



Implementation Of The Istihsan Method In Islamic Economic Law

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Abstract: *This article describes the istihsan method and examples of its application in several cases of shari'ah economic law. The approach used is an ontological, epistemological and axiological based philosophical approach which discusses the nature of istihsan, the principles of istihsan, the method of application and the impact of the istihsan method. The research method used is qualitative library research with a descriptive pattern and making the polautturats al-mu'tabaraoh as the main reference. The istihsan method was first introduced by Imam Abu Hanifah (d.767 AD) as the first absolute mujtahid imam among Muslims who managed to explore direct laws from the Al-Qur'an and Hadith. The istihsan method is basically a mujtahid with a good view of a reason in determining the legal status of a new case that has not been concretely stated in the law in the texts of the Qur'an and Hadith. In the next phase, the istihsan method received criticism from other madhab priests such as Imam Syafi'i. However, this criticism is actually just a difference of opinion in defining the istihsan in question, which in essence there is no substantial difference between them. Istihsan is widely felt in Hanafiyah fiqh texts such as in the book of al-Mabsuth by as-sarkhasi (w.483 H). In this contemporary era, istisan is very relevant to be used, especially in determining the legal status of new cases that cannot be solved using the ushul fiqh method of the Syafi'iyah madhab or other schools of thought.*

Keywords : *Istihsan, Kutubut Turats, Hanafiyah Madhab*

Abstrak: Artikel ini memaparkan metode istihsan dan contoh penerapannya dalam beberapa kasus hukum ekonomi syariah. Pendekatan yang digunakan adalah pendekatan filosofis berbasis ontologis, epistemologis dan aksiologis yang membahas tentang hakikat istihsan, prinsip istihsan, metode penerapan dan dampak metode istihsan. Metode penelitian yang digunakan adalah penelitian kepustakaan kualitatif dengan pola deskriptif dan menjadikan polautturat al-mu'tabaraoh sebagai rujukan utama. Metode istihsan pertama kali diperkenalkan oleh Imam Abu Hanifah (w.767 M) sebagai imam mujtahid mutlak pertama di kalangan umat Islam yang berhasil menggali hukum langsung dari Al-Qur'an dan Hadits. Metode istihsan pada dasarnya adalah seorang mujtahid dengan pandangan yang baik tentang nalar dalam menentukan status hukum suatu perkara baru yang belum secara konkrit dinyatakan dalam undang-undang dalam nash-nash Al-Qur'an dan Hadits. Pada fase berikutnya, metode istihsan mendapat kritikan dari ulama madzhab lain

seperti Imam Syafi'i. Namun kritik ini sebenarnya hanyalah perbedaan pendapat dalam mendefinisikan istihsan yang dimaksud, yang pada hakekatnya tidak ada perbedaan yang substansial diantara keduanya. Istihsan banyak dirasakan dalam teks-teks fikih Hanafiyah seperti dalam kitab al-Mabsuth karya as-sarkhasi (w.483 H). Di era kontemporer ini, istisan sangat relevan untuk digunakan, terutama dalam menentukan status hukum kasus baru yang tidak dapat diselesaikan dengan metode ushul fiqh madzhab Syafi'iyah atau aliran pemikiran lainnya.

Kata Kunci: Istihsan, Kutubut Turats, Mazhab Hanafiyah

▪ Introduction

The study of fiqh law is a discourse that will not end until the last day. The development of technology and civilization has made changes in human lifestyles so that it has spawned economic, political and other activities whose legal status has not been specifically mentioned in the Qur'an or hadith which are mentioned *maskut* in the science of ushul fiqh.¹ Differences in time, place and circumstances are things that in principle will give rise to a different legal status in one case, besides that the method of approach to one problem greatly influences the determination of the dictum of a case . As the rule of ushul fiqh says:

لَا يُنكَرُ تَغْيِيرُ الْأَحْكَامِ (الْمُبَيَّنَةِ عَلَى الْمَصْلَحَةِ أَوْ لِ
الْعُرْفِ) (بِتَغْيِيرِ الزَّمَانِ)

"It is not denied that changes in law have been built on *maslahah* and *urf* due to changing times."²

The Qur'an as a guideline for the Islamic Ummah presents complex guidelines and laws in life. Understanding the meaning of the Al-Qur'an directly is not an easy matter, so Allah SWT sent His Messenger to convey the Al-Qur'an to humans as well as provide an explanation or *reflection* of the meaning content that is still unclear to some people. So that the combination of the Al-Qur'an and the Prophet's Hadith becomes the main guideline for Muslims, who by adhering to both of them will undoubtedly not fall into the abyss of error.³

In order to dig deeper into the meaning of the Qur'an and Hadith in order to produce broader fiqh laws and be able to answer classical and contemporary life problems, the ulemas developed a scientific discipline called ushul fiqh. The scholars of ushul fiqh stipulate that the sources of Islamic law or what is known as *Mashadir Al Shari'ah* are divided into two major groups, namely:

¹ Abi Yahya Zakaria Al Anshari, *Ghayatul Wushul Fi Al Syarhi Lubl Al Ushul* (Dar El Pole Al Arabiyah Al Kubra, 1431).

² Shaykh Ali Jumu'ah Muhammad Abdul Wahab, *Al Madkhal Ila Dirasati Al Madzhab Al Fiqhiyah* (Dar El Salam Al Qohiroh, 2001). Juz I Page 336

³ Muhammad bin Hibban Al-Busti, *Sirah Nabawiyah Wa Ikhbaril Khulafa* (Al Pole Al Tsaqafiyah, Beirut, 1417). Juz 2 Page 604

1. *Mashadir Al Shari'ah* who is *muttafaqun* over that is what is agreed upon by the scholars
2. *Mashad Al Shari'ah* which is *mukhtalafun fih* or which is still being disputed

Mashad Al Shari'ah or shari'ah sources agreed upon by the scholars are Nash Al-Qur'an, Nash Al-Hadith, Ijma and Qiyas. Ijma is a consensus with ushul experts in determining the legal status of a case. Ijma means:

اتِّفَاقُ عُلَمَاءِ أَهْلِ الْعَصْرِ عَلَى حُكْمِ الْحَادِثَةِ

"That is the agreement of the scholars of the age of the new law"⁴

Meanwhile, Qiyas (analogy)

according to Imam Ar Razi is:

حَمَلُ مَعْلُومٍ عَلَى مَعْلُومٍ فِي إِثْبَاتِ حُكْمٍ لُهُمَا أَوْ نَفْيِهِ عَنْهُمَا بِأَمْرٍ جَامِعٍ بَيْنَهُمَا مِنْ إِثْبَاتِ حُكْمٍ أَوْ صِفَةٍ أَوْ نَفْيِهِمَا عَنْهُمَا

"Equating *ma'lum* cases with other *ma'lum* cases in the determination or abolition of law for both of them with one meeting point of the legal determination or the nature or abolition of both".⁵

Mashadir Al Shari'ah whose profanity is still contested. Among them Syaddu Dzari'ah, Syar'u man Qoblana, Maslahah Mursalah, Urf, Qaol Friends and Istihsan.

Istihsan is a tendency to take a law that is better than the law that appears and what has happened. The blasphemy

of istihsan is contested by the scholars. Among the scholars who use the istisan methodology is the madhab of Abu Hanifah. Istihsan is still considered relevant for use in exploring the legal status of new events, especially in matters of muamalah or Islamic economics. Because it is in accordance with the principles of Islamic economic law

الْأَصْلُ فِي الْمَعَامَلَاتِ الْإِبَاحَةُ حَتَّى يَدُلَّ الدَّلِيلُ عَلَى تَحْرِيمِهِ

" That the original law in *mu'amalah* is permissible so there is an argument that shows its prohibition"⁶

Thus it is necessary to conduct a study in order to identify the application of the istihsan method in the field of Islamic economics in order to provide legal certainty regarding the validity of a contract/transaction based on the theory of ushul fiqh science.

In this research the author uses qualitative research methods with the type of library research, namely research that makes literature as its main object. The discussion in this study uses the descriptive method with the aim of clarifying the nature of the istihsan method and how it is used by mujtahids in determining the law of a new case. The literacy used in this research is yellow books by salaf scholars and credible books and sources which are the results of researchers

⁴ Jalaludin Muhammad bin Ahmad bin Muhammad bin Ibrahim Al Mahali Al Syafi'i, *Syarah Al Waraqat Fi Ushul Al Fiqh* (Jami'ah Al Quds Palestine, 1999).

⁵ Shaykh Muhammad bin Umar bin bin Al-Hasan At-Tamimy Al-Bakry Al-Qurasyi At-Tibristani Ar-Razi Asy-Syafi'i Al-Asy'ari, *Al Mahsul* (Muassasah Ar Risalah, 1997). Juz V page 5

⁶ Ahmad An Nadwa, *Jamharotul Qowa'id Al Fiqhiyyah Fil Mu'amalah Al Maliyyah* (Syirkatu Rajih Al Mashrafiyah, 2001).

▪ Discussion and Research Results

1. Definition of Istihsan

Istihsan in the sense of the word as said by Abdul Wahab Khalaf is *عَدُّ الشَّيْءِ حَسَنًا* Meaning: "Looks good at something"⁷ According to Shaykh Wahbah Zuhaili in *Al Wajiz Fi Ushulul Fiqh* *عَدُّ الشَّيْءِ وَاعْتِقَادُهُ حَسَنًا* Meaning: " Looks good at something and assure her goodness"⁸

Istihsan in the sense of the term ushul fiqh scholar as said by Balqosam bin Dzakhir bin Muhammad Az Zubaidi:

وَهُوَ أَنْ يُتْرَكَ الْعَمَلُ بِمُقْتَضَى الْقِيَاسِ الْجَلِيِّ لِقِيَاسٍ
خَفِيِّ قَوِيٍّ الْأَثَرِ

" That is abandoning the use of qiyas jali demands for choosing qiyas khafi which has a stronger influence."

As according to Abdul Wahab Khallaf are:

هُوَ عُدُولُ الْمُجْتَهِدِ عَنْ مُقْتَضَى قِيَاسٍ جَلِيٍّ إِلَى
مُقْتَضَى قِيَاسٍ خَفِيٍِّّ، أَوْ عَنْ حُكْمٍ كُلِّيٍّ إِلَى
حُكْمٍ اسْتِثْنَائِيٍِّّ لِذَلِيلٍ ائْتَدَحَ فِي عَقْلِهِ رَجْحٌ لَدَيْهِ
هَذَا الْعُدُولَ

"That is the move of the mujtahid from qiyas jaly to qiyas khafy, or the move from kully law to istitsna'i law because there are arguments that influence his thinking and encourage him to move".⁹

From the definition above it can be concluded that istihsan is divided into two parts, namely:

- Favor one of the two qiyas namely qiyas jali and qiyas khafy. According to Imam Bazdawi, istihsan is called qiyas marjuh because it includes qiyas whose argument is weak;
- Mengistisna law from qoidah because it is considered mashlahah. Because continuing the rules and compiling them for some furu' is considered damaged and defective.¹⁰

The practice of istisan is when there is a new case that does not yet have a law and has two different directions of law, the first requires the mujtahid to use the dohir law, and the second requires the mujtahid to punish him with a soft law that cannot be done except by thinking systematically, then the mujtahid adopts a vague law because there is a specific argument that defeats a sound and clear law. Likewise, when a mujtahid prefers the argument that it is obligatory to marry certain juz from kully law or from general rules.¹¹

According to Abu Bakr, some groups who opposed him canceled the method of istisan, they thought that istisan is a law that originates from human desires and desires, while they do not fully understand the meaning of istisan.¹² Abu Bakr's opinion was also supported by Imam Syafi'i in the book ar-Risalah

⁷ Abdul Wahab Khallaf, *Science of Ushul Fiqh* (Maktabah Da'wah Syababul Azhar, 1431). H.79

⁸ Dr. Wahbah Mustafa al-Zuhaili, *Al Wajiz Fi Ushul Fiqh Al Islamy* (Darul Khair, Damsyiq, Syria, 2006). Juz I H.274

⁹ *Ushul Fiqh Science* . H.79

¹⁰ Dr. Wahbah Mustafa al-Zuhaili, *Al Wajiz Fi Ushul Fiqh Al Islamy* . Juz I page 248

¹¹ *Ushul Fiqh Science* .

¹² Ahmad bin Ali Abu Bakar Ar Razi Al Jashash Al Hanafi, *Al Fushul Fil Ushul* (Wizaratul Auqof Al Kuwaitiyah, 1994). Juz IV Page 223

2. The Foundation of the Istihsan Method

Scholars who are of the opinion that the istisan methodology is permissible use the following foundations:

- a. Surah az-Zumar verse 18:

الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ

“(namely) those who listen to the words and then follow what is best among them.”

- b. Surah al-A'raf verse 145:

... وَأْمُرْ قَوْمَكَ يَا خُذُوا بِأَحْسَنِهَا

“Tell your people to hold on to it as well as possible.”

- c. Hadith narrated by Abu Daud at-Toyalisi:

إِنَّ اللَّهَ عَزَّ وَجَلَّ نَظَرَ فِي قُلُوبِ الْعِبَادِ، فَاخْتَارَ مُحَمَّدًا، فَبَعَثَهُ بِرِسَالَاتِهِ، وَأَنْتَخِبَهُ بِعِلْمِهِ، ثُمَّ نَظَرَ فِي قُلُوبِ النَّاسِ بَعْدَهُ، فَاخْتَارَ لَهُ أَصْحَابَهُ، فَجَعَلَهُمْ أَنْصَارَ دِينِهِ، وَوُزَرَآءَ نَبِيِّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَمَا رَأَى الْمُؤْمِنُونَ حَسَنًا فَهُوَ عِنْدَ اللَّهِ حَسَنٌ، وَمَا رَأَى الْمُؤْمِنُونَ قَبِيحًا فَهُوَ عِنْدَ اللَّهِ قَبِيحٌ

“God Almighty, saw the hearts of his servants then Allah chose the Prophet Muhammad with HIS knowledge to be sent as an Apostle, then Allah saw the hearts of people after the Prophet Muhammad, So Allah chose several companions for the Prophet as helpers and assistants to the Prophet in upholding Allah's religion. So things that are considered good according to believers are considered good according to Allah and things that are considered bad by believers are also considered bad by Allah.”¹³

As for the scholars' who do not agree with the method of istisan adhere to the letter al-Qiyamah verse 36:

أَيَحْسَبُ الْإِنْسَانُ أَنْ يُتْرَكَ سُدًى

“Does man think that he will be left alone (without accountability)?”

This verse shows that it is not permissible for someone to say about things that are considered good only by the teacher.¹⁴

3. Kinds of Istihsan

Broadly speaking, istisna is classified into two, namely those who move from qiyas jali to qiyas khofi who prefer istisna' law over general rule of law. According to Balqosam bin Dzakhir bin Muhammad az-Zubaidi, istisna is divided into four parts, namely:

- a. Istihsan bin Nash the definition is:

أَنْ يُتْرَكَ الْعَمَلُ بِمُقْتَضَى الْقِيَاسِ لِذَلِيلٍ مِنَ الْكِتَابِ أَوْ السُّنَّةِ

“That is leaving the use of qiyas because there are other arguments that come from the Koran and hadith.”

- b. Istihsan bil Ijma' the definition is:

وَهُوَ أَنْ يُتْرَكَ الْعَمَلُ بِمُقْتَضَى الْقِيَاسِ لِذَلِيلِ الْإِجْمَاعِ

“That is to abandon the use of qiyas because there is an argument for ijma'.”

- c. Istishan bi Dhorura the definition is:

وَهُوَ أَنْ يُتْرَكَ الْعَمَلُ بِمُقْتَضَى الْقِيَاسِ لِذَلِيلِ ضَرُورَةٍ

¹³ Abu Daud at-Toyalisi Sulaiman bin Daud bin Jarud, *Musnad Abu Daud* (Dar al-Hijri, Egypt, 1999). Juz I Page 199

¹⁴ Ahmad bin Ali Abu Bakar Ar Razi Al Jashash Al Hanafi, *Al Fushul Fil Usul* . Juz 4 Page 224

"That is to abandon the use of qiyas because there is an emergency argument."

- d. Istihsan bil Qiyasi Khofi the definition is,

أَنَّ يَتْرَكَ الْعَمَلَ بِمُقْتَضَى الْقِيَاسِ الْجَلِيِّ لِقِيَاسٍ
خَفِيِّ قَوِيٍّ الْأَثَرِ

"That is to abandon the use of qiyas jali because there is a stronger argument for qiyas khofi."¹⁵

As for what is meant by qiyas jali is,

مَا يُقْطَعُ بِنَفْيِ تَأْتِيرِ الْفَارِقِ بَيْنَ الْأَصْلِ
وَالْفَرْعِ فِي الْعِلِّيَّةِ

Namely qiyas which is certain to have no effect on the difference between aslu and far'u in determining illat.

While qiyas khofi is,

مَا لَا يُقْطَعُ بِنَفْيِ الْفَارِقِ بَيْنَهُمَا

Namely qiyas which cannot be ascertained that there is no difference between aslu and far'u.¹⁶

4. The Scholars Views on Argument of Istihsan

The scholars have different opinions regarding the blasphemy of istihsan and the use of istihsan as mashadir asy-Syari'ah (Shari'ah sources. The

differences of opinion are divided into two, namely:

- The opinion of Hanafiyah and Hanabilah, They say that istihsan is included as proof of syar'iyyah and the source of syara' law.
- Istihsan is not a proof of syara', not a source of syara' law and not part of syara' proposition. Instituting the law by using istihsan includes acts of arbitrariness and convenience. The person who is istisan means he has made the Shari'a according to his own will. This opinion was conveyed by Imam Ghozali, the Syafi'iyah school and the Malikiyah school of thought, even according to Imam Ghozali what istihsan means is a matter that is considered good by a mujtahid based on his own rationality.¹⁷

According to Imam Syafi'i, an opinion based on istisan is a new law that is not in harmony with the previous law which originates from the Qur'an and hadith. He made an argument that if istihsan is accompanied by a text then istihsan is contrary to the text, and if it is not accompanied by a text it means that qiyas is weakened. Two such circumstances are not permissible, because syara' law must be stipulated by text, ijma' or by ijtihad and what is meant by ijtihad is qiyas. And when qiyas is considered weak, the mujtahid compiles shari'at with matters that are considered good by him, namely istisan, but Allah does not

¹⁵ Balqosam bin Dzakir bin Muhammad az-Zubaidi, *Al-Ijtihad fi Manath al-Hukmu Syar'i Dirasatan Ta'shiliyatan Taqdiyatan*, (Markaz Takwin li Dirasah wal Ibbas, Ummul Qura, Mecca, 2014). pg 437

¹⁶ Mahmud bin Abdurrahman bin Ahmad bin Muhammad Abu Sana' Syamssuddin al-Isfahani, *Bayanul Mukhtashor Syarah Mukhtasor Ibnu Hajib* (Dar al-Madani as-su'uiyh, 1986).

¹⁷ Dr. Wahbah Mustafa al-Zuhaili, *Al Wajiz Fi Ushul Fiqh Al Islamy* . Juz I Page 250

make or does not allow for someone after the Messenger of Allah SAW. to argue except from sources of knowledge that have been running before, while sources of knowledge after the Prophet are the Qur'an, Sunnah, Ijma, Astar and qiyas. And it has been agreed by the scholars that it is not permissible for a knowledgeable person to make the law according to the will of his desires without paying attention to the reasons for several propositions. Allah SWT. Said in the letter al-Maidah verse 49:

وَأَنِ احْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ

"And you should decide matters between them according to what Allah has revealed, and do not follow their desires."¹⁸

The Hanafiyah school sees istihsan from another perspective which is not the perspective of Imam Shafi'i. Differences of opinion in defining the meaning of istihsan give rise to differences in determining its hujjahan. Syafi'iyah and Malikiyah did not deny Hanafiyah's views in choosing a strong qiyas and prioritizing it when there was benefit. And they strengthen the superiority of qiyas by leaving other qiyas because there is an illat or cause. Likewise, Hanafiyah agrees with Syafi'iyah in her denial of istihsan which is formulated based on lust, sheer rationality and making up laws according to the wishes of several syara' laws. So in essence the difference of opinion between the two is only lafzi's ikhtilaf which originates in

defining or defining istihsan. And they agree on the use of the pronunciation of istihsan and the nature of istihsan in several amaliyah laws on very many issues. Among them istihsanul maslahah, istishnaul maslahah, and establishing it as Malikiyah towards the istishlahiyah method which is based on maslahah.¹⁹

5. Implementation of the Istihsan Method in Islamic Economics

The istisan method is widely used by scholars in determining economic law and shari'ah economic practices, such as in the following problems:

- a. Nashnya fiqh scholars from the Hanafiyah circle in the issue of agricultural land waqf. When the wakif donates agricultural land, it includes rights to use springs and rights to use road access. Because this is considered good and does not need to be mentioned in the waqf contract according to the istihsan methodology. Meanwhile, by diqiyaskan the sale and purchase of these rights can not be utilized unless stated in the contract. The way of istishsan is that the intention of waqf is to utilize the goods used, while the use of agricultural land that is donated cannot be real except by utilizing springs and access roads, just like in ijarah. Qiyas dhahirnya includes waqf in cases like this against sale and purchase contracts in terms of removing ownership from the owner.

¹⁸ Ibid. Juz I Page 251

¹⁹ Abu Ishaq As Sairoji, *Al Luma' Fi Ushulil Fiqh* (Dar El Pole Al Ilmiyah, 2003). pg 334

While the qiyas khafi is to include waqf cases like this in the ijarah contract. Because the purpose of both is the utilization of goods.²⁰

- b. Nashnya fiqh scholars from the Hanafiyah circle in matters of disputes between sellers and buyers in terms of price before receiving mabi' (goods sold). The seller admits that the price is one hundred, while according to the buyer the price is 90, then both of them must swear to each other. The form of istihsan is in the determination of mutually swearing because if viewed from qiyas dhahir the seller is mudda'i while the buyer is munkir, whereas according to general rules:

فَالْبَيِّنَةُ عَلَى مَنْ ادَّعَى وَالْيَمِينُ عَلَى مَنْ أَنْكَرَ

*"Proof is borne by the mudda'i (plaintiff) while the oath is for the person who disobeys (the defendant)."*²¹

- c. Shari' (Allah and the Prophet) forbids the sale and transaction of goods that are ma'dum (non-existent) and then converted into rukhsah by using istihsan with the permissibility of salam, ijarah, muzara'ah, musaqah and istisna' contracts. The path of istisna'nya is human needs and mutual understanding between two people who make akad.²²
- d. The text of the jurists and scholars regarding the tabarru'at contract of mahjur alaih is not permissible which is caused by safih (wasteful), then

waqf is excluded from it by using istihsan.²³

■ Closing

Istihsan according to the meaning of the word is to have a good look at something, according to the term ushul scholars jurisprudence istihsan is divided into two parts namely:

1. Favor one of the two qiyas namely qiyas jali and qiyas khafy. According to Imam Bazdawi, istihsan is called qiyas marjuh because it includes qiyas whose argument is weak;
2. Mengistisna law from qoidah because it is considered mashlahah. Because continuing the rules and compiling them for some furu' is considered damaged and defective.

Istihsan is widely applied in matters of the Hanafiyah school of jurisprudence such as in the problem of:

1. Waqf of agricultural land includes permission to use springs and road access;
2. When there is a dispute between the seller and the buyer, both parties must swear an oath;
3. Aqad salam, ijarah, musaqah, mujaro'ah and so on may be punished even though there is no actual transaction of goods;
4. A safih (wasteful) person whose wealth is withheld may carry out the waqf contract by himself.

²⁰ *Ushul Fiqh Science* . pg 80

²¹ Ibid.

²² Ibid.

²³ Ibid.

▪ Bibliography

- Abdul Wahab Khallaf. *Ushul Fiqh Science*. Maktabah Da'wah Syababul Azhar, 1431.
- Abi Yahya Zakaria Al Ansari. *Ghayatul Wusul Fi Al Syarhi Lubb Al Ushul*. Dar El Pole Al Arabiyah Al Kubra, 1431.
- Abu Daud at-Toyalisi Sulaiman bin Daud bin Jarud. *Musnad Abu Daud*. Dar al-Hijri, Egypt, 1999. Abu Ishaq As Sairoji. *Al Luma' Fi Ushuli Fiqh*. Dar El Pole Al Ilmiyah, 2003.
- Ahmad An Nadwa. *Jambarotul Qowa'id Al Fiqhiyyah Fil Mu'amalah Al Maliyyah*. Syirkatu Rajih Al Mashrafiyah, 2001.
- Ahmad bin Ali Abu Bakar Ar Razi Al Jashash Al Hanafi. *Al Fushul Fil Usul*. Wizaratul Auqof Al Kuwaitiyah, 1994.
- Balqosam bin Dzakhir bin Muhammad az-Zubaidi. *Al-Ijtihad fi Manath al-Hukmu Syar'i Dirasatan Ta'sbihiyyatan Taqdiyatan*. Markaz Takwin li Dirasah wal Ibbas, Ummul Qura, Mecca, 2014.
- Dr. Wahba Mustafa al-Zuhaili. *Al Wajiz Fi Usul Fiqh Al Islami*. Darul Khair, Damsyiq, Syria, 2006.
- Jalaludin Muhammad bin Ahmad bin Muhammad bin Ibrahim Al Mahali Al Shafi'i. *Syarab Al Waraqat Fi Usul Al Fiqh*. Jami'ah Al Quds Palestine, 1999.
- Mahmud bin Abdurrahman bin Ahmad bin Muhammad Abu Sana' Syamssuddin al-Isfahani. *Bayanul Mukhtashor Syarab Mukhtasor Ibnu Hajib*. Dar al-Madani as-su'uiyh, 1986.
- Muhammad bin Hibban Al-Busti. *Sirah Nabawiyah Wa Ikhbaril Khulafa*. Al Pole Al Tsaqafiyah, Beirut, 1417.
- Shaykh Ali Jumu'ah Muhammad Abdul Wahab. *Al Madkhal Ila Feels Al Madzhab Al Fiqhiyyah*. Dar El Salam Al Qohiroh, 2001.
- Shaykh Muhammad bin Umar bin bin Al-Hasan At-Tamimy Al-Bakry Al-Qurasyi At-Tibristani Ar-Razi Asy-Syafi'i Al-Asy'ari. *Al Mabsul*. Muassasah Ar Risalah, 1997.