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Rationality and Textualism in Islamic Legal Theory: A Comparative Study of Hanafi and Mutakallimin Methodologies

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Abstract: The persistence of diverse methodologies in Islamic jurisprudence highlights an ongoing academic problem: the lack of consensus on the most effective approach to deriving legal rules. Previous studies have often described either the Hanafi or the Mutakallimin method in isolation, but few have systematically compared their effectiveness, leaving a research gap in understanding their relative contributions to usul al-fiqh. This study aims to examine and compare the Hanafi method and the Mutakallimin method in establishing jurisprudential rules, with a focus on their applicability in contemporary contexts. Employing a qualitative descriptive approach, the research utilizes primary sources from Hanafi fiqh and Mutakallimin texts, complemented by secondary data from scholarly journals and online articles. The findings reveal that the Hanafi method, rooted in the teachings of Imam Abu Hanifah and his companions, emphasizes practical experience and inductive reasoning, offering clarity, comprehensiveness, and flexibility that enhance its relevance in evolving socio-legal contexts. In contrast, the Mutakallimin method, while theoretically rigorous and reasoning-based, is limited by its detachment from fiqh branches and lack of practical examples, which reduces its effectiveness in application. This study contributes to the discourse on usul al-fiqh by demonstrating that the Hanafi method provides a more integrative and adaptable framework for jurisprudential development, bridging classical principles with modern needs. Thus, the research underscores the importance of methodological flexibility in sustaining the evolution and application of Islamic law.

Keywords: *Hanafi Method, Mutakallimin Method, Islamic Jurisprudence*

Introduction

The term rules of jurisprudence, also known as "*al-qawāid al-fiqhiyyah*" is used by scholars to make general conclusions from the various laws of the matter that have been laid down in the Qur'an, sunnah, and jurisprudence. Constantly changing social facts lead to the emergence of various life problems that do not have clear legal provisions in the Qur'an and sunnah. So that laws made and decided on this new issue can benefit society, scholars must act carefully and conscientiously while doing *ijtihad*.[1] To meet this need, scholars sought to make the legal principles found in the Qur'an, sunnah, and jurisprudence into basic principles. The inductive method means gathering conclusions from existing legal facts, then combining them into general conclusions covering similar issues. In the end, such legal conclusions become the principle of jurisprudence for determining the law for new issues that have legal reasons.

Recent literature emphasizes the importance of jurisprudential methods in addressing contemporary challenges of Islamic law. For instance, Marzuki and Rahmat Ilahi Syukri (2023) examined the implications of the Hanafi and Mutakallimin methods in the formation of law, highlighting their respective strengths and limitations.[2] Similarly, Arditya Prayogi (2023) in The Theologicalism and Fiqhism in Islam: A Descriptive Study explored the interplay between theological reasoning and fiqh methodology, while Syamsuddin Muir (2023) in Legal Status of Qath'i and Zanni in Ushul Fiqh Methods analyzed the epistemological foundations of usul fiqh.[3] These studies demonstrate the ongoing scholarly interest in methodological debates, yet comparative analyses between the Hanafi and Mutakallimin approaches remain limited, leaving a gap in understanding their relative effectiveness in producing consistent and applicable fiqh rules.

In the history of the development of jurisprudence, there are two main methods in establishing the rules of jurisprudence, namely the Hanafiyah method and the Mutakallimin method. The Hanafi method

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[1] Yusuf Muhammad Farraj As-Sabi'iy, "Al-Qawa'id Al-Fiqhiyah Wa Dauruha Fi Al-Mustajaddat Al-Fiqhiyah," *Majallat Al-Dirasat Al-'Arabiyah*, 2022.

[2] Marzuki and Rahmat Ilahi Syukri, "IMPLICATIONS OF UNDERSTANDING LAFADZ BASED WADHIH DILALAH TO THE FORMATION OF LAW ACCORDING TO THE METHOD OF MUTAKALLIMIN AND HANAFI," *Jurnal Hukum Islam* 23, no. 2 (2023): 251–69.

[3] Syamsuddin Muir, "LEGAL STATUS OF QATH'I AND ZANNI IN USHUL FIQH METHODS," *IJRC: Indonesian Journal Religious Center* 02, no. 02 (2024): 126–35; Arditya Prayogi, "THE THEOLOGICALISM AND FIQHISM IN ISLAM: A DESCRIPTIVE STUDY," *Al-Ittihad: Jurnal Pemikiran Dan Hukum Islam* 9, no. 1 (2023).

centers on the interpretation of the Qur'an and Hadith by considering logic and reason, which emphasizes practical aspects and is based on real experience.[4] While the mutakallimin method, also known as the Jumhur Ulama method, prioritizes the opinions of the jumhur ulama or the majority of scholars in determining the rules of jurisprudence, this method emphasizes more on theoretical aspects and is based on reason and logic.[5]

The Hanafiah method in the formation of jurisprudence has the potential to produce effective rules to solve the challenges of Islamic law in the current era. This is because the Hanafiyah method accommodates universal values such as justice, equality, and the protection of human rights due to its systematic and rational nature. Therefore, the effectiveness of the Hanafiah method in the formulation of *fiqh* rules in terms of legal consistency still needs to be thoroughly examined, because legal consistency is one of the important measures in evaluating how effective a method of formulating fiqh rules is.[6]

The research gap arises from the need to understand the effectiveness of each method in generating relevant and applicable fiqh rules within the context of Islamic law today. The Hanafi method emphasizes in-depth research on the furūʿ law within their madhhab before establishing fiqh rules, while the Mutakallimin method tends to focus on formulating usuliyah rules without considering the branches of fiqh.

The research problem is formulated to determine which method—Hanafi or Mutakallimin—is more effective in establishing jurisprudential rules that ensure legal consistency and practical relevance in the context of contemporary Islamic law. The study also focuses on identifying the similarities and differences between the two methods in their approach to fiqh rules, and analyzing how these differences impact their applicability today.

The objective of this research is to evaluate the relevance and effectiveness of both methods within the context of Islamic law development, and to investigate the contributions of each method in shaping and developing Islamic jurisprudence. By understanding the

[4] Louay Safi, "Towards an Islamic Tradition of Human Rights," *American Journal of Islam and Society* 18, no. 1 (2001): 16–42, https://doi.org/10.35632/ajis.v18i1.2033.

[5] Khoirul Fathoni, "Metode Penyelesaian Ta'arudh Al-Adillah Dalam Metodologi Hukum Islam," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 1 (2020): 45–64, https://doi.org/10.37680/almanhaj.v2i1.309.

[6] Wahyuddin, "Aliran-Aliran Ilmu Fiqih," *Jurnal Pendidikan Kreatif* 2, no. 1 (2021): 44–50, https://doi.org/10.24252/jpk.v2i1.22820.

differences and similarities between the Hanafi and Mutakallimin methods, better insights can be obtained into how Islamic law can be understood and applied in the constantly changing context.

The contribution of this research lies in providing a deeper understanding of the roles of the Hanafi and Mutakallimin methods in the development of Islamic law, and their implications in the context of Islamic legal practice in the present era. This study enriches the discourse on usul al-fiqh by demonstrating the practical relevance of the Hanafi method and the theoretical rigor of the Mutakallimin method, thereby offering a more comprehensive framework for the evolution of Islamic jurisprudence.

Research Method

This study aims to examine the effectiveness of the Hanafiyah method in establishing the rules of jurisprudence and to compare it with the Mutakallimin method. The research employs a qualitative descriptive approach to elucidate the comparison of Hanafi and Mutakallimin methodologies in jurisprudence formulation. Primary data sources consist of classical Hanafi fiqh and Mutakallimin texts, while secondary data sources include scholarly journals and online articles discussing both traditions. Data collection is conducted through a documentation approach.

The data analysis technique employed in this research is comparative analysis. This approach is chosen because the research seeks to highlight the similarities and differences between the Hanafi and Mutakallimin methods, and to evaluate their relative effectiveness in producing jurisprudential rules. A comparative framework allows for a systematic examination of how each method operates, the principles they emphasize, and the implications of their application in contemporary Islamic law. By juxtaposing the two methodologies, the study can identify not only their distinctive contributions but also their limitations, thereby providing a more comprehensive understanding of their relevance in the development of fiqh rules today.[7]

Discussion and Result

The Rules of Fiqh as the Basis for the Formulation of Islamic Law

[7] Burhan Bungin, *Analisis Data Penelitian Kualitatif* (Jakarta: Rajawali Press, 2015).

The findings obtained from data analyses should be presented in line with the aims of the study. Tables and figures can be used to display the results of the analyses. Findings section should deal only with presenting the results and should not include the discussion of the findings. Sub-headings in line with sub-goals of the study can be used. Sub-headings should be flush left, in italics and with each word capitalized.

Qawa'idul Fiqhiyyah, also known as the rules of fiqh, is a general principle used to divide *tafshili* (detailed) jurisprudence issues into several categories. Intended to serve as a guideline that can aid the legal process for other contemporary issues, it does so by dividing similar issues into one broad rule and establishing law for new issues similar to that rule.[8]

Before defining the rules of *fiqh* as a branch of science, please note that etymologically, the word fiqh rules comes from the Arabic *qawa'id fiqhiyyah* with the word arrangement *murakkab idhafiy*, which consists of two words, namely "qawa'id" as *mudhaf* and "fiqhiyyah" as *mudhaf ilaihi*. The word Qawa'id is the plural form of qaidah which means foundation.[9] The word qaidah has become an absorption language in Indonesian, according to Ahmad Warson Munawwir the word qaidah can be interpreted as *al-asas* (foundation and principle), *al-qanun* (basic rules), *al-mabda*' (principle), and *al-nasaq* (method).[10]

The Qur'an shows that the above understanding is correct, where the lafadz "القاعدة" that appears in several places in it shows the same meaning. One of them is surah al-Baqarah verse 127,

وَاِذْ يَرْفَعُ اِبْرٰهٖمُ الْقَوَاعِدَ مِنَ الْبَيْتِ وَاِسْمٰعِيْلُۗ رَبَّنَا تَقَبَّلْ مِنَّاۗ اِنَّكَ اَنْتَ السَّمِيْعُ الْعَلِيْمُ

Meaning: “(Remember) when Ibrahim raised the foundation of Baitullah with Ismail (while praying), O our Lord, accept (charity) from us. Behold, You are the All-Hearing and All-Knowing”

In terms of terminology, the rules of *fiqhiyyah* are rules that fall into the category of the provisions of the law of *fiqh*, not the provisions of the law of ushul fiqh. This is due to the fact that the object of study of the rules

[8] Zainul Mun’im, “Peran Kaidah Fikih Dalam Aktualisasi Hukum Islam: Studi Fatwa Yusuf Al-Qaradawi Tentang Fiqh Al-Aqalliyat,” *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 151–72, https://doi.org/10.24090/mnh.v15i1.4546.

[9] Nur Lailatul Musyafaah, “Kedudukan Dan Fungsi Kaidah Fikih Dalam Hukum Pidana Islam,” *Al-Jinayah Jurnal Hukum Pidana Islam* 4, no. 1 (2018): 131–46, https://garuda.kemdikbud.go.id/documents/detail/901563.

[10] Ebrahim Moosa, “Allegory of the Rule (Ḥukm): Law as Simulacrum in Islam?,” *History of Religions* 38, no. 1 (1998): 1–24, https://doi.org/10.1086/463517.

of fiqh is usually human actions that are subject to law (*mukallaf*).[11] One example is the rule of "there is no reward except by intention," which states that a person's actions will only be received with reward if their intention is to draw closer to God. This is different from the provisions of the law of *Ushul Fiqh* which are known based on the rules of Ushul, because the material object is the postulate of shar'i with all its conditions, and the law with all its conditions.[12]

While the meaning of the word *fiqhiyah* is taken from the word "Fiqh" which is given the additional letter *ya*' (ي) ratio which functions as a type of something that is general or national.[13] In some Indonesian dictionaries, the word fiqh is referred to as fiqh which is often identified with the meaning of Islamic law. Etymologically, the meaning of fiqh comes from the verb *faqiha* which means to understand or understand deeply. Some scholars reveal that *fiqh* is closer to the meaning of science as understood by the Companions, as in the word of Allah Almighty

لِيَتَفَقَّهُوْا فِي الدِّيْنِ

Meaning: To deepen their knowledge of religion

There are many opinions of scholars about the definition of the rules of fiqh. According to Tajuddin as-Subki, the rule of *fiqh* means a universal matter corresponding to its many parts, where it can give an understanding of its *juz'i* (branch) laws.[14] Ali Ahmad al-Nadwi stated that what is meant by the rules of *fiqh* is a general legal standard. From the standard of the rule, one can know the law of something that falls within its scope.[15]

According to the term, the rules of *fiqh* are general legal provisions that include the laws of derivation due to their general and/or total nature. In general, *fuqaha* are divided into two groups of opinions: the first uses the word kullî, and the second uses the word *aghlabi* or *aktsari*.[16] First, the *fuqaha* argues that the rules of *fiqh* are kulli based on the fact that the rules

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[11] Eva Nur Hopipah and Aah Tsamratul Fuadah, "Kaidah Al-Yaqinu Laa Yuzaalu Bisyakkin: Keyakinan Tidak Dapat Dihapuskan Dengan Keraguan," *Hikamia: Jurnal Pemikiran Tasawuf Dan Peradaban Islam* 3, no. 2 (2023): 86–103, https://doi.org/10.58572/hkm.v3i2.34.

[12] Mif Rohim, *Buku Ajar Qawa'id Fiqhiyyah (Inspirasi Dan Dasar Penetapan Hukum)*, *Lppm Uinhasy Tebuireng Jombang* (Jombang: LPPM UNHASY TEBUIRENG JOMBANG, 2019), 5.

[13] Muhlish Usman, *Kaidah Kaidah Istinbath Hukum Islam (Kaidah Kaidah Ushuliyah Dan Fiqhiyah)* (Jakarta: PT RajaGrafindo Persada, 1996), 96.

[14] Ahmad Djazuli, *Kaidah-Kaidah Fikih: Kaidah-Kaidah Hukum Islam Dalam Masalah-Masalah Yang Praktis* (Jakarta: Kencana, 2006), 3.

[15] Ali Ahmad Al-Nadwi, *Al-Qawā'id Al-Fiqhiyyah: Mafhūmuhā, Nasy'atuhā, Tathawwuruhā, Dirāsat Muallafātihā, Adillatuhā, Muhimmatuhā, Tathbiqātuhā* (Damaskus: Dar al-Qalam, 1994), 43.

[16] Muṣṭafá Al-Zarqā, *Syarh Al-Qawa'id Al-Fiqhiyah*, *2* (Damaskus: Dar al-Qalam, 1989), 34.

that have a limited scope are few, so that something that is few or rare has no law. Secondly, the *fuqaha* argues that the characteristic of the rules of fiqh is *aghlabiyah* or *aktsariyah* due to the fact that the rules of jurisprudence have a limited scope and have some exceptions, so deviations from their scope are unacceptable.

From some of the definitions above, what is meant by "rules of fiqh" is a general rule that can be used to find out the laws of various issues that are partial in nature. In terms of purpose, the formation of jurisprudence rules is made so that judges, muftis, and jurisprudence scholars more easily resolve dispute cases in the community.

History of Development and Preparation of Fiqh Rules

Islamic law began in the prophetic period, along with the descent of the Qur'an al-Karim and its explanation in the prophetic sunnah, to know the law of sharia in all aspects of life. The situation at the beginning of the Hijri century was that the proposal of jurisprudence and the rules of jurisprudence was not needed because the Prophet could still issue fatwas and establish a law based on the Revelation he received in addition to his own sunnah.[17] In addition, the Apostle's *ijtihad* does not require *Ushul Fiqh* or rules that can help him perform *istinbath* and *ijtihad*. After the death of the Prophet, many new questions arose and required the ulama' to establish their laws through their own *ijtihad*, and no longer wait for the approval of the Prophet. Therefore, since the time of the companions ijtihad began to become one of the sources of Islamic law. For example, Umar ibn Khattab's ijtihad to abolish the punishment of cutting off hands in times of famine.[18]

Then came the fiqh movement after the death of Prophet Muhammad (peace be upon him) in which the companions and tabi'in, as well as after them the imams, mujtahids, ulama', and *fuqaha,* extracted jurisprudence from the sources of the Shari'a. They strive to find the laws of problems and matters from the Qur'an al-Karim, the noble sunnah, and ijtihad through other sources, because they believe that every matter or business of the world has a law that they are responsible for explaining, and they will be held accountable by Allah the Exalted for it.

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[17] Hanif Aidhil Alwana, "Aliran Pemikiran Ushul Fiqh Dan Pengaruhnya Terhadap Pendekatan Hukum Islam," *Juris: Jurnal Ilmiah Syariah* 19, no. 2 (2020): 147–62, https://doi.org/10.31958/juris.v19i2.2375.

[18] Ibrahim Muhammad Musa Muhammad, "Al-Ijtihad Bi Al-Ra'yi Wa Atsarihi 'ala Fiqhi Umar Ibn Al-Khattab," Majallat al-Da'i, Darul Uloom Deoband, 2023, https://darululoom-deoband.com/arabicarticles/archives/5443#_ftn1.

When an event occurred, problems and disputes arose, or research was necessary, people and rulers would ask scholars' and jurists to know God's law. The ulama' and *mujtahidin* fulfill their mandate and responsibility by giving explanations to the community.[19] Once they found a clear text in the Kitabullah, they announced it and followed it. They perform ijtihad, go to great lengths, and examine the Kitabullah and Sunnah, as well as the general principles and original laws contained therein, if they do not find a text in both.

From a clear or implied transfer to other sources of law, they use their intellect to understand the text and interpret it, as well as achieve the purpose of sharia and its general purpose, so that they can draw conclusions of *fiqh* law and explain halal and haram, and know the law of Allah the Exalted. From their work, a large number of sharia laws and their branches were formed, as well as matters of *fiqh*, and they have performed their duty well in keeping abreast of developments, keeping up with changes, and establishing divine methods in the lives of individuals, societies, and states, thus remaining under the auspices of sharia law in all matters small and large.[20]

During the time of the *tabi'in*, *tabi' al-tabi'in*, and the mujtahid imams around the second and third centuries of the Hijri, Islamic rule extended to areas inhabited by non-Arabic speaking people. In the second century, new factors, new methods, and real developments emerged, such as the jurisprudence of assumptions that developed rapidly over time to explain the laws of the Shari'a. In addition, there appeared imams of various schools who wrote laws and marked their *ijtihad*.[21] Each school establishes rules and principles for drawing their conclusions and ijtihad, and each school uses a specific method of explaining laws, depending on the rules and principles they use.

Here there appear three basic types of rules, namely:

1. The basic rules of drawing conclusions and *ijtihad*, which is the method used by mujtahids to know the law from sources, and is the basis of jurisprudence.[22]

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[19] Ahmad Hanany Naseh, "Ijtihad Dalam Hukum Islam," *Jurnal An-Nur* 4, no. 2 (2012): 248–59.

[20] Ahmad Badi', "IJTIHAD: Teori Dan Penerapan," *Jurnal Pemikiran Keislaman* 24, no. 2 (2013): 28–47, https://doi.org/10.33367/tribakti.v24i2.173.

[21] Naili Sumaiya, "Ijtihad Dalam Sejarah Dan Perkembangannya Hingga Masa Kontemporer," *Jurnal At-Tasyri* 12, no. 2 (2020): 151–64.

[22] Yasmita and Ahmad Reza Bahtiar, "DEFINISI USHUL FIQH SEBAGAI METODE IJTIHAD," Pengadilan Agama Tigaraksa, 2022, https://pa-tigaraksa.go.id/definisi-ushul-fiqh-sebagai-metode-ijtihad/.

2. The basic rules of *takhrij*, compiled by scholars to narrate hadiths, document the sunnah, establish narrations, accept sanad, and assess strengths or weaknesses, as well as criticism of the narrator, to rely on valid hadith in *ijtihad* and draw conclusions, abandon the weak, avoid the false, and beware of the questionable. These basics are called hadith terminology, ushul hadith, or hadith basics.
1. 3. The basic rules of law, that is, the principles made by scholars, especially followers of imams and mujtahids of *madhhab*, to collect similar laws and interconnected problems, explain the similarities between them, and relate them in a system that combines diversity and unites its parts, so that they become general principles in Islamic jurisprudence, or rules of *fiqh*.[23]

The imams of Madzhab in concluding a law have a certain frame of mind that can be used as basic rules. So that the results of his *istinbath* can be evaluated objectively by his successors. However, the ability of *Madzahib* imams is not the same, the inequality is sometimes based on the conditions and nature in which he is, therefore they try to generalize the points of thought through basic rules as a reference in concluding laws, with these basic rules it can be known the point of relevance between one *ijtihad* and another *ijtihad*, although the configuration is different but the substance can be said to be the same. These basic rules are called the rules of *fiqhiyah*.[24]

By the beginning of the fourth century Hijri, scientific progress in various fields had reached its peak. This is shown by the emergence of various types of scientific thinking, *ijthad* methods, bookkeeping, discussion, and teaching at various levels. The sciences of *fiqh* eventually began to stagnate.[25] The scholars of that time felt it was enough to hold on to the works of the existing *madhhab*. They limit *ijtihad* only to matters of furu'. Sunni *fiqh* scholars agreed to discontinue *ijtihad* after Baghdad fell in the mid-seventh century AH (13th century CE), fearing escalating disagreements. In the end, they were just happy that the four famous schools existed.[26]

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[23] Syamsul Hilal, "Qawa'id Fiqhiyah Furu'iyyah Sebagai Sumber Hukum Islam," *Al-'Adalah* 11, no. 2 (2013): 141–54.

[24] H. Abdul Mudjib, *Kaidah Kaidah Ilmu Fiqih:(Al-Qowa'idul Fiqhiyyah)* (Jakarta: Kalam Mulia, 2001), X.

[25] Muhammad Abu Zahrah, *Tarikh Al-Madzahib Al-Islamiyah* (Kairo: Dar al-Fikr al-'Araby, 1985), 79.

[26] Subhi Rajab Mahmasani, *Falsafah Al-Tasyri' Fi Al-Islam* (Beirut: Maktabah al-Kasysyaf, 1946), 143.

Entering the eighth century of the Hijri, the activity of writing Ushul Fiqh and the rules of fiqh has increased, although *ijtihad* has not been promoted or even considered closed. Therefore, this period can be considered as the heyday of the writing of *Ushul Fiqh* and the rules of jurisprudence. Many books of rules appeared, especially among Shafi'iyah scholars. In the 9th century A.H., these rules were systematically perfected.[27]

Characteristics of Fiqh rules

Every science has characteristics that distinguish one science from another. The fuqaha explain some of the characteristics of *fiqh*, including:

1. The rules of fiqh use short expressions with their general meaning and ability to deal with specific problems. which can be formulated in two words like: (الضرر يزال) or in a few words (nothing difficult if there is an easy one). They are easy to remember and difficult to forget because they are formulated in easy-to-understand phrases, so that when mentioned before a jurist for a branch or issue, he will remember the rule.[28]
2. Each rule of *fiqh* gathers many branches of law from different chapters and connects them in one general rule, even if the topics and chapters are different.
3. The rules of fiqh have a very large number and are not limited to a certain number, these rules are spread in general jurisprudence, fatwas, and Islamic laws. Therefore, Imam Al-Qarafi said that the rules of *fiqh* are not absorbed in the origin of *fiqh*, but in the sharia have many rules governing Islamic laws according to the muftis and mujtahids that are not found in the original proposal of jurisprudence.

The Urgency of Fiqh rules

Qaidah, linguistically, means "something fixed". However, in the sense of the word, the rule of fiqh means "Rules of a general nature in matters of jurisprudence". In other words, this rule of *fiqh* can be applied to some jurisprudence issues specifically. Undoubtedly, understanding the

[27] Sandy Rizki Febriadi Sanusi, "Kaidah Fikih: Sejarah Dan Pemikiran Empat Mazhab," *Tahkim (Jurnal Peradaban Dan Hukum Islam)* 4, no. 2 (2021): 23–46, https://doi.org/10.29313/tahkim.v4i2.6809.

[28] Najat as-Sayyid Daud, *Muhadharat Fi Qawa'id Al-Fiqh Al-Kulliyah* (Manshura: Kulliyat al-Dirasat al-Islamiyah wa al-'Arabiyah lil Banat, Jami'ah al-Azhar, n.d.), 36.

rules of fiqh has many benefits, especially in terms of establishing Islamic law.

Several important purposes are shared by the rules of *fiqh*. First, the rules of *fiqh* serve as filters that ensure that the jurisprudence used to solve current problems does not contradict the constancy contained in the *nash* (Qur'an and Sunnah).[29] Secondly, the rules of *fiqh* in most of the discussions are interrelated between schools of jurisprudence, so very few differences arise. Then we can use it as a means to study the different school of jurisprudence in the furu' of Islamic law, making it easier to know the comparison of *madzahib fiqhiyah*.[30]

Third, help the *fuqaha* understand the method of fatwa. A jurist is often asked to give his fatwa on various jurisprudence issues that occur in society. When a jurist understands and masters the rules of *fiqh* well, it will be easier for him to understand how to fatwa. In addition, it is important for a jurist to master the rules of jurisprudence because jurisprudence problems always arise and develop with the times. Mastering the rules of fiqh will help a jurist find the law for new problems. Fourth, it helps to understand *maqashid ash-sharia*. Maqashid sharia has several general purposes, including protecting religion, soul, mind, property, and offspring.[31] Before issuing a fatwa, a jurist must understand the maqashid of sharia. This is done so that the fatwas they make are in accordance with the needs and beneficial to humans.

In addition, the rules of fiqh also serve as a tool to solve problems that have occurred and may not have occurred that do not have legal provisions in the nash. Therefore, the rules of fiqh help experts, practitioners of Islamic law, and scholars in legal *istinbath*. Some scholars explain the importance of learning the rules of jurisprudence for a faqih or jurist, judge, mufti, and people who have a direct relationship with Islamic law.

Al-Qarafi revealed that the rules of *fiqh* are important in jurisprudence and have great benefits. To what extent one understands it, it is to what extent the greatness of a jurist is revealed, the beauty of jurisprudence radiates, and the method of fatwa is revealed. By

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[29] Achmad Musyahid, "Sejarah Kodifikasi Hukum Islam Dan Pengembangan Teori Hukum Modern," *Jurnal Hukum Diktum* 10, no. 1 (2012): 11–22.

[30] Abbas Kasyif Al-Ghitha', *Al-Muntakhab Min Al-Qawa'id Al-Fiqhiyah* (Al-Nagaf Al-Asyraf: Mu'assasah Kasyif al-Ghita' al-'Ammah, 2013), 9.

[31] Nasril Albab Mochamad, "Al Maqashid Al Syar'iyyah Sebagai Bagian Dari Al Qawa'id Al Ushuliyyah Al Tasyri'Iyyah," *Jurnal Indo-Islamika* 8, no. 2 (2020): 84–96, https://doi.org/10.15408/idi.v8i2.17549.

understanding jurisprudence based on its principles, one can reduce the need to memorize most branches of fiqh, as it can be incorporated into general rules. And one can understand what others lack and the extent of its appropriateness.[32]

According to Imam as-Suyuthi, the science of *al-Ashbah wa al-Nazhair* (the science of jurisprudence) is a great scientific art. This art helps people understand jurisprudence, understanding, criticism, and secrets that have not been revealed in a law. He knows the laws of unrecorded issues and timeless events, can deepen understanding and remember them, and is able to draw and draw conclusions. Therefore, some scholars say that jurisprudence is the knowledge of analogy. Ibn Nujaim describes the rules of jurisprudence as the proposal of jurisprudence in essence, thus a faqih can rise to the level of *ijtihad*.

The Imams of the Four Schools (Hanafi, Hambali, Maliki, and Shafi'i) are well aware of how important it is to understand these rules of *fiqh* because it is one of the main branches of sharia science. Many scholars believe that the secret of jurisprudence actually lies in these rules.[33] Moreover, it is easier for a mujtahid to issue a fatwa if they master the rules of *fiqh*. Therefore, one of the factors that led to the late development of Islamic law was the lack of attention to the rules of *fiqh*.[34]

Difference Between the Rules of Fiqhiyah and the Rules of Ushuliyah

Before explaining between *qa'idah fiqhiyah* and *qa'idah ushuliyah*, we need to know that *fiqh* and *ushul fiqh* are two knowledge that are interrelated with each other. Where one is a principle and the other is part of the principle. So an ushuly must master the science of *fiqh* so that he can deduce a law from the existing postulates, and a faqih must master the science of *ushul fiqh* so as to understand the propositions used to formulate a law.[35] Although the two sciences are interrelated, they have differences based on the different topics studied by the two sciences. Jurisprudence studies the science related to the laws of the Shari'a, while the science of

[32] Syihab al-Din Al-Qarāfī, *Al-Furūq* (Kuwait: Dar al-Nawadir, 2010), 3.

[33] Muhammad Iqbal, "Urgensi Kaidah-Kaidah Fikih Terhadap Rekatualisasi Hukum Islam Kontemporer," *Jurnal EduTech* 4, no. 2 (2018): 9.

[34] Syarif Hidayatullah, *Qawaid Fiqiyyah Dan Penerapannya Dalam Transaksi Keuangan Syariah Kontemporer (Muámalat, Maliyyah Islamiyah, Muásirah)* (Jakarta: Gramata Publishing, 2012), 37.

[35] Daud, *Muhadharat Fi Qawa'id Al-Fiqh Al-Kulliyah*.

the origin of jurisprudence studies the postulates of the Shari'a in its substance.

Imam al-Qarafi was the scholar who first separated between the rules of *fiqhiyah* and the rules of *ushuliyah*, he said that Islamic shari'a includes proposal and *furu*'. The proposal is divided into two, namely ushul fiqh and qawa'id fiqhiyah kulliyah. Most of the problems of the proposal of fiqh do not examine the meaning of a shari'a, but examine how to deduce the law from the pronunciation of shari'i using rules that might be able to extract the law of furu' from the pronunciation.

Based on the explanation above, the scholars explained several points of difference between the rules of *fiqhiyah* and the rules of *ushuliyah*, including:

1. The rules of *fiqhiyah* is a basic principle whose branch of law is the case of jurisprudence cases, and the object of research is the act of *mukallaf*. The rules of *ushuliyah* are the measure and *dhabith* to produce the law of shahih, and the rules of this theory serve as an intermediary between the proposition and the law. [36]

2. The rule of *fiqhiyah* is an *aghlabiyah* rule, in which the most prominent law is the most important, and has exceptions to every general rule. On the other hand, the rule of *ushuliyah* is a universal rule that corresponds to all parts of its scope.[37]

3. The majority of the rules of the *Ushuliyah* do not attempt to explore the maqashid of the Shari'ah. On the other hand, the rules of *fiqhiyah* strengthen the basis for achieving the nature of the law and its wisdom, and the rules of *fiqhiyah* also serve to study the maqashid of sharia both in general and in particular.

4. The rules of *fiqhiyah* are a collection of several similar cases containing the jurisprudence itself, which the mujtahids were able to reach because of some laws resulting from the *Ushul Fiqh*. While the rules of ushuliyah include several cases containing several propositions of *tafshili* that make it possible to *istinbath* (take) sharia law with it.[38]

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[36] Muhammad Yafiz and M Iqbal, *Kaidah Fiqhiyah Dalam Ekonomi Dan Bisnis Islam*, Cetakan I (Medan: FEBI UIN-SU Press, 2022), 7.

[37] Abdullah Jasim Kurdi Al-Janaby, "At-Tafriq Baina Al-Qaidah Al-Ushuliyah Wa Al-Qaidah Al-Fiqhiyah," Jami'ah Diyala_Kulliyat al-'Ulum al-Islamiyah, 2022, https://islamic.uodiyala.edu.iq/مقال-القواعد الأصولية عبارة عن,القضايا المبينة في أصول الفقه -text=1:~:#/بعنوان-التفريق-بين-القاعدة-الاصو.

[38] Ahmad Muhammad Abd Hadi, "Al-Qawa'id Al-Ushuliyah: Ta'rifuha Wa Al-Farqu Bainaha Wa Baina Al-Qawa'id Al-Fiqhiyah," Alukah, 2020, https://www.alukah.net/sharia/0/141811/القواعد-الأصولية-تعريفها،-الفرق-بينها-وبين-القواعد-الفقهية.

Hanafi Method and Mutakallimin Method in the Formulation of Jurisprudence Rules

Hanafi Method

The Hanafi method is also referred to as the fuqaha method, because they only focused on the issue of *furu*' in their *madhhab* when constructing the theory of jurisprudence. Therefore, they must first conduct an in-depth analysis of the law of *furu*' in their school before establishing any rules of fiqh. Hanafi scholars proposed this method after Imam Abu Haneefah. This school uses the method of *istiqra*' (induction) to the opinions of previous imams, they collect parts in the jurisprudence issues that occur in society and relate them in one rule, and learn the meanings and limits they use.[39]

This method is closer to the law of jurisprudence and its branches. It establishes basic principles based on what their priests have preached. They claim that these principles are what priests pay attention to as they expand the branches. When they find a principle that contradicts some branch of jurisprudence established in the *madhhab*, they modify it so as not to contradict those branches, or exclude those branches from the principle. They are also known for establishing basic principles and researches that are regarded by their imams as the basis of their *ijtihad*.

They not only reinforced the principles that had been taken by their priests, but also developed the laws produced by their priests based on those principles, not just on the basis of theoretical evidence. Therefore, they often mention the branches in their books, and sometimes formulate basic principles according to the agreement of the branches. They readily accepted the principles of jurisprudence from their priests and developed them from their branches.[40]

Examples of books of Jurisprudence among the Hanafi method are: *Ushul al-Karkhi* (260–340), better known as Abu Hasan al-Karkhi, contains 37 rules of jurisprudence. *Ushul al-Jashshash* by Abi Bakr Ahmad Ali al-Jashshash (d.370 AH). *Ta'sis al-Nazhar*, written by Abu Zaid Abdullah ibn Umaruddin al-Dabusi (d. 430 AH), lists 86 rules of jurisprudence. *Al-Ashbah wa al-Nazhair*, written by Ibn Nujaim (d. 970 AH), whose full name is Zain al-Din bin Ibrahim ibn Muhammad, and known as Ibn Nujaim al-Hanafi al-Mishri, contains 25 rules. Ghamzu 'Uyuni al-Basha'ir, written by

[39] Mu'allim Amir and Yusdani, *Konfigurasi Pemikiran Hukum Islam* (Yogyakarta: UII Press, 2001), 30-31.

[40] Wahyuddin, "Aliran-Aliran Ilmu Fiqih."

Ahmad ibn Muhammad al-Hamawy, a eleventh-century fuqaha. This book is explanation of the book *al-Ashbah wa al-Nazha'ir* by Ibn Nujaim. *Majami' al-Haqaiq*, written by Abi Said al-Khadimi, a faqih of the Hanafi school, contains 154 rules. He used the Hija'iyah alphabet to construct his jurisprudence.[41] *Majallat al-Ahkam al-'Adliyah*, created by famous scholars from Ottoman Turkey. Ahmad Udat Basya, a well-known Islamic jurist who was then justice minister of the Ottoman Empire, was in charge of publishing the magazine. By 1851 articles, it covered 99 rules in the field of muamalah jurisprudence.[42] *Al-Fara'id al-Bahiyyah fi al-Qawa'id wa al-Fawa'id al-Fiqhiyah*, composed by Mahmud Afandi al-Hamzawiy (d. 1305 AH). The book contains 251 rules arranged according to the chapters of jurisprudence. It is considered one of the most complete works of jurisprudence in the Hanafi tradition.[43]

Mutakallimin Method

Mutakallimin (Ahlu al-Kalam) is also known as the Jumhur Ulama and Shafi'iyah schools. Imam Shafi'i was the first to use this system to compile the proposal of jurisprudence, and this school is also referred to as the mutakallimin school because the method of discussion is based on *nazari*, philosophy, and *mantiq* and is not tied to any particular madhhab. Scholars from the mutakallimin school such as Imam Al-Juwaini, Al-Qadhi Abdul Jabbar, and Imam Al-Ghazali are examples of scholars who use this method a lot. The majority of scholars from among the Malikiyah, Shafi'iyah, and Hanabilah scholars adhered to this school, which made it referred to as the jumhur ulama school.[44]

This method focuses its followers by exonerating problems, setting rules, and supporting arguments. They tend to use reasoning as much as possible, separating basic issues from the branches of *fiqh*, paying no attention to them, because they must be subject to basic rules and should not come out of them except with different evidence, as kalam experts do. According to them, *ushul* is an independent science that serves as the basis of jurisprudence, and they do not need to combine the two or mix the two.

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[41] Asjmuni A Rahman, *Qoidah-Qoidah Fiqh* (Jakarta: Bulan Bintang, 1976), 13.

[42] Parman Komarudin and Muhammad Rifqi Hidayat, "Konsekuensi Perbedaan Fikih Terhadap Kaidah Fikih," *Al-Falah* 19, no. 1 (2019): 124–39.

[43] Ali Ustman Jaradiy, *Madkhal Lidirasati Al-Madzhab Al-Hanafiy* (Beirut: Dar al-Kutub al-'Ilmiyah, 2017), 51.

[44] Djazuli, *Kaidah-Kaidah Fikih: Kaidah-Kaidah Hukum Islam Dalam Masalah-Masalah Yang Praktis*, 19.

Some of the books of Jurisprudence written by scholar Mutakallimin are:[45]

1. *Al-'Umdah*, this book was written by Qadi Abdul Jabbar al-Hamdani (d. 415 AH).

2. *Qawaidu al-Ahkam fi Mashalih al-'Anam*, compiled by Imam Muhammad Izzuddin ibn Abdissalam in the seventh century AH. This book concludes one central theme of all the rules of jurisprudence, namely the rule جلب المصالح ودرء المفاسد (Attracting benefits and resisting damage).

3. *Al-Asybah wa al-Nazha'ir*, by Imam Tajuddin as-Subky, a faqih in the eighth century. Later this book was perfected by Imam Jalaluddin as-Suyuti with the same title.

4. *Al-Ihkam fi Ushuli al-Ahkam*, written by Saifuddin al-Amidi (d. 631 AH).

Comparison between Hanafi Method and Mutakallimin Method

In the Mutakallimin method, they focus on writing ushuliyah problems, establishing rules, and proving their postulates without regard to the branches of *fiqh*. What they care about is the establishment of rules, so that the branches of jurisprudence become part of the rules. The branches of jurisprudence follow the rules of *ushuliyah*, not the other way around.

Therefore some *fuqaha* consider this method less effective because it is flawed by rigidity and does not have examples in each branch of jurisprudence, which leads to difficulty in understanding it, as well as difficulty applying its rules and laws to parts because they are free from branches, which, when mentioned, will facilitate the application of rules in the branches of jurisprudence.

As for the Hanafi method, the principles of fiqh were written based on the branches of their priest and his companions. Imam Abu Haneefa had written down his jurisprudence and completed it, as had his companions. When they write it down, they do so based on the basic principles they have in mind, even though they didn't write it down.[46] When his followers wanted to write down the basic principles they had noticed in writing his

[45] Usman, *Kaidah Kaidah Istinbath Hukum Islam (Kaidah Kaidah Ushuliyah Dan Fiqhiyah)*, 102.

[46] Ahmad Sahal Hasan, "Metode Penulisan Ushul Fiqh," Al-Hikmah, 2012, https://alhikmah.ac.id/metode-penulisan-ushul-fiqh-2/.

jurisprudence, they did not find the written principles, but they found their branches. Through these branches, they discovered the fundamental principles they observed in writing their jurisprudence. Therefore, the basic principles for them became based on the jurisprudence of their priest or its branches. Therefore, their method is called the method of the fuqaha, in contrast to the mutakallimin who do not pay attention to the branches of the imams, but pay attention to the basic principles and build branches.

In addition, Hanafi methodology is also known for its rational approach in interpreting Islamic law, they use reason and logic to draw legal conclusions based on existing evidence. This method provides greater flexibility in dealing with problems that arise with the times.[47]

The Relevance of Both the Hanafi Method and Mutakallimin to the Development of Islamic Law

The methods of the Hanafi school of thought and the Mutakallimin (theological scholars) are highly relevant to the development of Islamic law today, particularly in the context of understanding and applying Sharia law. The Mutakallimin method emphasizes the writing of *ushuliyah* (principles of jurisprudence), the formulation of rules, and the proof of their postulates without considering the branches of *fiqh* (jurisprudence). They focus on the formation of rules, thus the branches of jurisprudence become part of those rules. The branches of jurisprudence follow the *ushuliyah* rules, not vice versa. However, some jurists consider this method less effective because it is constrained by rigidity and a lack of examples in each branch of fiqh, leading to difficulties in understanding and applying them, as well as difficulties in applying rules and laws because they are free from branches, which, if mentioned, would facilitate the application of rules in the branches of jurisprudence.

Meanwhile, the Hanafi method, based on the branches of the imam and his companions, writes the principles of *fiqh* based on those branches. Imam Abu Hanifah and his followers found the basic principles they observed in writing their *fiqh* through those branches. Therefore, the basic principles for them are based on the jurisprudence of the imam or its branches. This method is known as the method of jurists, different from the Mutakallimin who do not pay attention to the branches of the imam but focus on basic principles and build their branches. The Hanafi method is also known for its rational approach to interpreting Islamic law, using

[47] Yafiz and Iqbal, *Kaidah Fiqhiyah Dalam Ekonomi Dan Bisnis Islam*.

reason and logic to draw legal conclusions based on available evidence. This approach provides greater flexibility in dealing with issues arising from the changing times, ensuring the relevance of Islamic law in evolving contexts. Thus, both of these methods, both Mutakallimin and Hanafi, have a significant impact on understanding and applying Islamic law in contemporary times.

Table 1. Comparative Summary of Hanafi and Mutakallimin Methods

Aspect	**Hanafi Method (Fuqaha)**	**Mutakallimin Method (Theologians)**
Orientation	Inductive, case-based, practical	Deductive, abstract, theoretical
Source Emphasis	Furū' fiqh and lived jurisprudence	Usuliyah principles and logical consistency
Flexibility	High, accommodates exceptions	Low, rigid adherence to abstract rules
Legal Products	Practical, socially responsive, adaptable	Theoretical, coherent but less applicable
Strengths	Relevance, clarity, comprehensiveness	Logical rigor, systematic reasoning
Weaknesses	May vary across contexts, less uniformity	Detached from practice, limited applicability

Conclusion

This study demonstrates that the Hanafi and Mutakallimin methods represent two distinct yet complementary approaches in the formulation of jurisprudential rules. The Mutakallimin method emphasizes abstract usuliyah principles and logical consistency, but its detachment from fiqh branches often limits practical application. In contrast, the Hanafi method employs inductive reasoning from furūʿ cases, prioritizing practical experience and contextual adaptability. The comparative synthesis

highlights that while both methods contribute to the intellectual heritage of Islamic law, the Hanafi approach provides greater clarity, comprehensiveness, and flexibility, making its legal products more accessible and relevant to contemporary needs. This contribution enriches the study of usul fiqh by showing how inductive, case-based reasoning can expand the scope of jurisprudence and bridge theoretical principles with lived realities.

In terms of contemporary relevance, the Hanafi method offers a framework that is better suited to addressing modern challenges such as justice, equality, and human rights, ensuring that Islamic law remains responsive to evolving social contexts. Meanwhile, the Mutakallimin method continues to provide valuable theoretical foundations for maintaining logical rigor in legal reasoning. Future research is recommended to explore the integration of both methodologies, combining the Hanafi method's practical orientation with the Mutakallimin method's systematic reasoning, to develop a more holistic framework for usul fiqh. Comparative case studies across different madhhabs and applied contexts would further enrich understanding of how jurisprudential rules can be adapted to meet the demands of modern Muslim societies.

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