The characteristics of Islamic law in Indonesia are dominantly characterized by Arab personalities and are attached to the Shāfiʿī madhhab. The forerunner and development of the Shāfiʿī school can be seen in the number of Indonesian scholars who taught Islamic teachings based on the Shāfiʿī madhhab after completing their education in the Middle East. Among the scholars are Shaykh Nuruddin Ar-Raniri, who served as mufti of the Aceh Kingdom (d. 1068 /1658), Shaykh Arsyad Al-Banjari (1710-1812), Shaykh Yusuf Tajul Khalwati from Makasar, Nawawi Al-Bantani (1813-1898) and others. They taught their students Shāfiʿī teachings so that they teach them back to their students until it continues to the current generation using several books.³⁴

In addition, the development of the Shāfiʿī madhhab can be seen in various pesantren, mainly traditional (*salaḥ*) pesantren in Indonesia. In the 1880s, a scholar from the Netherlands, Van Der Berg, conducted an inventory of various literature used in pesantren in parts of Java and Madura. The literature in the pesantren taught to its *santri* (students) is affiliated with the Shāfiʿī madhhab, such as *Safinat al-Najāh*, *Sullam al-Tamfiq*, *Minhaj al-Qawim*, *Mukhtaṣar*, *Fath al-Muʿin*, *Fath al-Wahhāb*, *Fath al-Qarib* and others. With the abundance of thought literature on the Shāfiʿī madhhab taught in pesantren, it is not surprising that the thoughts

³² Abdurrohman Kasdi, "The Role of Walisongo in Developing the Islam Nusantara Civilization," *Addin*, Vol. 11, No. 1 (2017), 1-26.

³³ Muhammad Adil and Muhamad Harun, "Penyebaran Fikih Mazhab Syafi'i Di Nusantara: Studi Sosio-Historis Masa Kesultanan Palembang Darussalam," *Al-Manahij: Jurnal Kajian Hukum Islam*, Vol. 14, No. 2 (2020), 281-294.

³⁴ Fathullah Asni, "The Development of Islam and Mazhab Al-Syafi'i during the Post-Arrival of Islam in the Malay Archipelago," *International Journal of Academic Research in Business and Social Sciences*, Vol. 9, No. 3 (2019).

of the Shāfi'i madhhab also influence the way *Kiai* (leader of pesantren) and *santri* think.³⁵

There are many great and influential *kiais* in Indonesia who spread the Shāfi'i fiqh among the Indonesian people. They included Muhammad Saleh Bin Umar from Semarang (d. 1321), Dahlan from Semarang (d. 1329), Bulqin from Kendal (d. 1334), Muhammad Mahfudz Bin Abdullah Termas (d. 1338), Idris Jamsaren from Solo (d. 1341), Muhammad Khalil from Bangkalan Madura (d. 1334), Hamid Muhammad Bin Qadhi from Kendal (d. 1345), Ibrahim from Brombong Demak (d. 1347), Habib Ahmad Bin Abdullah Bin Talib Alatas from Pekalongan (d. 1347), Abdul Hamid Bin Ahmad from Kendal (d. 1348), Muhammad Ma'sum from Sablok Jombang (d. 1351), Diemyati Bin Abdillah from Termas Pacitan (d. 1353), Muhammad Faqih Bin Abdil Jabar from Gresik (d. 1353), Amir from Pakalongan (d. 1357), Husin from Kendal (d. 1358), Ahmad Khalil from Rembang (d. 1358), Munawir Krapyak from Yogyakarta (d. 1358), Mahfuzh Siddiq from Jember (d. 1363), Sya'ban Bin Hasan (w. 1364), Khalil Masyhuri from Lasem (d. 1366), *Kiai* Ridhwan Bin Mujahdi from Semarang (d. 1368), Ihsan Bin Muhammad Dahlan from Jember (d. 1371), Abdul Wahid Hasyim from Jombang (d. w. 1372), Abdullah Bin Salim from Semarang (d. 1371), Munaf from Kediri (d. 1372), Abdullah Zaini bin Uzair from Demak (d. 1372), Hanbali Khalid from Demak (w. 1376), Ramli Patarongan from Jombang (d. 1377), Siraj Payaman from Magelang (d. 1378), Asnawi from Kudus (d. 1379), Dalhar from Muntilan (d. 1382), Jamari Abdul Wahab from Kendal (d. 1382), and others.³⁶

Several Islamic literatures affiliated with the Shāfi'i madhhab written by Indonesian scholars include *Kāshifat al-Sajā* and *Sharḥ Safinat al-Najāh* of Shaykh Nawawi Banten, *Hashiyat al-Tarmasi* which is recorded as the greatest work in the Shāfi'i madhhab of fiqh written by Muhammad Mahfudz Termas,³⁷ *Ṣirāt al-Mustaqim* of

³⁵ Departemen Agama RI, *Nalar Islam Nusantara* (Jakarta: Dikti, 2007), 343-346.

³⁶ Siradjuddin Abbas, *Sejarah Dan Keagungan Madzhab Syafii* (Jakarta: Pustaka Tarbiyah, 2006), 354-357.

³⁷ Dzulkifli Hadi Imawan, "Contribution of Syaikh Muhammad Mahfuzh Al-Tarmasi in the Development of Intellectual-Spiritual Pesantren in Indonesia in the 20th Century," *Santri: Journal of Pesantren and Fiqh Sosial*, Vol. 1, No. 1 (2020), 13-26.

Nuruddin Ar-Raniri, *Jam' Jawāmi' al-Muṣannaḥāt* edited by Shaykh Ismail Asyi, *Qurraṭ al-'Ayn* of Muhammad Zain Jambi, *Kifāyat al-Mubtadi'in fī Ṭibādāt Rabb al-'Ālamin* of Shaykh Raden Haji Muhammad Mukhtar Bin Raden Natanegara, *Sullam al-Rajā Sharḥ Safīnat al-Najā* of Shaykh Uthman Tungkal Jambi, *Tanwīr al-Ḥijā 'alā Naẓm Safīnat al-Najāh* of Ahmad Qusyairi Pasuruan, *Nayl al-Rajā bi Sharḥ Safīnat al-Najāh* of Ma'shum Siraj Gedongan, and *Fayḍ al-Ḥijā* of Sahal Mahfudz Kajen.

According to Alaidin Koto, Shāfi'ī fiqh products have been used as a source of law in deciding cases since the era of Islamic kingdoms in the archipelago.³⁸ In 1958, the Religious Courts Bureau of the Ministry of Religious Affairs issued Circular Number B/1/1735, dated February 18, 1958 regarding several fiqh books that can be used as references in handling cases, including: *al-Bājurī*, *Fath al-Mu'in*, *al-Sharqāwī 'alā al-Taḥrīr* by al-Sharqāwī, *Qalyūbī al-Maḥallī wa Sharḥih*, *Tuḥfat al-Muḥtāj* by Aḥmad b. Ḥajr al-Haytamī, *Targhib al-Mushtāqīn* by Nawawi al-Bantanī, *Fath al-Wabbāb* by al-Anṣārī, *Qawā'id Ash'ariyah* by Sayyid 'Uthmān b. Yaḥyā, *Shamsūrī fī al-Farā'id* by al-Shamsūrī, *Bughyat al-Mustarshidīn* by Ḥusayn al-Bā'alawī, *al-Fiqh 'alā Madhāb al-Arba'ah* by al-Jazā'irī, and *Mughnī al-Muḥtāj* by al-Sharbīnī.³⁹

The dominance of the Shāfi'ī fiqh books in the preparation of the Compilation of Islamic Law cannot be avoided. This condition is also related to the process of spreading Islam in the archipelago, when Arabs propagated Islam with the Shāfi'ī madhhab of thought in the seventh century.⁴⁰ The compilation of Islamic Law itself was compiled based on a study of 38 classical fiqh books, including: *al-Bājurī*, *Fath al-Mu'in*, *Sharqāwī 'alā al-Taḥrīr*, *Mughnī al-Muḥtāj*, *Nihāyat al-Muḥtāj*, *al-Sharqāwī*, *I'ānat al-Ṭalībīn*, *Tuḥfat*, *Targhib al-Mushtāqīn*, *Bulghat al-Sālik*, *Shamsūrī fī al-Farā'id*, *al-Qalyūbī/Maḥallī*, *Fath al-Wabbāb wa Sharḥih*, *al-Umm*, *Bughyat al-Mustarshidīn*, *Bidāyat al-Mujtabid*, *'Aqīdah wa al-Sharī'ah*, *al-Muḥallā*, *al-Wajīz*, *Fath al-Qadīr*,

³⁸ Alaidin Koto, *Sejarah Peradilan Islam* (Jakarta: Raja Grafindo Persada, 2011), 192.

³⁹ Ahmad Mujahidin, *Pembaruan Hukum Acara Perdata Peradilan Agama dan Mahkamah Syarī'ah di Indonesia* (Jakarta: IKAHI, 2008), 37-38.

⁴⁰ Khairul Umam, "Penyerapan Fiqh Madzhab Syafi'i Dalam Penyusunan Kompilasi Hukum Islam," *Journal de Jure*, Vol. 9, No. 2 (2017), 117-127.

*al-Fiqh 'alā Madhāhib al-Arba'ah, Fiqh al-Sunnah, Kashf al-Qinā', Majmū'ah al-Fatāwā b. Taymīyah, Qawānīn al-Shar'iyah li al-Sayyid 'Uthmān b. Yahyā, al-Mughnī, al-Hidāyah Sharḥ al-Bidāyah Taymīyah al-Mubtadī, Qawānīn al-Shar'iyah li al-Sayyid Ṣdaqah Dahlān, Nawāb al-Jalīl, al-Muwatta', and Ḥāshiyah.*⁴¹

The flexibility and tolerance of the Shāfi'i thought in applying the Islamic law make the Shāfi'i madhhab easily accepted by the people of Indonesia. Even al-Shāfi'i's *qawl qadīm* and *qawl jadīd*, which constitute theories of legal change in the Shāfi'i madhhab, are used by various Islamic reform figures in Indonesia, such as Hasbie Ash-Shiddiqie with his idea on *Fikih Indonesia* (Indonesian Fiqh), Hazairin with *Mazhab Fikih Nasional* (National Madhhab of Fiqh), Munawir Sjadzali with *Reaktualisasi Ajaran Islam* (Reactualization of Islamic Teachings), Masdar Farid Mas'udi with *Agama Keadilan* (Religion of Justice), Sahal Mahfudh with *Fikih Sosial* (Social Fiqh), and Abdurrahman Wahid with his concept on *Pribumisasi Islam* (Indigenization of Islam).

The various above figures used the classical school of jurisprudence contextualization method, which was developed from Shāfi'i madhhab with application in the family and inheritance system in Indonesia, as was done by Hazairin. Sahal Mahfudh used the Shāfi'i madhhab as the primary source in the method of contextualization and reactualization of the classical school of fiqh methodology, through the method of *ilhāq, tarjih*, and comparison of scholars, as reflected in his *Fikih Sosial*. The work of Sahal Mahfudh is applied to the legal status of women's reproductive rights, taxes, and fiqh relations with positive law.⁴²

The Shāfi'i teachings in Indonesia have been implemented by Indonesian Muslims in their daily worship and *mu'āmalah* activities. The dominance of the Shāfi'i madhhab is caused by the fact that the madhhab entered the archipelago as early as Islam arrived.

⁴¹ Haerunnisa Yunus, Rusli, and Abidin, "The Concept of A Marriage Agreement in the Compilation of Islamic Law," *International Journal Of Contemporary Islamic Law And Society*, Vol. 2, No. 2 (2020), 33-45; Lina Kushidayati, "The Development of Islamic Law In Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)*, Vol. 1, No. 2 (2014); Moh. Asy'ari, "Kompilasi Hukum Islam Sebagai Fiqh Lintas Madzhab di Indonesia," *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, Vol. 7, No. 2 (2012), 234-246.

⁴² Mahsun Fuad, *Hukum Islam Indonesia: Dari Nalar Partisipatoris Hingga Emansipatoris* (Yogyakarta: PT. LKiS Pelangi Aksara, 2005), 219.

Thus, even though there are reforms of Islamic law in Indonesia, they cannot replace the dominance of the Shāfiʿī madhhab because this madhhab has been used in every worship of most Indonesian Muslims.

Conclusion

The role of the students and scholars of the Shāfiʿī madhhab in the dissemination of fiqh literature through education, *daʿwah*, arts, and even Islamic organizations greatly influences the existence of the Shāfiʿī madhhab in the Muslim world, including Indonesian. Furthermore, the dynamics of Indonesian Islamic legal thought initiated by several figures from the Shāfiʿī madhhab also made the Shāfiʿī thoughts continue to exist, dominate, and be used as a reference in establishing Islamic law in Indonesia. However, this does not mean that Indonesia recognizes and only uses literature based on the Shāfiʿī madhhab as a source of Islamic law because Indonesia frees the Muslim people to follow certain schools of thought. The dominance of Shāfiʿī legal studies in Indonesia is indicated by not only the high numbers of its followers but also the abundance of Shāfiʿī literature authored by both international and local Shāfiʿī scholars and taught in numerous traditional educations in Indonesia. Thus, the Shāfiʿī madhhab is always relevant to be used as a guide for Islamic law in Indonesia.

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