



Article

Renewal of the Epistemology of Fiqh by Hasbi Ash-Shiddieqy and Its Implementation in Minority Muslim Communities

Jamal¹, Fahad Muhanna Salem Al Ahmadi²

¹ Universitas Muhammadiyah Malang, Malang, Indonesia; email :
jamal@umm.ac.id (*Corresponding Author*)

² Islamic University of Madinah, Madinah, Kingdom of Saudi Arabia;
email : Fafa1434@hotmail.com

PERADABAN JOURNAL OF
LAW AND SOCIETY
Vol. 2, Issue 2, December 2023

ISSN 2830-1757

Page : 117-129

DOI : [https://doi.org/10.59001/
pjls.v2i2.81](https://doi.org/10.59001/pjls.v2i2.81)



This work is licensed under a
[Creative Commons Attribution
4.0 International License](https://creativecommons.org/licenses/by/4.0/)

Abstract

This study aims to elucidate the contributions of TM. Hasbi Ash-Shiddieqy to the renewal and development of Ushul fiqh in the Indonesian archipelago, along with its actualization in minority Muslim regions. TM. Hasbi Ash Shiddieqy is recognized as one of the influential figures in the early development of Islamic law in post-independence Indonesia. This qualitative research employs a library research approach. The findings reveal that in his *ijtihad*, TM. Hasbi Ash-Shiddieqy underscores the importance of *Urf*, *Maslahah mursalah*, and *Sad Adzariah*, aiming to make Islamic laws more flexible, adaptive, and practically applicable. The realization of Hasbi Ash Shiddieqy's thoughts in minority Muslim communities results in an adaptive, inclusive Islamic legal framework that provides concrete solutions to the challenges of diversity within minority Muslim communities.

Keyword

Islamic Law Renewal, Minority Muslim Communities, TM. Hasbi Ashshiddiqi, Epistemology of Fiqh

INTRODUCTION

In the early Islamic development, Fiqh interacted with the diverse realities of society. This led to the development of various Fiqh variations with different characteristics. Throughout history, various terms have been recorded to indicate the diversity of Fiqh, both geographical and schools of thought. There is the Fiqh of Madinah, Fiqh of Iraq, Fiqh of Shaam, Fiqh of Maghrib, and others. Additionally, there is the Fiqh of scholars using Ra'yi (personal reasoning) and the Fiqh of scholars following Hadith. Notable examples include the Fiqh of Abu Hanifah, Fiqh of Malik bin Anas, Fiqh of Idris bin Syafii, Fiqh of Ahmad bin Hanbal, and many others. Moreover, there are various shades of Fiqh and scholars of Fiqh beyond the four mentioned schools (Basyir, 2020).

Islam that developed in Indonesia also has its variations and distinctive characteristics. Similarly, the Fiqh characters that have evolved. Some figures who have contributed to the development of Fiqh and Islamic law in Indonesia include Sheikh Abdurrauf Singkel (1643-1693 AD), Sheikh Arsyad al-Banjari, Sheikh Ahmad Khatib al-Minangkabau, Sheikh Nawawi al-Bantani (1230H/1813M-1314H/1897M), KH. Hasyim Asy'ari (1871-1947 AD), KH. Ahmad Dahlan, and others. Among contemporary legal thinkers who have played a significant role in the Indonesian Fiqh school, are M.T. Hasbi Ash-Shiddieqy (1905-1975), Hazairin (1906-1975), Ibrahim Hosein, Munawir Syadzali (1925-2004), KH. Sahal Mahfudz (1937-2014), and KH. Ali Yafie (1923-2023).

Hasbi Ash-Shiddieqy is one of the figures who played a significant role in the thought of *usul al-fiqh* and fiqh before and after Indonesia's independence. The spirit of Assiddiqi in the renewal of Islamic law in Indonesia was triggered by the challenge of the first President of Indonesia, Sukarno, who stated that Islamic law at that time was stagnant and outdated. Sukarno assessed the need for a renewal of Islamic law to make it acceptable and provide solutions to post-independence issues. This is where Hasbi Ash-Shiddieqy began his study of fiqh and the renewal of Islamic law. Although specifically, Ash-Shiddieqy did not have works in the field of *usul al-fiqh*, his thinking in fiqh studies showed a distinctive character with the idea of formulating Indonesian Fiqh. Ash-Shiddieqy advocated the importance of making fiqh determinations through *ijtihad* results adjusted to the Indonesian context. Ash-Shiddieqy believed that the Muslim community in Indonesia had not shown the ability to perform *ijtihad*, in line with the Indonesian personality (Mahsun, 2020). Ash-Shiddieqy also emphasized the renewal of Islamic law by developing an openness to accept the methodologies of all Islamic legal schools (madhabs) (Ash Shiddieqy, 1975b).

Hasbi Ash Shiddieqy emphasized the importance of aligning Islamic law with the culture and characteristics of the Indonesian people. The idea of 'Indonesian fiqh' proposed by him highlights the need for fiqh that can be

applied in a relevant and acceptable manner by the community. According to him, fiqh can only be applied effectively if the norms it produces are perceived as familiar and can provide fair solutions to the problems faced by Indonesian society (Yasir & Bendadeh, 2021).

T.M. Hasbi Ash Shiddieqy's thought on 'Indonesian fiqh' reflects a highly contextual approach to Islamic law in Indonesia. This perspective demonstrates a profound understanding of cultural diversity and the characteristics of Indonesian society. Thus, Hasbi Ash Shiddieqy's approach establishes a foundation for flexibility in the application of Islamic law, acknowledging the importance of responding to local social and cultural realities. This reflects an effort to bridge the gap between Islamic values and the concrete needs of Indonesian society.

Flexibility and contextualization of Islamic law are essential in contemporary society to ensure that Islamic law remains relevant can provide solutions to the actual issue, and is applicable in daily life. Moreover, Indonesia, as a country with high cultural diversity, requires Islamic law that can accommodate this diversity (Kasdi, 2019). Flexibility allows for variations in the application of the law according to the local cultural context.

In contemporary developments, flexibility and contextualization in the development of Islamic law are highly necessary, especially in minority Muslim regions where Muslims face challenges and uniqueness in terms of culture, law, and inter-religious relations. In this context, the thoughts of Hasbi Ash Shiddieqy create space to understand and integrate local values and traditions in the formation of legal rules, in line with the spirit of inclusivity and adaptability needed by Muslim communities in minority environments. In the Indonesian context where some regions have a Muslim population as a minority, Ash Shiddieqy's ideas can serve as a foundation for formulating Islamic legal solutions to issues faced by Muslim minorities. Particularly regarding issues such as interfaith relations, interfaith marriages, and inheritance laws in families with religious diversity.

In this article, we attempt to discuss the ideas of reform in *usul al-fiqh* proposed by Hasbi Ash Shiddieqy in the development of Islamic law, particularly in Indonesia. Hasbi Ash Shiddieqy's concept of 'Islamic jurisprudence in Indonesia' and the importance of local customs in the development of Islamic law in Indonesia have served as inspiration and continue to be developed by other Indonesian Islamic legal thinkers (Najib, 2020). This article also reviews how these ideas play a role in supporting an inclusive and relevant approach to Islamic law in minority Muslim regions. It explores how these thoughts can help navigate complex dynamics, foster inclusivity, and respond to the unique needs of Muslim communities outside the majority environment.

METHOD

In this research, we employ a qualitative approach, specifically the library research type, to elucidate the contributions of T.M. Hasbi Ash-Shiddieqy in the renewal and development of Ushul Fiqh in Indonesia. This method is chosen because it allows the researcher to critically analyze the writings, treatises, and *ijtihad* results of T.M. Hasbi Ash-Shiddieqy, which have laid the foundation for Islamic legal thought in Indonesia. By delving into these documents, this study aims to uncover the *usul al-fiqh* concepts proposed by T.M. Hasbi Ash-Shiddieqy and how his contributions shape contextual and relevant Islamic legal thought within the diversity of Indonesian society. Document analysis provides a robust framework to explore the evolution and impact of these ideas in the context of the history and development of Islamic law in Indonesia.

RESULTS AND DISCUSSION

The Beginning of a Scholar's Journey: A Brief Biography of TM. Hasbi Ash-Shiddieqy

Teungku Muhammad Hasbi Ash Shiddiqi was born in Lhokseumawe, North Aceh, on March 10, 1904, amid the war against the Dutch. Hasbi Ash Shiddieqy grew up in an environment of scholars and officials. His mother, Teungku Amrah, was the daughter of Teungku Abdul Aziz, the Qadhi Cik Maharaja Mangkubumi of the Sultanate of Aceh at that time. His father, Alhaji Teungku Muhammad Husein bin Muhammad Suud, was a Qodhi. Based on lineage tracing, his descent can be traced back to the companion Abu Bakar Assiddiq, the first caliph of Khulafa' Ar-Rasyidin. In his lineage, Hasbi is the 37th generation from the lineage of Abu Bakar Assiddiq (573-634). Therefore, the Assiddiqi lineage is appended to his name, a suggestion from his teacher, an Islamic reformer from Sudan who had long settled in Aceh (Shiddiqi, 1997, 1998).

Hasbi's birth and development coincided with the emergence of the Islamic renewal movement in Islamic countries, including Indonesia. He received education from an early age, learning Islamic teachings from the "dayah," a traditional educational institution owned by his father. There, he deepened his knowledge of Qiraah, Tajwid, the fundamentals of fiqh, and tafsir. At the age of eight, he embarked on his scholarly journey. His first step was to study at Dayah Teungku Chik under the leadership of Teungku Abdullah in Piyeung to deepen his knowledge of Nahwu and Shorf. A year later, he continued his education at Dayah Teungku Cik Bang Kabu in Geudong, and later at several other dayahs until he finally studied at Dayah Tanjung Barat in Samalanga until 1925 (Shiddiqi, 1998).

Hasbi Ash Shiddieqy was active in writing across various disciplines, particularly Islamic studies. According to records, he produced 73 book titles, comprising 142 volumes and 50 articles. The majority of his works were in the field of fiqh, totaling 36 titles. Other areas, such as hadith, included 8 titles, and theology with 5 book titles. The remaining books covered general themes. His last work written before his passing was *The Guide to Hajj* (Supian, 2014; Usman, 2008, p. 16).

Shiddieqy's most phenomenal work was in the field of exegesis, namely the exegesis of *An-Nur*. It is an exegesis that uses the Indonesian language, a rarity at that time when few Indonesian scholars could produce an exegesis. Additionally, the Indonesian language exegesis invited criticism from some Islamic scholars, because, at that time, it was rare to have an exegesis in a language other than Arabic. The nature of the *An-Nur* exegesis is social and contextual. For example, Hasbi Ash Shiddieqy interpreted verses 36-37 of *Al-Baqarah*, which prohibits Adam from approaching the tree in paradise, as representing humanity, while the tree symbolizes evil (Sudariyah, 2018).

The Renewal of Ushul Fiqh by TM. Hasbi Ash Shiddieqy

Hasbi Ash Shiddieqy played a significant role in the development of Islamic law in Indonesia. His works have become references for academics and practitioners of Islamic law. Ash-Shiddieqy departed from the mainstream thinking that has been the foundation and belief of Muslims in Indonesia. He also disapproved of the blind imitation (*taqlid*) that had long been prevalent in Indonesia, which, led to the stagnation of Islamic teachings. Hasbi Ash-Shiddieqy's ideas were sparked by his response to the views of Indonesia's first president, Sukarno, in the magazine "*Panji Islam*," where Sukarno considered Islamic law was stagnant. Sukarno also criticized the scholars for failing to present a dynamic Islam. In response, Ash-Shiddieqy wrote an article titled "Simplifying the Understanding of Islam," asserting that Islam is easy and dynamic. He can be considered a mujtahid in the Islamic world, particularly in Southeast Asia. His works and ideas are studied in neighboring countries such as Malaysia, Brunei Darussalam, Singapore, and others (Mahsun, 2020; Shiddiqi, 1998; Supian, 2014; Yasir & Bendadeh, 2021).

While Hasbi Ash-Shiddieqy's writings predominantly focus on fiqh, the birth of several fiqh concepts he proposed was influenced by a profound understanding of *usul al-fiqh* methods. Ash-Shiddieqy engaged in *ijtihad* on various fiqh issues that aligned with the conditions of Indonesian society. According to Ash-Shiddieqy, the social and cultural life of each country differs from one another. Thus, there is a need for an adaptive Islam, reminiscent of the diverse fiqh schools in the early development of Islam, such as the Madinan

fiqh, Syrian fiqh, Kufan fiqh, Basran fiqh, and others. Fiqh must be capable of addressing societal issues wherever it exists (Shiddiqi, 1998).

In his *ijtihad*, Hasbi Ash-Shiddieqy employs several methods of *istinbath* (deriving legal rulings), including *Urf* (custom), *Maslahah mursalah* (unrestricted public interest), and *sad adz-Azariah* (blocking the means). The application of these three methods aims to establish a just and beneficial Islam. This principle, a combined principle upheld by scholars of various *madhab* (school of thought in Islamic jurisprudence), particularly the Madinan and Kufan schools, has proven capable of bringing order and prosperity to society (Shiddiqi, 1997, 1998).

The principle of *Maslahah mursalah* assumes that the existence of law fundamentally intends to generate benefits for humans, whether at the level of necessities (*dharuriat*), needs (*hajiyyat*), or refinements (*tahshiniyyat*). It provides a more open space for the implementation of all models, both old and new, in deriving legal rulings, meaning that the method used is no longer monolithic (a narrow perspective). This is in contrast to *qiyâs*, which is solely linked to texts. Compared to *qiyâs*, which is solely linked to texts, *Maslahah mursalah* is more comprehensive as it is connected to the spirit of Sharia (Ma'arif, 2015).

Characteristics like these allow fiqh to evolve based on the understanding and cultural and social interpretations of the community. Fiqh opens up possibilities for all social, cultural, religious, and ethnic groups living in their respective regions to strengthen their identities without conflicting with Islamic law. These issues have been accommodated since the beginning in the formulation of principles: *al-Adah muhakkamah*, *al ma'rufu Urfan ka al Masyrut Syar'an*, *as-Tsabit bil Urfi ka as- Tsabit bin Nas*, dan *al -Adat Ihda al-Hujjaj as-Syariah fima la Nassa fih* (As-Suyuti, 1965).

The principles above explain that traditions, values, and customs prevailing in society can be the basis of law. This is because the Quran and Hadith only apply the principles that serve as the legal foundation, requiring tangible social and cultural instruments in practice. The diversity of social communities is a natural phenomenon, making fiqh an inseparable relationship from social, cultural, and ethnic entities. The relationship between fiqh and culture is like a mutualistic symbiosis that involves both transformation and preservation. Just as social, cultural, and religious entities in Indonesia need affirmation.

One example of the use of *urf* by Hasbi Ash-Shiddieqy in the context of renewing *usul al-fiqh* (*tajdid*) is his opinion on the permissibility of shaking hands between men and women. According to Ash-Shiddieqy, the tradition (*urf*) of the local community is an essential consideration and a reference in forming new Islamic law, becoming a necessity (Ash Shiddieqy, 1966). One such tradition in Indonesian society is the practice of shaking hands between men and women, which has been enduring for hundreds of years. According to Ash-Shiddieqy,

shaking hands is a common and non-arousing gesture. Besides the lack of firm evidence in the Quran and Hadith regarding handshakes, there are also narrations stating that the pledge made by male and female companions when pledging allegiance to the Prophet was done by shaking hands. Ash-Shiddieqy's *ijtihad* on this issue has sparked both support and opposition, with this opinion conflicting with the *Tarjih* Fatwa of Muhammadiyah and the opinion of Ahmad Hassan from Persis (Ma'arif, 2015; Shiddiqi, 1997).

Hasbi Ash-Shiddieqy bases his argument on the evidence used to prohibit shaking hands between men and women on *qiyas*. Determining what is permissible or forbidden must use decisive evidence from the texts of the Quran and Hadith. In the absence of clear evidence in the texts, there is no prohibition for men and women to shake hands. Hasbi Ash-Shiddieqy believes that shaking hands is not harmful to Indonesian society; this practice has been going on for a long time and has become a tradition (*urf*). Shaking hands is not a means that leads to adultery, as prohibited by the Quran for avoiding adultery. The context of shaking hands between men and women encompasses many aspects. For instance, if a woman is involved in an agreement or contract that requires shaking hands as a sign of acceptance and consent. The handshake between men and women is a cultural entity (*urf*) that, according to the general legal principle, serves as a foundation in law, known as al-Adah al-Muhakkamah (Ma'arif, 2015; Shiddiqi, 1997).

According to Hasbi Ash-Shiddieqy, one of the characteristics of Islamic law is adhering to the principle of equality, including viewing all people as equal in the eyes of Allah SWT. The consequence is all customs (*urf*) from any community can be a source of law. Islam does not erase the social and cultural entities of communities but preserves and maintains them as long as they do not contradict the principles of Islamic teachings, specifically the doctrine of *tawhid*. According to Ash-Shiddieqy, this foundation is the basis for the formation of Indonesian fiqh through the prevailing and evolving *urf* in Indonesia.

The idea of "fiqh with an Indonesian personality" proposed by Hasbi Ash-Shiddieqy since 1940 is his *ijtihad* using the '*urf shahih*' method for the Indonesian community. Ash-Shiddieqy concluded that the application of Islamic law should meet the needs of humans, including customary law and practices, as long as they do not contradict the teachings of *sharia*. The emergence of the Hijaz and Iraq fiqh is clear evidence that the relationship between Islam and culture is complementary. The texts of the Quran and Hadith are more flexible on issues governing human relationships, and detailed regulations on customs and culture are not explicitly found. The basic principle for accepting *urf* (custom) is that it does not contradict Sharia. It neither allows what is forbidden nor forbids what is permissible, as agreed upon by the Muslim community. Thus, there

cannot be a clash between Islamic law and customs.

Considering the character of the Indonesian nation, which is far from Arab society, there needs to be a symbiosis or marriage between Sharia and the prevailing customs in Indonesia. This would form a new law and perspective as an alternative to Islamic law as *rahmatan lil alamin* (a mercy to all worlds). Prophet Muhammad PBUH, when sent to the Arabian Peninsula, did not abolish the existing customs and traditions. Instead, he directed and modified traditions that contradicted the principles of *tawhid*, those associated with polytheism, and acts of disobedience that could disrupt social and community order.

Urf (custom) and *'adah* (tradition) are ancient and significant sources of Islamic law. In the pre-Islamic Arab era, where written documents or scripts were absent, their social system was ruled by customs and traditions. According to available historical records, the Caliphs of the *Rashidun* era maintained many pre-Islamic social customs and traditions. They also adopted and established some beneficial local customs (Ghani, 2011).

Reifsnider (2020, p. 137) states several reasons why *urf* is used as a source of Islamic law. Firstly, it is applied as a principle of "*maslahah* (benefit) and avoiding *mafsadat* (hardship)," as customs can be challenging to change. *Urf* is particularly useful in *mu'amalat* (interactions among people), but its application is limited to worship or ethics. Secondly, Prophet Muhammad PBUH did not reject all the customs of society during his time. Prophetic reports also include references to customs as the basis for some rules. The most famous example is the concept of *salam*, a type of transaction where the price is paid in advance for a commodity to be delivered in the future. Although such transactions contradict the general rule prohibiting the sale of commodities not available at the time of the contract, this transaction is considered permissible because it is a recognized and customary practice (Shabana, 2019). Thirdly, *sharia* flexibility is one of the principles that can be used to find solutions to emerging issues.

Another method of *Ijtihad* used by Hasbi Ash-Shiddieqy is *al-Maslahah al-Mursalah*. *Maslahah* means general interest, goodness, well-being, and benefit. Since *maslahah* is about the well-being of the community or the public, one might have to sacrifice something for the common good (Reifsnider, 2020, p. 136). Islamic jurists generally divide *maslahah* into three categories: *dharuriat* (essential), *hajiyyat* (secondary), and *tahsiniat* (tertiary). The needs of *dharuriat* (essential) must exist for the realization of human life, consisting of five parts that must be preserved: *hifdzu al-din* (religion), *hifdzu al-nafs* (soul/life), *hifdzu an-nasl* (lineage), *hifdzu al-mal* (property), and *hifdzu al-'aql* (intellect) (Auda, 2007).

In addressing legal issues, Ash-Shiddieqy appears to lean towards justice and utility. According to Ash-Shiddieqy, justice and utility can be achieved

through *al-maslahah al-mursalah*. Islam, in essence, comes as a mercy to the whole universe. The form of Islamic mercy is by introducing legal reforms based on justice and utility. Islamic law follows its principle, *Shiloh likulli Zamanin wal al Makan*, meaning Islam will always be relevant wherever and whenever it exists (Syikti, 2019).

Seeing the multitude of issues facing the Muslim community at that time, Ash-Shiddieqy believed in the need for a sense of *maslahah* directed towards local mujtahids to find solutions and alternative new laws. He saw the necessity for synergy in seeking solutions by gathering experts for collective research (*ijtihad jama'i*) to produce comprehensive legal products (Suhirman, 2010).

The formulation of laws using the *maslahah* method essentially began in the early Islamic development. One notable example is Caliph Umar bin Khattab (RA). Umar in many cases, departed from texts to consider the greater good. Caliph Umar captured the essence of the message of *sharia*, which is to create benefits and mercy for all humanity.

According to Hasbi Ash-Shiddieqy, *maslahah* is a method that aligns with the conditions of Indonesian society. Grounded in the doctrine of mercy to the entire universe fiqh should bring goodness and benefit to everything in the universe, whether Muslim or non-Muslim, animals, plants, and so on. Guided by the concept of *maslahah*, according to Ash-Shiddieqy, is a necessity in building the law. This concept is in harmony with the generality of Sharia, allowing Islamic law to evolve with the times, a path taken by previous scholars.

The use of *maslahah* in Ash-Shiddieqy's *ijtihad* is evident in his opinion on *zakat*. Referring to the views of Abu Hanifah, Hasbi Ash-Shiddieqy argues that production machinery in large factories is obligated to pay *zakat*. This perspective is relevant to the context of state development that requires significant capital. Thus, it can be used to finance or support development in other sectors. The concentration of *zakat* implementation and distribution revolving around economically weaker individuals needs reconsideration regarding its relevance (Ma'arif, 2015).

In addition to *maslahah*, Ash-Shiddieqy also employs the method of *sadd adz-dzari'ah*. *Sadd adz-dzari'ah* involves establishing a prohibition on a specific act that is fundamentally permissible or forbidden to prevent another forbidden act. Ash-Shiddieqy believes that all the purposes of *sharia* are to bring benefit to all humanity and prevent harm. Because benefits or utilities can only be obtained through means that lead us to them. Therefore, engaging in those means that lead to benefits is something that must be done. Conversely, preventing things that lead to the occurrence of other forbidden or harmful actions must also be attempted (Ma'arif, 2015).

Implementing Ash Shiddieqy's Renewed Epistemology of Fiqh for Muslim Minorities

Muslim minorities often face a dilemma. On one hand, they are required to adhere to the teachings and values of their faith, while on the other hand, they must also adapt to values that sometimes contradict their own beliefs. In regions where Muslims are a minority, legal systems and norms different from those in Muslim-majority areas apply. This often leads to problems in the integration and interaction of Muslim minorities with the majority society, both culturally and legally. Some classical fiqh views may not align with the norms and laws in these areas. The application of classical fiqh in such contexts can result in legal and social issues, potentially leading to discrimination, exclusion, or even larger problems like inter-religious and intercultural tensions. The reality of Muslim life in non-Muslim-majority areas is fundamentally different from Muslim-majority regions. Hence, there is a need for alternative Islamic jurisprudence to offer appropriate solutions to these challenges (Alturki, Jamal, & Wasito, 2023).

In this context, the thoughts of Hasbi Ash-Shiddieqy can serve as a foundation for formulating alternative Islamic jurisprudence to address the legal and social challenges faced by Muslim communities. In the Indonesian context, where some regions have Muslim populations as minorities, Ash-Shiddieqy's ideas can provide a basis for Islamic legal solutions to issues such as inter-religious relationships, inter-faith marriages, and inheritance laws in diverse religious family situations.

The urgency of his thinking lies in its ability to provide contextual and responsive Islamic legal solutions to the realities faced by Muslim minorities. By emphasizing local wisdom and recognizing local social norms, Ash-Shiddieqy paves the way for the actualization of Islamic values without sacrificing the identity and sustainability of minority communities. This approach also creates space for Muslim minorities to maintain their Islamic identity without feeling marginalized or conflicted with prevailing values.

Hasbi Ash Shiddieqy believes that local wisdom and social norms can serve as a foundation for building harmonious relationships between Muslim minorities and their surrounding environment. The issue of shaking hands with the opposite gender, as mentioned earlier can be a good example (Ma'arif, 2015). Ash Shiddieqy's approach can provide a solution for Muslim minorities living in environments where shaking hands with the opposite gender is considered reasonable and in line with courtesy values.

In this context, avoiding handshakes can pose significant risks and create problems in interacting with the broader society. Non-compliance with social norms may lead to Muslim communities being isolated and even cause tension, hindering the integration of Muslim minorities in that environment.

Ash Shiddieqy's fiqh approach, which emphasizes culture and customs, allows Muslim minorities to maintain their religious values without disrupting social relationships. The same approach can be applied to issues such as expressing greetings for holidays of other religions.

Therefore, Hasbi Ash Shiddieqy's perspective aligns with the spirit of *Fiqh al-aqaliyyat* or Minority Jurisprudence. This approach was initiated by two Islamic legal scholars in the late 1990s, Thaha Jabir Al-Alwani and Yusuf al-Qaradawi (Mawardi, 2010). *Fiqh al-aqaliyyat* provides a framework on how to address various issues faced by Muslim minorities related to Islam in various dimensions, including ritual, social, economic, and political aspects (Al-Alwani, 2010; Hassan, 2019).

The ideas of Hasbi Ash Shiddieqy (1975a) on "Islamic jurisprudence in Indonesia" underscore the need to incorporate local customs, traditions, and social norms into the framework of Islamic law. The adoption of local values in formulating Islamic law serves as a bridge to reconcile the gap between Islamic teachings and the demands of the local context. In the context of the integration of Muslim minorities in predominantly non-Muslim areas, this becomes a crucial key to fostering positive interactions between Muslim minorities and the surrounding society (Alturki et al., 2023).

In line with the concept of *Fiqh aqalliyat*, Hasbi provides a contextual foundation for Islamic law, understanding the realities of minority life and seeking solutions that not only align with Islamic teachings but are also acceptable to the majority. With the foundation of *Urf* and *maslahah*, Muslim minorities can formulate solutions that not only benefit themselves but also contribute to creating balance and justice in diverse societies. In other words, Hasbi Ash Shiddieqy's ideas can open doors to bridge differences and create shared prosperity, making minority communities constructive participants in social dynamics.

CONCLUSION

Hasbi Ash-Shiddieqy's ideas on the renewal of Islamic law, particularly regarding the personalized Islamic jurisprudence in Indonesia, stem from his *ijtihad* in addressing issues in the country that require legal solutions and alternatives. Ash-Shiddieqy extensively examined various legal and customary issues in Indonesian society that were not explicitly addressed in the primary sources (the Quran and Hadith). Recognizing the complexity of the issues at that time, Ash-Shiddieqy introduced a breath of renewal in *usul al-fiqh* to derive deductions aligned with the general message of Islamic law, which is *rahmatan lil alamin* (a mercy to all worlds). The methods employed by Ash-Shiddieqy in extracting legal rulings involve three modes of *ijtihad*: *urf*, *Mashlahah Mursalah*,

and *sadd Adzariah*. These methods were used to seek justice and benefit, which are distinctive features of Islamic law. The actualization of Hasbi Ash-Shiddieqy's thoughts within minority Muslim communities has resulted in an adaptive, inclusive framework of Islamic law capable of providing concrete solutions to diversity challenges. By emphasizing *Urf*, *Sad Adzariah*, and *Maslahah mursalah*, this ideology catalyzes the shaping of a relevant Islamic law that empowers minority communities to live in harmony with religious values and local wisdom.

REFERENCE

- Al-Alwani, T. J. (2010). Towards A Fiqh For Minorities: Some Basic Reflections (S. Khan & D. A. A. Shaikh-Ali, Eds.). Richmond, Surrey, UK ; Herndon, Va: International Institute of Islamic Thought.
- Alturki, A. I. A., Jamal, & Wasito, A. (2023). Good Muslims and Good Citizens: How Fiqh al-Aqalliyyat Solves the Problems of Muslim Minorities in the West. *Peradaban Journal of Religion and Society*, 2(1), 85–104. <https://doi.org/10.59001/pjrs.v2i1.53>
- Ash Shiddieqy, H. (1966). *Syariat Islam Menjawab Tantaragan Zaman*. Jakarta: Bulan Bintang.
- Ash Shiddieqy, H. (1975a). *Falsafah Hukum Islam*. Jakarta: Bulan Bintang.
- Ash Shiddieqy, H. (1975b). *Fiqh Islam Mempunyai Daya Elastis, Lengkap, Bulat, dan Tuntas*. Jakarta: Bulan Bintang.
- As-Suyuti, J. A. bin A. B. (1965). *Al asybah wa al Nadhair*. Surabaya: Al Hidayah.
- Auda, J. (2007). *Maqasid al-Shari'ah as Philosophy of Islamic Law*. London: International Institute of Islamic Thought (IIIT).
- Basyir, A. (2020). *Fikih dan Pranata Sosial di Indonesia*. Yogyakarta: UII Press.
- Ghani, H. A. (2011). *Urf -o-Ādah (custom and usage as a source of Islamic law)*. *American International Journal of Contemporary Research*, 1(2). Retrieved from https://www.aijcrnet.com/journals/Vol_1_No_2_September_2011/23.pdf
- Hassan, S. F. (2019). *Fiqh al-aqalliyyât and Muslim minorities in the West*. In *Routledge Handbook of Islamic Law*. Routledge.
- Kasdi, A. (2019). Reconstruction of Fiqh Nusantara: Developing the Ijtihad Methodology in Formulating Fiqh from Indonesian Perspective. *QIJIS (Qudus International Journal of Islamic Studies)*, 7(2), 239–266. <https://doi.org/10.21043/qijis.v7i2.4797>
- Ma'arif, T. (2015). Fiqih Indonesia Menurut Pemikiran Hasbi Ash-Shiddiqi, Hazairin dan Munawir Syadzali. *Ijtimaiyya: Jurnal Pengembangan Masyarakat Islam*, 8(2), 27–56. <https://doi.org/10.24042/ijpmi.v8i2.910>
- Mahsun, M. (2020). Sejarah Sosial Pemikiran Fiqih Indonesia (Hasbi Ash-Shiddieqy) dan Fiqih Mazhab Nasional (Hazairin). *Al-Mabsut : Jurnal Studi Islam dan Sosial*, 14(2), 174–191. <https://doi.org/10.56997/almabsut.v14i2.449>
- Mawardi, A. I. (2010). *Fiqh Minoritas ; Fiqh Al-Aqalliyyât dan Evolusi Maqâshid*

- al-Syarī'ah dari Konsep ke Pendekatan. Lkis Pelangi Aksara.
- Najib, A. M. (2020). Reestablishing Indonesian Madhhab: 'Urf and the Contribution of Intellectualism. *Al-Jami'ah: Journal of Islamic Studies*, 58(1), 171–208. <https://doi.org/10.14421/ajis.2020.581.171-208>
- Reifsnider, M. (2020). Muslim Minorities and Minority Fiqh. In R. Lukens-Bull & M. Woodward (Eds.), *Handbook of Contemporary Islam and Muslim Lives* (pp. 1–21). Cham: Springer International Publishing. https://doi.org/10.1007/978-3-319-73653-2_11-1
- Shabana, A. (2019). The Place of Custom in Islamic Law Past and Present. In K. A. E. Fadl, A. A. Ahmad, & S. F. Hassan (Eds.), *Routledge Handbook of Islamic Law*. New York: Routledge. Retrieved from <http://gen.lib.rus.ec/book/index.php?md5=63E11974C04C29CCA5204ADEDE9B373A>
- Shiddiqi, N. (1997). *Fiqh Indonesia: Penggagas dan Gagasan*. Yogyakarta: Pustaka Pelajar.
- Shiddiqi, N. (1998). Prof. T.M. Hasbi Ash-Shiddieqy. In M. Damami (Ed.), *Lima tokoh pengembangan IAIN Sunan Kalijaga*. Yogyakarta: Pusat Penelitian, IAIN Sunan Kalijaga.
- Sudariyah, S. (2018). Konstruksi Tafsir al-Qur'anul Majid An-Nur Karya M Hasbi Ash-Shiddieqy. *SHAHIH: Journal of Islamicate Multidisciplinary*, 3(1), 93–106. <https://doi.org/10.22515/shahih.v3i1.1282>
- Suhrman, G. (2010). Fiqh Mazhab Indonesia (Konsep dan Aplikasi Pemikiran Hasbi as-Siddiqi untuk Konteks Islam Rahmat li- Indonesia). *Al-Mawarid: Jurnal Hukum Islam*, 11(1). Retrieved from <https://journal.uui.ac.id/JHI/article/view/2855>
- Supian, A. (2014). Kontribusi Pemikiran Hasbi Ash-Shiddieqy dalam Kajian Ilmu Hadis. *Mutawatir : Jurnal Keilmuan Tafsir Hadith*, 4(2), 270–291. <https://doi.org/10.15642/mutawatir.2014.4.2.270-291>
- Syikti, A. S. (2019). *Dinamika Hukum Islam*. Yogyakarta: UII Press.
- Usman, I. (Ed.). (2008). *Biografi Rektor IAIN Ar-Raniry: Kepemimpinan IAIN dari Masa Ke Masa*. Banda Aceh: Darussalam Press.
- Yasir, E., & Bendadeh, S. (2021). 'Urf Sebagai Metode Istinbath Hukum Islam (Pemikiran Hasbi Ash-Shiddieqy dengan Fiqh Indonesiannya). *SYARIAH: Journal of Islamic Law*, 3(2), 14–36. <https://doi.org/10.22373/sy.v3i2.308>