

Article

Universality and Contextuality of Islamic Law : a Perspective from Wael B. Hallaq and Thaha Jabir Alwani

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Abstract

The article delves into the concepts of universality and contextuality within Islamic law from the perspectives of two eminent scholars, Wael Bahjat Hallaq and Thaha Jabir Alwani. The research aims to comprehend these scholars' views on the universality and contextuality of Islamic law in the contemporary context. The research methodology involves a meticulous analysis of Hallaq and Alwani's written works and a comprehensive review of pertinent literature. The findings suggest that, while both scholars concur that Islamic law embodies universal values applicable across time, they also underscore the significance of comprehending the social and cultural context when applying Islamic law. Hallaq emphasizes the necessity of a profound understanding of the principles of Islamic law to address contemporary challenges, whereas Alwani highlights the flexibility of Islamic law in adapting to changing times. These findings offer valuable insights into the effective implementation of Islamic law in diverse global and local contexts..

Keyword

Contextuality, Islamic Law, Wael Bahjat Hallaq, Thaha Jabir Alwani, Universality

INTRODUCTION

The role of Islamic law has consistently been an integral element in shaping Islamic civilization, alongside political, economic, and social components. The concept of the hegemony of this civilization was initiated by Islam long before the West, as articulated by Cak Nur in “Islam Doktrin Peradaban” (Madjid 2019). Tracing the development and regression of Islamic Law can be observed through the various trajectories of Islamic civilizations that emerged and flourished. The application of Islamic law in a specific civilization inevitably reflects diverse social backgrounds, resulting in Islamic law adapting to the culture in which it is applied (Fad 2019).

This diversity is evident in the various products of Islamic Law stemming from the four Imams: Hanafi, Hanbali, Shafi’i, and Maliki, each with distinct argumentations. The socio-cultural backgrounds of these imams gave rise to various schools of thought with Fiqh characteristics rooted in different socio-cultural contexts (Moh. Anas Kholis 2021). The formulation of Islamic law patterns in these various schools is inseparable from the universality of Islamic law itself. Thus, Islamic law can be contextualized within different social and cultural backgrounds, which Ali Shodiqin refers to as the particular dimension of Islamic law (Shodiqin 2014).

However, as time progresses, the universality of Islamic law has undergone distortions significantly affecting the contextualization of Islamic law. This is evidenced by various efforts to separate Islamic law and the State, signifying that the universal values of Islamic law are deemed irrelevant to contextualize within the realm of modern-Western created States.

According to Wael B. Hallaq in his recent thesis, this is justifiable since followers of Islam, grounded in Sharia, cannot feasibly apply it to States born out of the modern Western world (Ecep Ishak Fariduddin 2022). It is because the Sharia paradigm, which births morals and laws, contradicts the Western Enlightenment paradigm that places humans as the beginning and end of everything and separates “das sollen” (moral values) from “das sein” (realities of life). In this regard, Hallaq seems somewhat pessimistic about contextualizing the universal values of Islamic law.

On the other hand, Thaha Jabir Alwani asserts that the universality of Islamic law lies in its fundamental principles, namely the principles of Musawa (equality), al-’adl (justice), al-hurriyah (spirit of liberation), al-maslahah (benefit), and humanity (Muhammad Ichrom 2020). Ali Shadiqin also emphasizes that these universal values of Islamic law are absolute and should be acceptable to all human beings without exception.

The debate about the universality and contextualization of Islamic law has significant implications for the development of Islamic law in various countries, especially those newly independent nations endeavoring to build their legal systems. A deeper understanding of this discourse can aid in the development of effective legal policies that meet the needs of local communities.

At this juncture, this study aims to engage in a dialogue between the thoughts of Wael B. Hallaq and Thaha Jabir Alwani regarding the universality and contextualization of Islamic law. This effort seeks to illuminate the universal values of Islamic law so that it can be contextualized within various socio-cultural contexts of diverse human communities.

UNDERSTANDING THE UNIVERSALITY OF ISLAMIC LAW

The concept of the universality of Islamic law implies that Islamic law comprises principles that are general and applicable to all human beings, irrespective of their religion, ethnicity, or race. According to Khalid Rahman and Moh. Anas Kholish, the universality of Islamic law emphasizes that it is not only relevant to Muslims but also applicable to humanity as a whole (Moh. Anas Kholish 2015).

Fundamentally, within the theological principle of *Rahmatan lil 'alamin*, Islamic law is viewed not merely as rules crafted by Muslims to govern their affairs but as guidance that provides solutions to the broader issues facing all of humanity. Islamic law offers solutions and guidance across various aspects of life, encompassing social, economic, political, and spiritual matters.

According to Ali Shadiqin, the universality of Islamic law emphasizes principles, as seen in the concept of *maqasid al-shariah*, which underscores the common good. The specificity of Islam is related to the practical aspects of Islamic law in human life, including local culture (Fikri 2018). This demonstrates that Islam does not aim to eradicate human cultures but serves as a universal value that can assimilate and accommodate various local cultures. Therefore, the universality of Islam and the locality of culture do not have to be mutually exclusive; instead, they can exist in a mutually supportive relationship, even reinforcing one another.

At the level of principles, there is a consensus accepted by all of humanity, such as justice, equality, and humanity within Islamic law. Islamic law must recognize and respect human rights, including the right to freedom of religion, the protection of life, honor, and property.

By understanding the meaning of the universality of Islamic law, a deeper and broader comprehension of Islamic law and its application can be achieved. The universality of Islamic law can also serve as the basis for the formation of dialectical and affirmative relationships among human beings, especially in the context of multicultural and multireligious societies.

UNDERSTANDING THE CONTEXTUALITY OF ISLAMIC LAW

The meaning of the contextuality of Islamic law is that Islamic law must be understood and applied in the context of a specific time and place. This context encompasses the social, political, economic, and cultural environment in which Islamic law is applied. According to Fazlur Rahman, Islamic law must be understood and applied by considering the social and cultural context in which it is implemented. He emphasizes that Islamic law must be interpreted using reason and intellect, enabling it to evolve with the times and meet the needs of society (Sibawaihi 2007).

In the context of contextuality, Islamic law is seen as a universal value and a living, evolving system, not just a rigid and static set of rules. Abdullah Ahmad an-Naim asserts that Islamic law must be applied flexibly and be adaptable to the changes of time and the needs of society, providing appropriate and relevant solutions to the issues faced by humanity (Taufiq 2018).

According to Ali Shodiqin, this stage represents the realm of particularity, where the application of Islamic law must be done within a context that accommodates the principles of universality and contextuality in a balanced manner (Warikum Sumitro, Moh. Anas Kholish 2017). In this particular dimension, Islamic law must consider cultural differences, customs, and the social environment in society, allowing the application of Islamic law to accommodate these variations. This does not contradict the principle of the universality of Islamic law, as the application can be adjusted to the context within society, as long as it does not conflict with the fundamental principles of Islamic law that are universal and applicable to all of humanity without exception.

In the execution phase, the door of *ijtihad* must not be perceived as closed. During the globalization trend, the issues faced by the Muslim community present new challenges and complexities not encountered in previous times (Maleeha, Zahoor Alam 2020). As a religion of *Rahmatan lil 'alamin*, Islam cannot remain stagnant and fall behind in responding to the existing problems. Therefore, understanding the contextuality of Islamic law also considers the crucial role of *ijtihad* or interpretation in understanding and applying Islamic law. *Ijtihad* is the process of interpreting Islamic law by scholars, taking into account the social and cultural context as well as advancements in knowledge and technology in the present era.

In the context of contextuality, Islamic law is considered applicable in various situations and conditions, adapting to the needs of the community in which Islamic law is implemented. This demonstrates that Islamic law is not rigid and closed but rather flexible, able to adapt to the changes of time and the needs of society.

EXAMINING WAEI B. HALLAQ'S PERSPECTIVES ON THE UNIVERSALITY AND CONTEXTUALITY OF ISLAMIC LAW

Wael Bahjat Hallaq, born in Damascus, Syria, in 1955, is a distinguished Christian scholar currently holding the position of professor at Columbia University in New York. Despite his Christian background, Hallaq is internationally recognized as an expert in Islamic law, contributing significantly to the research on its history, theory, and practice. He completed his undergraduate studies at the University of Damascus and pursued postgraduate studies at the University of Utah, USA, culminating in a Ph.D. in Religious Studies from the University of Washington, Seattle, in 1989. Hallaq commenced his academic career as an assistant professor at McGill University in Montreal, Canada, before moving to the University of Chicago in 1991, where he assumed the role of Director of the Middle East and South Asian Studies Program. In 2003, Hallaq joined Columbia University, where he currently serves as a professor (Abdul Basit 2019).

Hallaq has authored numerous works covering diverse aspects of Islamic law, including history, theory, comparisons with Western legal systems, and contemporary issues. Some of his notable works include "A History of Islamic Legal Theories" (1997), "The Origins and Evolution of Islamic Law" (2005), and "Shariah: Theory, Practice, Transformations" (2009) (Ferdi Fatih Ates 2019). As a prominent Islamic law scholar, Hallaq is frequently invited to deliver lectures and participate in international conferences. He actively engages in discussions and debates on contemporary issues in Islamic law, such as the relationship between Islamic law and human rights and the adaptation of Islamic law to the modern world. Hallaq's presence in the academic realm significantly contributes to the advancement of Islamic legal studies and discussions on the relevance of Islamic law in contemporary society.

Hallaq's perspective on the relationship between Islamic law and politics is highly controversial. Some view his stance on separating Islamic law from politics as bold and innovative, while others perceive it as a challenge to the established Islamic consensus. Nevertheless, it is undeniable that Hallaq's thoughts make a substantial contribution to understanding Islamic law and its role in society. Through his critique, Hallaq encourages scholars to consider the historical and cultural context in comprehending Islamic law. This is essential to ensure that Islamic law can continue to evolve and adapt to changing times while upholding the values and principles forming its foundation.

In his work titled "Authority, Continuity, and Change in Islamic Law," Wael B. Hallaq presents a compelling argument challenging the prevailing notion that Islamic law remains static (Wael Bahjat Hallaq 1994). He contends

that *thabaqat* literature, traditionally regarded as a compilation documenting the history and biographies of legal scholars, actually reflects the dynamic and creative dimensions inherent in Islamic law. According to Hallaq, adopting a historical approach in studying these texts is essential for comprehending the evolutionary nature of Islamic law. This perspective is intriguing as Hallaq successfully shifts the conventional perception of *thabaqat* literature from mere 'dead documents' to sources that can construct the narrative of Islamic law's progressive and creative trajectory. Hallaq's viewpoint stands as an original and significant contribution to the scholarly discourse on Islamic law.

Hallaq's revision of established theses includes a challenge to the idea that Islamic law is inseparable from politics and governance. He argues against this perspective, asserting that Islamic law provides a comprehensive framework for regulating both individual and societal aspects of life (Wael Bahjat Hallaq 2013). Furthermore, he criticizes the viewpoint that Islamic law is confined to rigid and static rules, overlooking its historical and cultural context. Hallaq posits that Islamic law inherently possesses a progressive and creative dimension that can be developed and applied within the social and cultural context of Indonesian society. Consequently, he proposes a new thesis that defines Islamic law as an open and flexible system capable of adapting to changing times and the evolving needs of society. This perspective is recognized as one of Hallaq's original contributions and offers a fresh outlook on Islamic law studies in Indonesia.

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In the context of the development of Islamic jurisprudence in Indonesia, Hallaq's thoughts are considered a significant contribution. The following are key theories put forth by Hallaq concerning Islamic law, collectively laying the foundation for a novel perspective in the study of Islamic law in Indonesia

1. Challenging the Closure of the Gates of *Ijtihad*. Hallaq questions the first thesis, originating from Joseph Schacht, which asserts that the principles of Islamic law were finalized by the 4th century Hijri after the emergence of the four major Islamic legal schools (*madhhabs*). This theory contends that further legal studies were considered mere imitation (*taqlid*) of the scholars of these schools (Juliansyahzen 2022).
2. Supporting the Openness of *Ijtihad*. Complementing the first thesis, Hallaq's second argument posits that the strong historical evidence

- of dialogue and dialectics between theory and practice in Islamic legal history demonstrates that the gates of *ijtihad* have always been open among Muslims (Wael Bahjat Hallaq 2022).
3. Foreign Influences on Islamic Law Formulation. Addressing the impact of foreign elements on the formulation of Islamic law, Hallaq's third thesis challenges scholars like Goldziher, Schacht, and Crone, who argue that Islamic law was significantly influenced by Christian, Jewish, and Roman laws. For instance, Crone's examination of legal practices in Syria demonstrates the influence of these legal systems on Islamic laws related to oaths and marriage (Shaw 2020).
 4. Syafi'i as the Founder of Usul al-Fiqh. Hallaq's fourth thesis argues that Al-Shafi'i is considered the founder of the science of *usul al-fiqh* (principles of Islamic jurisprudence), supported by Joseph Schacht's work in "The Origins of Muhammadan Jurisprudence," translated by Majid Kadduri and acknowledged by Philip K. Hitti. This perspective has gained acceptance among many scholars and the Muslim community (Wael B Hallaq 2019).
 5. Sharia as the Primary Paradigm for Muslims. In his final thesis, Hallaq states that Sharia is the central paradigm for Muslims, shaping their morals and laws, and opposing the Western paradigm that places humans at the center of everything, separating moral values from reality (Kahhorova 2022). Furthermore, Hallaq contends that adherents to Sharia cannot build a state based on the Enlightenment paradigm, which contradicts Sharia principles.

EXAMINING TAHA JABIR ALWANI ON THE UNIVERSALITY AND CONTEXTUALITY OF ISLAMIC LAW

Taha Jabir al-Alwani was born in the small city of Fallujah in the Al-Anbar province of Iraq in 1935. Despite losing his mother at a young age, he demonstrated resilience and became known for his strength of character (Family 2016). As an academician, Taha Jabir al-Alwani devoted a significant portion of his life to an extensive journey deepening his knowledge in the field of Islamic studies. After completing his primary education, he pursued further studies at Al-Azhar University in Cairo, Egypt (Ghazalii 2017). There, he immersed himself in various fields, including *fiqh* and *usul al-fiqh*. Following his studies, Taha Jabir al-Alwani returned to Iraq and assumed a lecturing position at Al-Mustansiriyyah University, a prominent institution in the country. Additionally, he took leadership roles in Islamic institutions in the United States, including the International Institute of Islamic Thought (IIIT) and the Fiqh Council of North America (FCNA). Taha Jabir al-Alwani's prolific career and extensive knowledge have positioned him as a significant figure in the Islamic world, and

his influence continues to be felt today.

Taha commenced his education at Madrasah Ibtidaiyah in Fallujah for approximately one year, from 1948 to 1949. In 1952, he continued his education at a pesantren (Islamic boarding school) in Baghdad. Later, he pursued studies at Madrasah Tsanawiyah Al-Azhar, where he encountered numerous Islamic figures, including a mufti named al-Shaykh Amjad al-Zahawi and al-Shaykh Qasim al-Qaysi. He also met the distinguished scholar Syakh Abd al-Aziz Salim al-Samara'i (Mochmad 2022). Under the guidance of Syakh Abd al-Aziz, al-Alwani delved into various fields of knowledge, including theology, jurisprudence, interpretation of the Quran, and other branches of Islamic studies. After completing his secondary education, al-Alwani pursued Sharia studies at Al-Azhar University, graduating in 1959. He completed his master's in 1968 and completed his doctoral program in the same department with a focus on Usul al-Fiqh in 1972.

His dedication to the field of Usul al-Fiqh is evident in his works such as "The Principles of Islamic Jurisprudence" and "Islamic Ethics of Life: Imam al-Ghazali's Treatise on the Duties of Brotherhood." In the realm of Usul al-Fiqh, Taha Jabir al-Alwani is recognized as a critical thinker who boldly proposes new concepts to enrich the understanding of Islamic law (Al-Alwani 2011).

The Epistemology of Usul Fiqh is a field of study that explores the sources of Islamic law. Taha Jabir al-Alwani, in his epistemology of Usul Fiqh, demonstrates his adherence to or at least references his predecessors or one of the significant figures of Usul Mutakallimin, which is the subject of his research (Muhammad Ichrom 2020). In this regard, Taha begins by formulating the principles of deduction in Usul Fiqh, starting from the primary source, the Qur'an. He analyzes commands and prohibitions, general and specific terminology, limited and unlimited concepts (*mujmal* and *mubayan*), as well as abrogation (*nasakh*).

Furthermore, Alwani delves into Hadith and its Sciences (*ilmu hadits*) as the second legal source in Islam. Additionally, he explores *ijma* (consensus) among scholars and *ijtihad*, including *qiyas* (analogy), as other legal sources (Al-Alwani 2006). Lastly, Taha examines disputed evidence outside these four sources. Within this framework, Taha Jabir al-Alwani adopts a systematic and methodological approach to comprehend the sources of Islamic law (Al-Alwani 1990). He posits that the sources of Islamic law must be examined in an integrated and holistic manner to yield a precise and profound understanding of Islamic law. In his teachings, Taha also underscores the significance of exploring and developing new methods to comprehend the sources of Islamic law more comprehensively and deeply. The following presents Taha's insights as an expert in Usul Fiqh (Adam 2018):

1. Primary Legal Sources: the Qur'an and Sunnah

Taha Jabir Al-Alwani contends that a correct understanding of the Qur'an and Sunnah is paramount. He underscores the significance of considering the historical context and social environment during the revelation of the Qur'an verses and hadith, ensuring an alignment with their original intent and purpose. This approach aims to prevent misinterpretation or deviation from their true meaning, facilitating their appropriate application in daily life. Taha also emphasizes comprehending the principles of Usul Fiqh in decision-making within Islamic law, such as *ijtihad* and *qiyas*, both rooted in the Qur'an and Sunnah. He asserts that these principles can effectively address intricate legal issues in contemporary life and aid Muslims in maintaining a connection with traditions and laws derived from the Qur'an and Sunnah.

2. Importance of Ijtihad

Al-Alwani argues that *ijtihad* is crucial for maintaining the progress and relevance of Islamic law in response to changing times. According to him, Islamic law must continually adapt to social, economic, political, and cultural changes. Therefore, *ijtihad* must be a continuous and evolving process according to the demands of the time. Additionally, Al-Alwani believes that *ijtihad* must be approached with a critical and rational perspective to avoid errors in interpretation and legal pronouncements. He underscores the importance of understanding the social and cultural context of the legal sources used in the *ijtihad* process. While acknowledging the significance of *ijtihad*, Al-Alwani also recognizes that it is a challenging task requiring a deep understanding of the sources of Islamic law. Therefore, he emphasizes the importance of education and training in the field of Usul Fiqh and *ijtihad* for scholars and Muslims in general, enabling them to comprehensively understand the sources of Islamic law and produce laws that align with the demands of the time.

3. Concept of Fiqh Methodology

Al-Alwani introduces the concept of "fiqh methodology," which encompasses four steps in the legal decision-making process:

- a. researching legal sources
- b. understanding legal sources
- c. deducing or drawing legal conclusions
- d. applying the law in everyday life.

In this concept, Al-Alwani emphasizes the importance of in-depth knowledge of legal sources to ensure accurate understanding and deduction of the law. Al-Alwani's offers a structured and comprehensive framework for legal decision-making, placing a strong emphasis on the thorough understanding of legal sources to enhance the accuracy and practical applicability of the law.

4. Relevance of Islamic Law and Contemporary Life

Al-Alwani acknowledges that the lives of Muslims change over time, leading to increasingly complex issues. Therefore, Islamic law must effectively address these problems in a relevant manner. He argues that Islamic legal sources, such as the Qur'an and Sunnah, contain universal principles applicable in various situations. However, their interpretation and application must be adapted to evolving social, cultural, and technological contexts.

Therefore, Al-Alwani encourages Muslims to engage in creative and innovative *ijtihad*. He believes that existing legal sources should be analyzed in a new and contextual way, providing solutions suitable for contemporary situations. He also advocates for broader involvement of Muslims in the *ijtihad* process, not limited to scholars but also including professionals, intellectuals, and social activists with a broader understanding of social contexts and community issues.

Through this open and innovative approach, Al-Alwani hopes that Islamic law will be able to address various social, economic, political, and environmental issues faced by Muslims in the contemporary era. He believes that a relevant and contextual Islamic law can be a source of strength and inspiration for Muslims in building a better and harmonious life.

CONCLUSION

The exploration of the thoughts of Wael B. Hallaq and Taha Jabir Alwani provides profound insights into the concepts of universality and contextuality in Islamic law. Hallaq, with his in-depth approach to Islamic law, highlights the need to understand fundamental principles that are universally applicable, while acknowledging that their implementation must align with the social and cultural context of a specific community. He argues that Islamic law possesses relevant universal values but emphasizes the necessity of adapting to changing times without compromising its integrity. On the other hand, Alwani takes the concept of contextuality to a higher level by emphasizing the applicability of Islamic law in real-life situations and responding to the demands of the time with flexibility. Alwani underscores that Islamic law is dynamic and can adapt to the demands of the time while retaining its fundamental principles. The combination of Hallaq's and Alwani's perspectives brings a more comprehensive understanding of how Islamic law can remain relevant in the modern era. They highlight the importance of approaching Islamic law with a balanced perspective, integrating universal values with sensitivity to local contexts. This exploration reinforces the understanding that Islamic law is not static; instead, it can evolve in line with the changing times, enabling effective and relevant application in various societies and situations..

REFERENCE

- Abdul Basit, M. A. (2019). An Introduction to Wael B Hallaq's Works and Thoughts. *Al-Qamar*, 2(2), 127-144.
- Adam, A. F. Bin. (2018). Konsep Al-Ittihad Al-Hida'i Dalam Pemahaman Al-Quran: Kajian Terhadap Pemikiran Taha Jabir Al-'Alwani Dalam Kitab Ma'Alim Fi Al-Manhaj Al-Qur'ani Ahmad (Vol. 1). Universiti Malaya Kuala Lumpur.
- Al-Alwani, T. J. (1990). *Usūl al fiqh al Islāmī: Source methodology in Islamic jurisprudence: Methodology for research and knowledge* (Y. T. D. A. S. Al Shaikh-Ali, Ed.). Herndon, Virginia USA Research: The International Institute of Islamic Thought.
- Al-alwani, T. J. (2006). *Islamic Thought An Approach to Reform*. London: The International Institute of Islamic Thought.
- Al-Alwani, T. J. (2011). The Ethics of Disagreement in Islam. *The Journal of Islamic Faith and Practice*, 2(2), 1-6.
- Darmalaksana, W. (2020). Metode Penelitian Kualitatif Studi Pustaka dan Studi Lapangan. Pre-Print Digital Library UIN Sunan Gunung Djati Bandung, 1-6.
- Ecep Ishak Fariduddin. (2022). Kontekstualisasi Hukum Islam dalam Realitas Sosial-Budaya Perspektif Wael B. Hallaq. *The Indonesian Journal of Islamic Law and Civil Law*, 3(1), 17-38.
- Fad, M. F. (2019). Kontekstualisasi Maqashid Shari'ah Dalam Sustainable Development Goals. *Iqtisad Reconstruction of Justice and Welfare for Indonesia*, 6(2), 130-155. <https://doi.org/10.31942/iq.v6i2.3142>
- Family, I. (2016). In Celebration of the Life of Shaykh Taha Jabir al-'Alwani. *American Journal of Islam and Society*, pp. 13-18. <https://doi.org/10.35632/ajis.v33i2.905>
- Ferdi Fatih Ates. (2019). Is the gate of Ijtihad open? Bayan College.
- Fikri, I. F. (2018). Universalitas Islam dan Lokalitas Budaya Dalam Bingkai Islam Nusantara. *Teosofi: Jurnal Tasawuf Dan Pemikiran Islam*, 8(1), 1-8.
- Ghazalii, P. M. D. M. R. (2017). Adab Perbezaan Pendapat dalam Islam Menurut Taha Jabir Al-Alwani. *Journal of Fatwa Management and Research*, 9, 39-59.
- Hallaq, Wael B. (2019). Usul al-Fiqh and Shafi'i Risala Revisited. *Journal of Arabic and Islamic Studies*, 19, 129-183.
- Hallaq, Wael Bahjat. (1994). From Fatwas to Furu': Growth and Change in Islamic Substantive Law. *Islamic Law and Society*, 1(1), 29-65.
- Hallaq, Wael Bahjat. (2013). "The Impossible State: Islam, Politics, and Modernity's Moral Predicament." (I). New York: Columbia University Press.
- Hallaq, Wael Bahjat. (2022). *Law and legal theory in classical and medieval Islam*. Routledge.
- Juliansyahzen, M. I. (2022). Rekonstruksi Nalar Hukum Islam Kontemporer Muhammad Shahrur Dan Kontekstualisasinya. *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)*, 4(1), 57-74. <https://doi.org/10.20885/>

mawarid.vol4.iss1.art4

- Kahhorova, G. S. (2022). The Notions of Wael Hallaq on an Introduction To Islamic Law. *American Journal Of Social Sciences And Humanity Research*, 02(06), 63–67. <https://doi.org/10.37547/ajsshr/volume02issue06-12>
- Madjid, N. (2019). *Islam: Doktrin & Peradaban*. Gramedia pustaka utama.
- Maleeha, Zahoor Alam, M. A. (2020). Closure of The Gate of Ijtihad. *Al-Azhar*, 6(1), 196–210.
- Mochmad, Z. F. (2022). Reformulasi Tafsir Bil Ma'tsur (Menimbang Manhaj Tafsir Al-Qur'an bi al-Qur'an Gagasan Thaha Jabir al-'Alwani dalam Kitab Tafsir al-Qur'an bi al-Qur'an) Zakiyal. *Journal of Indonesian Tafsir Studies*, 01(1), 30–34.
- Moh. Anas Kholis. (2021). Menyemai Pendidikan FIKIH BEYOND THE WALL (Menumbuhkan Living Toleransi di Tengah Mazhab Fikih di Indonesia) (I; S. Rohmah, Ed.). Malang: Intelegensia Media.
- Moh. Anas Kholish, K. R. (2015). Menjadi Muslim Nusantara Rahmatan Lil'Alamin (Ikhtiar Memahami Islam dalam Konteks KeIndonesiaan) (I; Siti Rohmah, Labib Muttaqin, Ed.). Bantul Yogyakarta: Naila Pustaka.
- Muhammad Ichrom, A. B. (2020). Epistemologi Usul Al-Fiqh Taha Jabir Al-Alwani: Antara Ortodoksi dan Modernitas. *Jurnal Al Wasith: Jurnal Studi Hukum Islam*, 7(1), 1–20.
- Shaw, D. (2020). "Restating Orientalism: A Critique of Modern Knowledge by Wael B. Hallaq." *Ariel: A Review of International English*, 51(1), 167–170.
- Shodiqin, M. A. (2014). *Muhammadiyah itu NU! : Dokumen fiqih yang terlupakan* (II; M. Zahruddin, Ed.). Jakarta: Noura Books.
- Sibawaihi. (2007). *Hermeneutika Alquran Fazlur Rahman* (I; MH.Abid, Ed.). Yogyakarta: JALASUTRA.
- Sugiono. (2019). *Metode Penelitian, Kuantitatif Kualitatif, dan R&D* (Sutopo, Ed.). Bandung: ALFABETA.
- Taufiq, A. (2018). Pemikiran Abdullah Ahmed An-Naim tentang Dekonstruksi Syari'ah sebagai Sebuah Solusi. *International Journal Ihya' 'Ulum al-Din*, 20(2), 145–166. <https://doi.org/10.21580/ihya.20.2.4044>
- Warikum Sumitro, Moh. Anas Kholish, L. M. (2017). *Hukum Islam dan Hukum Barat* (I; D. Y. P. K., Ed.). Malang: Setara Press.