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CONTESTATION AND HARMONIZATION OF ISLAMIC LEGAL ISTINBATH: A STUDY OF THE AHLU HADITH AND AHLU RA'YI SCHOOLS

Mardhiya Agustina[1], Ahmad Farid Atqiya[2], Muhammad Sholah Ulayya[3]

[1]Institut Agama Islam Darussalam Martapura, Indonesia
[2]Islamic University of Madinah, Saudi Arabia
[3]Universitas Islam Internasional Darullughah Wadda'wah, Indonesia

mardhiya@yahoo.co.id[1], ahmadfaridatqiya@gmail.com[2], solahulayya693@gmail.com[3]

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ABSTRACT

This study aims to examine the definition, background of emergence, and characteristics of the thought of Ahlu Hadith and Ahlu Ra'yi in the development of Islamic law. In addition, this study also aims to analyze the factors that cause differences in the methods of legal istinbath between the two groups. The method used is qualitative research with a library research type, sourced from classical books, works on Islamic legal thought, and relevant scientific literature. The approaches used include a historical approach to trace the development of the two schools and a normative approach to analyze the methods of legal determination employed. The results of the study show that the emergence of Ahlu Hadith and Ahlu Ra'yi was influenced by different social, political, and geographical conditions, particularly between the regions of Hijaz and Iraq. Ahlu Hadith tends to prioritize a textual approach by strongly adhering to the Qur'an, hadith, and the athar of the Companions, while limiting the use of reason. Meanwhile, Ahlu Ra'yi develops a more rational approach through ijtihad, qiyas, and considerations of public interest in responding to issues not explicitly found in the texts. These differences are not contradictory but rather represent methodological variations in understanding Islamic law. Therefore, both approaches have significant contributions to the dynamics and development of Islamic law up to the present time.

INTRODUCTION

The terms ahlu hadith and ahlu ra'yi are often questioned when hearing a legal ruling on a particular issue. Is this according to the opinion of the ahlu hadith or the ahlu ra'yi? Those who follow the school of the ahlu hadith tend to accept opinions whose legal basis is founded on hadith and, as much as possible, avoid legal opinions based on ra'yi. The Messenger of Allah (peace be upon him) was the first madrasah. It was from him that Muslims learned all matters of religion and everything related to both religious and worldly affairs. He was the place to which they returned in resolving general issues, whether in the fields of legislation, law, judiciary, adjudication, and authority. Therefore, during the time of the Messenger of Allah (peace be upon him), no disputes or disagreements occurred, whether in the fundamentals of religion or in its branches. After the death of the Messenger of Allah (peace be upon him), disputes began to arise among Muslims in the fields of ushul and furu', although they were still limited.

Ahlu Hadith developed in regions where many Companions resided, along with their students who had a textual mode of thinking. Meanwhile, ahlu ra'yi developed in regions where hadith were not widely circulated and which had direct contact with areas that adhered to philosophical traditions such as Greek philosophy. The translation of philosophical works from Greek into Arabic had a strong influence on the legal reasoning techniques of fuqaha among the ahlu ra'yi.

Differences in Islamic legal theory lead to differences in the methods of legal istinbath in each issue, so it can be assumed that many problems will have different rulings when approached using the legal theories adhered to and followed by the fuqaha of various madhhabs.

The thought of ahlu hadith and ahlu ra'yi also has a significant impact on the construction of istinbath methods in contemporary fiqh today, particularly through the integration of textual and rational tendencies in addressing modern problems. The tradition of ahlu hadith places the text (nass) as the primary foundation in determining legal rulings, thereby preserving the authenticity and authority of Islamic teachings amid social change.[1] On the other hand, the approach of ahlu ra'yi opens a more dynamic space for ijtihad by utilizing tools such as qiyas, istihsan, and maqashid al-shari'ah to respond to issues that are not explicitly explained in the primary sources.[2]

In its development, contemporary fiqh no longer contrasts these two approaches but instead integrates them within a complementary methodological framework, enabling the formulation of legal rulings that are contextual while remaining grounded in normative legitimacy.[3] Therefore, the existence

[1] Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fikih* (Cambridge: Cambridge University Press, 1997), p. 38.

[2] Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003), p. 340.

[3] Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), p. 15.

of these two patterns of thought becomes an important element in shaping the character of Islamic law that is flexible, moderate, and relevant to the demands of the times.[4]

The discussion related to the genealogy of the differences between ahlu hadith and ahlu ra'yi has also been examined by several previous researchers. Subhi and Umar stated in their research that there are two patterns of thought in determining Islamic law, caused by differences in perspectives on the foundational principles within Islamic law.[5] Furthermore, Adnan et al. found in their study that the formation of new madhhabs and contemporary fiqh ijtihad is not impossible, which certainly refers to the dynamic development of the ahlu hadith and ahlu ra'yi schools.[6] While the two previous studies focused on the patterns of thought and the impact of the ahlu hadith and ahlu ra'yi schools in the formation of contemporary fiqh madhhabs, this article attempts to comprehensively examine the contestation and harmonization of the Ahlu Hadith and Ahlu Ra'yi schools in Islamic legal istinbath, starting from their historical emergence, their thought, and the factors causing differences in the methodology of legal istinbath.

RESEARCH METHOD

This study is a qualitative research with a library research type. The research data were obtained from various classical and contemporary literature sources, such as books of ushul fiqh, hadith collections, works on Islamic legal thought, and scientific writings discussing Ahlu Hadith and Ahlu Ra'yi. The approaches used are historical and normative approaches. The historical approach is used to trace the background of the emergence of Ahlu Hadith and Ahlu Ra'yi as well as the development of Islamic legal thought during the periods of the Companions, the tabi'in, and the tabi' tabi'in. Meanwhile, the normative approach is used to analyze the concepts, methods of legal istinbath, and the differences in characteristics between the two schools from the perspective of Islamic law.

The data collection technique was carried out by examining and reviewing written sources relevant to the research topic. The data analysis technique used a descriptive-analytical method, namely by describing the data that had been collected and then analyzing them systematically to identify differences, similarities, and the factors underlying the emergence of Ahlu Hadith and Ahlu Ra'yi in the development of Islamic law.

[4] Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Oxford University Press, 1964), p. 46.

[5] Ahmad Subhi Farhan and M. Hasbi Umar, 'Dinamika Hukum Islam: (Studi Pemikiran Ahl Al-Hadis Dan Ahl Al-Ra'yi)', *Jurnal Indragiri Penelitian Multidisiplin* 3, no. 1 (2023).

[6] Ikmal Adnan, Mukhlis Mustaffa, and Ismail Abd Halim, 'Perkembangan Aliran Al-Ra'yi Dan al-Hadīth Serta Usaha Pembentukan Mazhab Fikih Kontemporari', *RABBANICA: Journal of Revealed Knowledge* 3, no. 1 (2022).

RESULTS AND DISCUSSION

Background of Emergence

The occurrence of political conflicts that began during the caliphate of Uthman bin Affan and continued during the period of Ali bin Abi Talib, until power later shifted to Muawiyah bin Abi Sufyan, gave a distinctive color to the development of Islamic fiqh. These dynamics not only had an impact on political aspects but also influenced the development of legal thought among the fuqaha, both those who resided in the Hijaz and those who migrated to various regions, especially to Iraq. Differences in intellectual levels and mastery of the texts (nass) among the Companions also enriched the treasury of fiqh during the periods of Sighar al-Shahabah, the Tabi'in, and the Tabi' Tabi'in.

During these periods, the activity of ijtihad, which had previously been relatively limited during the time of the Prophet, began to develop rapidly. In the development of Islamic law during the tabi'in period, two major tendencies among scholars became apparent, showing a striking difference in methods of ijtihad, namely the group of ahlu hadith centered in Madinah and the group of ahlu ra'yi that developed in Kufah.[7] This difference was essentially influenced by differing sociological conditions, and therefore was not considered a fundamental contradiction, but rather a variation of approaches in understanding Islamic law, whether through the dominance of the texts (nass), reason, or a combination of both.

Madinah, as the center of the ahlu hadith school, holds a highly strategic position in Islamic history. This city was the place where many rulings of Islamic law were revealed and became the center for the dissemination of the message after the Hijrah. The people of Madinah were known to have a strong closeness to the Prophet Muhammad (peace be upon him), enabling them to have a deep understanding of the Sunnah and the athar of the Companions. This condition made Madinah a center for the transmission of hadith and a tradition of knowledge based on narration. The presence of prominent Companions such as Zaid bin Tsabit, Aisyah, and Abdullah bin Umar, who tended to be cautious in using ra'yi, further strengthened the character of this school as a representation of a textual approach. As a result, the people of Madinah prioritized hadith over rational speculation in determining legal rulings.

Over time, the ahlu hadith school gained a high scholarly status and became a reference for seekers of knowledge from various regions of the Islamic world. Scholars from Syria, Mecca, Iraq, and Egypt came to Madinah to study hadith and fiqh, such as Ibn Shihab al-Zuhri, Ata bin Abi Rabah, al-Sha'bi, and Yazid bin Habib. This shows that Madinah functioned as a center of scholarly authority based on hadith.

[7] Rasyad Hasan Khalil, *Tarikh Tasyri': Sejarah Legislasi Hukum Islam* (Jakarta: Amzah, 2010).

On the other hand, the development of the ahlu ra'yi school in Kufah cannot be separated from the more complex social conditions of Iraqi society. In the mid-first century to the early second century Hijri, Iraq experienced a cultural blend between Arabs and Persians, giving rise to various new legal issues not explicitly found in the texts (nass). In this context, Abdullah bin Mas'ud emerged as a central figure who developed a method of ijtihad based on rationality. He followed the pattern previously developed by Umar bin Khattab, which emphasized considerations of public interest in determining legal rulings.

The difference in social conditions between the relatively homogeneous Hijaz and the pluralistic Iraq made the use of ra'yi more dominant in Kufah. In addition, the designation of Kufah as a center of governance by Ali bin Abi Talib encouraged the migration of Companions to the region, including Abdullah bin Abbas. The enthusiasm of Iraqi society, which had a high level of intellectualism, also contributed to the development of methods of legal istinbath that were more rational and adaptive to social change.

The development of Islamic fiqh during the periods of the Companions and the tabi'in was influenced by political dynamics and differences in social conditions between Hijaz and Iraq, which then gave rise to two main tendencies of ijtihad: ahlu hadith, which developed in Hijaz, and ahlu ra'yi in Iraq. This difference was not viewed as a fundamental contradiction, but rather as a methodological variation in understanding and determining Islamic law according to the social context of each region.[8] Moreover, differences in social environments and the complexity of issues faced, particularly in Iraq, encouraged the development of ra'yi, while Hijaz maintained a narration-based approach due to its proximity to the sources of hadith.[9] Thus, both approaches contributed to enriching the treasury of Islamic fiqh dynamically.

Characteristics of the Thought of Ahlu Hadith and Ahlu Ra'yi

If analyzed further, the author assumes that there is a relation to Hourani's study on two theories of value. *Two Theories of Value in Early Islam* itself is chapter 5 of 16 chapters in his book entitled *Reason and Tradition in Islamic Ethics*. This chapter occupies pages 57 to 66 (10 pages). In this chapter, Hourani describes that in the early Abbasid period, debates occurred among Muslim scholars, with the most prominent issue in the debate being the nature of value. In simple terms, at that time two major schools emerged with differing views, namely the Mu'tazilah and the Ash'ariyah.

"To simplify the situation a little, we may say that two main theories opposed each other."[10]

[8] Wildya Laila Sholihati and Imam Faturrahman, 'Analisis Pendekatan Ahl-Ra'y Dan Ahl-Hadis Pada Masa Awal Kodifikasi Hukum Islam', *Al-Madzhab* 2, no. 1 (2025).

[9] Andi Aco Bugman T, 'Ahlu Ra'yi Wa Ahlu Riwayah', *J-Alif : Jurnal Penelitian Hukum Ekonomi Syariah dan Budaya Islam* 6, no. 2 (November 2021), https://doi.org/10.35329/jalif.v6i2.2734.

[10] George F. Hourani, 'Two Theories of Value in Medieval Islam', *The Muslim World* 50, no. 4 (1960).

Furthermore, Hourani states that there was a question regarding the sources of law that could be used by a mufti or judge (before the Ash'ariyah) in determining whether an act is good or bad. At that time, the answer would certainly be the Qur'an and Hadith, and this had been agreed upon until the 8th century CE. The next question is that after that period, with the development of increasingly complex problems, from where are legal sources obtained if judges and muftis do not find them in the Qur'an and Hadith?

If jurists (muftis and judges) use ra'yi, they will employ personal discretion in determining whether a legal act is good or bad when they do not find an answer to the issue in the Qur'an and Hadith. This was practiced by Imam Abu Hanifah and Imam Malik (Madinah and Iraq), which gave rise to the concepts of istihsan or istislah.

From this conclusion, it can be understood that, whether acknowledged or not, the Mu'tazilah contributed a concept of istihsan derived from the freedom of human reasoning (judges and muftis), or what is referred to as *ijtihad al-ra'yi*. However, according to Hourani, this concept is feared to be used arbitrarily by those in power. There are at least two dangers that can be anticipated. The first danger is when the concept of ra'yi is used arbitrarily by the Caliph, governors, and other administrative officials in exercising their legal authority. This can be seen from the theory proposed by Ibn al-Muqaffa, who stated that a caliph may independently determine what is good by using ra'yi, and this allows the caliph to use such reasoning to modify or codify Islamic law. The second danger if the concept of ra'yi is permitted arises from the Shi'a, who hold the belief that an Imam must be obeyed, and whatever he says regarding what is good or bad cannot be contested. However, this belief was refuted by Imam al-Shafi'i and continued by his follower al-Ghazali, who stated that Muslims do not require a living imam; the imam of the Muslim community is the Prophet Muhammad (peace be upon him), and legal questions can be answered based on the Qur'an and Sunnah.

Although those who support the concept of ra'yi also base their argument on hadith evidence, namely the hadith of Mu'adh ibn Jabal: When the Messenger of Allah (peace be upon him) sent him (Mu'adh) to Yemen, he said: "*How will you decide a legal matter?*" Mu'adh replied: "*I will decide it based on the Qur'an.*" The Messenger of Allah (peace be upon him) said: "*If you do not find it in the Qur'an?*" Mu'adh replied: "*(I will seek it and use the basis of) the Sunnah of the Messenger of Allah.*" The Messenger of Allah (peace be upon him) said: "*If you do not find the answer in the Sunnah of the Messenger of Allah and also not in the Qur'an?*" Mu'adh replied: "*I will exercise ijtihad with my own reasoning.*" Then the Messenger of Allah (peace be upon him) struck Mu'adh's chest and said: "*All praise is due to Allah who has granted success to the messenger of the Messenger of Allah in a manner that pleases the Messenger of Allah*."

However, according to Hourani, Imam al-Shafi'i stated that what is meant by exercising ijtihad through ra'yi or personal reasoning is through the technique of qiyas (that is, analogizing the ruling of a case whose law has not been established to a case that already has a ruling based on the text the Qur'an and Sunnah by considering the similarity of its effective cause, *'illah*).

For those who oppose ra'yi (traditionalists), it is argued that every legal case can be resolved by using the texts of the Qur'an and Hadith, or by applying qiyas to cases that have already been given rulings based on the Qur'an and Hadith. The opponents of the concept of ra'yi are the Shafi'iyyah and the Zhahiriyyah. These two groups firmly reject the freedom to determine legal rulings based on rationality and the independent reasoning of a jurist. According to this group, legal rulings are already sufficient and fully covered in the Qur'an and Sunnah; it is only a matter of the jurist striving to find and process them as legal evidence.

From these explanations, Hourani concludes that the victory of the theory of value was achieved by the Ash'ariyyah, for several reasons: (1) the weakness of the ra'yi theory and the potential dangers it may cause if adopted by Muslims, especially jurists; (2) the strength of the texts (Qur'an and Hadith) is superior to the theory of ra'yi alone; (3) the meaning of ra'yi in the hadith of Mu'adh ibn Jabal is interpreted as qiyas; (4) the arguments presented by al-Shafi'i continued by the Shafi'iyyah convinced the community that the Qur'an and Sunnah have already provided answers to legal issues, such as in Surah al-Qiyamah verse 36; (5) traditionalist jurists had a wide scope in developing the theory of the authority of the texts. Al-Ash'ari, al-Juwayni, and al-Ghazali were from the Shafi'iyyah, while from the Zhahiriyyah was represented by Ibn Hazm, all of whom played important roles in winning this theoretical contest; (6) the سقوط of the caliph who supported the Mu'tazilah as the official state school and its replacement by a caliph opposed to the Mu'tazilah (Caliph al-Mutawakkil) caused the Mu'tazilah and their thought to no longer develop widely; (7) the theory of the createdness of the Qur'an (that the Qur'an is created) proposed by the Mu'tazilah was not accepted by leading scholars of that time, leading to resistance led by Imam Ahmad ibn Hanbal.

The Mu'tazilah hold the view that values/axiology such as justice and goodness have a real existence, independent of the will or command of anyone, including God; this view is referred to as "objectivism." Meanwhile, the second group, represented by the Ash'ariyyah and their followers, holds that all values are determined by the will of God, who determines whether something is just or otherwise; this perspective is referred to as "subjectivism."

According to the author, the victory of Ash'arite thought in its debate with the Mu'tazilah was influenced by historical factors and its intellectual approach. The Mu'tazilah had previously developed strongly because they received support from the Abbasid caliphs and made reason the primary foundation of their teachings, often neglecting the texts of the Qur'an and hadith, which led to divisions among Muslims. On the other hand, conservative groups such as the Karramiyyah and Zhahiriyyah

emerged with overly rigid approaches that were considered capable of hindering the development of knowledge and science. Ash'arism was eventually widely accepted because it succeeded in combining rational approaches with the methods of fuqaha and hadith scholars. Its growth was also supported by the decline of Mu'tazilite political influence and by the large number of Ash'arite scholars who spread the doctrine to various regions.

The debate concerning the origin and nature of values in classical Islamic law, as examined by George F. Hourani, reflects an epistemological tension between the authority of revelation (nass) and the role of reason (ra'yi). He explains that the emergence of two different value theories represented by the Mu'tazilah with their rational-objective tendency and the Ash'ariyyah with their theological approach was a response to the need for legal determination amid increasingly complex social conditions.[11] In practice, the use of ra'yi by fuqaha such as Abu Hanifah opened space for flexibility in ijtihad, although it also raised concerns regarding subjectivity and the potential misuse of legal authority.[12] This condition then prompted a response from traditionalist circles, particularly al-Shafi'i, who emphasized the primary position of the texts (nass) and restricted the use of reason through the instrument of qiyas.[13] In its subsequent development, the dominance of the Ash'ariyyah paradigm was supported not only by the strength of theological arguments but also by historical-political factors, including the shift in the orientation of Abbasid power and the contribution of figures such as al-Ghazali, who succeeded in integrating rational and textual approaches.[14] Thus, the formation of Islamic law can be understood as the result of a dynamic interaction between revelation, reason, and socio-political realities that continue to evolve.

[11] George F. Hourani, *Reason and Tradition in Islamic Ethics* (Cambridge: Cambridge University Press, 1985), p. 66.

[12] Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fikih* (Cambridge: Cambridge University Press, 1997), p. 38.

[13] Muhammad ibn Idris al-Shafi'i, *Al-Risalah* (Cairo: Maktabah al-Halabi, 1940), p. 507.

[14] Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), p. 15.

Factors Causing Differences in the Methods of Legal Istinbath

Hijaz is closer to hadith because the distance between Hijaz and Madinah and Mecca is nearer than the distance from Madinah to Iraq. The long distance made it possible to respond to legal issues as quickly as possible, even though hadith related to such matters had not yet been found by the fuqaha in those regions. This was not considered a flaw, because differences in legal opinions between the Companions and the tabi'in were also widely acknowledged. For example, in the issue of trading copies of the mushaf, at one time the Companions did not permit it, but at another time, the tabi'in allowed it. This was certainly based on different approaches and consideration of the social conditions in those regions.[15]

According to Abu Ameenah Bilal Philips, the main reasons for differences in legal rulings among the imams of the madhhabs include: (1) interpretation of word meanings and grammatical structures; (2) hadith transmission (its existence, authenticity, conditions of acceptance, and interpretation of differing hadith texts); (3) recognition of the use of certain principles (ijma', tradition, istihsan, and the opinions of the Companions); and (4) methods of qiyas.[16]

Meanwhile, according to Abdul Wahab Khallaf, these differences in legal determination stem from three issues: (1) differences regarding the establishment of certain legal sources (attitudes and methods in adhering to the Sunnah, standards of transmission, the fatwas of the Companions, and qiyas); (2) differences regarding conflicts in legal determination from tasyri' (the use of hadith and ra'yi); and

[15] As'ad Abd al-Ghani as-Sayyid al-Kafrawi, *Al-Istidlalu 'Inda Al-Ushuliyyiin* (Mesir: Dar al-Salam, 2002).

[16] Abu Ameenah Bilal Philips and M. Fauzi Arifin, *Asal-Usul Dan Perkembangan Fikih: Analisis Historis Atas Mazhab, Doktrin Dan Kontribusi* (Bandung: Nusamedia, 2005), p. 125.

(3) differences regarding linguistic principles in understanding the texts of the Shari'ah (ushlub al-lughah).[17]

In the second century Hijri, when legislative authority shifted into the hands of the generation of mujtahid imams, the arena of differences of opinion among leading legal authorities expanded further, and the causes of their disagreements extended to matters related to legal sources and linguistic principles applied in understanding the texts (nass). Thus, their disagreements were not only limited to fatwas and the branches (furu') of law, but had also reached the level of ushul (foundations) of legislation and its framework. This led each group among them to develop a particular legal school formed from subsidiary rulings that they derived (istinbat) from their specific legislative principles.

Differences of opinion regarding legislative principles among the mujtahid imams stem from their disagreements on three issues: (1) differences concerning the establishment of certain legal sources; (2) differences concerning conflicts in deriving legal rulings from legislation; and (3) differences concerning certain linguistic principles applied in understanding the texts (nass).

As for their differences regarding the establishment of certain legal sources, these are clearly seen in the following matters:

1. Methods of strengthening (accepting) hadith and the considerations or bases used to prefer one narration over another, as recognized and employed by the scholars of hadith and brought forward by the jurists.
2. The fatwas of the Companions and their status.
3. Al-qiyas.

As for their differences regarding conflicts in deriving legal rulings from legislation, this is clearly seen in their division into the group of ahlu hadith, mostly consisting of mujtahids from Hijaz, and the group of ahl al-ra'y, mostly consisting of mujtahids from Iraq. This division does not mean that the mujtahids of Iraq did not rely on hadith, nor does it mean that among the mujtahids of Hijaz there were none who employed ijtihad through ra'yi (reason). Rather, the mujtahids of both groups agreed that hadith constitutes a *hujjah shar'iyyah* (a valid legal source), while ijtihad through ra'yi is also a *hujjah shar'iyyah* in matters for which there is no text (nass).

This classification and naming arose because the mujtahid scholars of Iraq prioritized consideration of the objectives of the Shari'ah as a basis for formulating legal rulings. They understood that the laws of the Shari'ah have intelligible purposes and are intended to realize the interests of the Muslim community. Since the laws of the Shari'ah are based on a single principle and directed toward a unified objective, these laws must be coherent, and there must be no contradiction between the texts

[17] Abdul Wahab Khallaf and Wajidi Sayadi, *Ushul Fikih, Sejarah Pembentukan Dan Perkembangan Hukum Islam* (Jakarta: PT Raja Grafindo Persada, 2001), p. 92.

and their rulings. Based on this, they interpreted various texts, adhered to certain texts over others, and were willing to derive rulings for issues that lacked explicit legal provisions. Even in doing so, they might depart from the apparent meaning of a text or prefer a text with a stronger chain of transmission over another text in its outward meaning. From this perspective, they did not restrict the scope of ijtihad through reason, but instead made it a central arena in most of their legal discourse.

As for the mujtahid scholars of Hijaz (ahl al-hadith), they devoted greater attention to memorizing hadith and the fatwas of the Companions, and consistently adhered to understanding hadith according to their literal expressions and their application to occurring cases, without seeking the underlying causes (*'illat*) of the rulings or their general principles. If they encountered a discrepancy between the apparent meaning of a text and rational consideration, they did not give weight to that discrepancy. Thus, they restricted the scope of ijtihad through reason and only employed it in cases of necessity.

The most important factors that led to disagreements with these two opposing approaches to deriving legal rulings are:

1. The hadiths of the Prophet and the fatwas of the Companions were not widely available in Iraq, but were mostly found in Hijaz.
2. The cities of Iraq were centers of political upheaval, so many disturbances occurred that led to alterations in hadith.
3. The social environment in Iraq differed from that in Hijaz.

The differences between Ahl al-Hadis and Ahl al-Ra'y regarding certain linguistic principles lie in their perspectives in examining the style of the Arabic language. Some of them held that a text (nass) is a *hujjah* and that its legal ruling is determined according to its literal wording, which gives rise to a contrary ruling based on its opposite implication (*mafhum mukhalafah*). Others held that general expressions that are not specified (restricted by a particular condition) are definitive (*qat'i*) in covering all their individual instances. Some others considered them speculative (*dzanni*). There are also those who argued that the imperative form (*amar*) absolutely indicates obligation and cannot be distinguished from the ruling of obligation (*ijab*), except if there is a contextual indicator (*qarinah*). Others maintained that the imperative only indicates a demand to perform an act and nothing beyond that, and that the *qarinah* determines whether it implies obligation or not. There are many other issues related to principles and linguistic aspects that branch out according to their fundamental differences in most legal rulings.

Thus, the legislative framework for each mujtahid in this period was based on:

1. The method of relying on hadith
2. Their evaluation of the fatwas of the Companions
3. The approach taken in using the Qur'an, differences of opinion in understanding, interpreting, and identifying the effective cause (*'illat*) of the texts (nass)

4. The principles adopted in examining the laws of the Shari'ah and the various styles of the Arabic language used to derive legal rulings for mujtahids.

Is the technique of legal istinbat as practiced by Umar bin Khattab still appropriate to be continued and used in determining legal rulings after the codification of hadiths? One of the reasons put forward by those who claim that ahlu ra'yu emerged was due to the circulation of hadiths that could not be accounted for in legal matters. After the codification of hadith, this reason can no longer be used as a basis to maintain this theory of legal istinbat. However, in reality, it is acknowledged that in certain fields, the theory of legal istinbat practiced by ahlu ra'yu is more applicable in various legal issues, especially in the field of muamalah.

The development of the Ahlu Ra'yu method of reasoning, as formulated by the Hanafi scholars, cannot be invalidated by the Ahlu Hadith approach.[18] No group has the right to claim that its school is the most correct simply because it is based on hadith. Was it not the case that when the Prophet (peace be upon him) instructed the Companions to perform an act, two different legal interpretations arose, resulting in two different actions, and in the end, the Prophet (peace be upon him) did not blame either one or both groups for their interpretations.

The hadith shows that differences of opinion (ikhtilaf) in religious matters had already occurred during the lifetime of the Prophet Muhammad SAW. The companions could have different understandings in interpreting the Prophet's commands; some understood them textually, while others understood them contextually. However, the Prophet Muhammad SAW. did not blame either side, but instead approved of both because they shared the same intention of obeying him. This demonstrates that in matters of fiqh and khilafiyah, differences in understanding are natural and are given broad legal tolerance.

An example of the use of ra'yu in legal reasoning (istinbath al-hukm) can be seen in the case of zakat al-fitr. The hadiths of the Prophet Muhammad SAW mention that zakat al-fitr was paid with dates or wheat. However, through qiyas, Abu Hanifah identified the underlying cause ('illat) of the ruling, namely the staple food of a particular region (quuth baladih). Therefore, zakat al-fitr may be paid using the staple food commonly consumed in each society, such as rice in Indonesia, Malaysia, Brunei Darussalam, Thailand, Tanzania, and Kenya.[19]

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[18] Lihat bagaimana hukum sebuah persoalan yang belum terjadi sudah diberikan hukumn oleh Imam Abu Hanifah Umar Nihad al-Mawsili, *Al-Fikih Al-Iftiradhi Fi Madrasat Abi Hanifah* (Beirut: Dar al-Basha'ir al-Islamiyyah, 2014).

[19] Pembahasan tentang zakat fitrah dengan uang dapat dilihat pada pendapat ahlu hadis yang melarang zakat fitrah diganti dengan uang. Muhammad bin Idris al-Shafii, *Al-Umm*, vol. 2 (Beirut: Dar al-Fikr, 1403), p. 89; Zainuddin bin Abdul Aziz al-Malibari, *Fathul Muin* (Jakarta: al-Haramain, 2005), p. 50; Sedangkan pendapat ahlu ra'yu adalah bolehnya menggantinya dengan uang yang kemudian diserahkan kepada mustahiq. Lihat Abi Bakr Muhammad bin Ahmad bin Abi Sahl al-Sarkhasi, *Ushul As-Sarkhasi*, vol. 1 (Hindia: Lajnah Ihya al-Maarif an-Nimaniah, 1372), p. 256; Yusuf al-Qardhawi, *Fikih Az-Zakat; Dirasah Muqaranah Li Ahkamiha Wa Falsafatiha Fi Dhaw-I Al-Qur'an Wa as-Sunnah* (Beirut: Yayasan ar-Risalah, 1991).

From the example above, we can see how broad the scope of issues that can be resolved through qiyas is. If the verses of the Qur'an and the hadith of the Prophet have limitations in addressing issues where it is understood that not all problems and their developments can be directly answered by verses or hadith then by using the method of making analogies from the Qur'an and the Prophetic hadith, many other issues can be resolved. It is even reported that Abu Hanifah answered 60,000 issues using qiyas based on Qur'anic verses and Prophetic hadith.

Furthermore, the mode of reasoning of the ahlu ra'yu has been adopted by many groups, especially liberalism.[20] Budhy Munawar Rahman states that this freedom of thought was initially introduced by the Prophet Muhammad (peace be upon him) himself, when he questioned Mu'adh bin Jabal (may Allah be pleased with him), and also in the case of the judgment concerning the prisoners of war of Bani Quraizah by Mu'adh, which was later affirmed by the Prophet (peace be upon him).

If the concepts of ahlu ra'yi and ahlu al-hadis are brought into the present context, many legal issues are often resolved using ra'yi. The aspiration to make Indonesia a state based on religion, as envisioned by certain groups, also indicates the use of a hadith-based approach. However, there are other groups who argue that the concept or form of a state is not regulated in detail by the texts (Qur'an and Sunnah), and therefore the form of a state is not fixed. A state may take the form of a republic, a monarchy, or others; it does not necessarily have to be a caliphate.[21]

Liberalism is in line with Islam, because as long as liberalism is rational, respects religions, and upholds pluralism, then it is not a problem; rather, it should be encouraged. The essence of liberalism is the freedom to express personal ideas without coercion or obstruction from others. Thus, if the concept of liberalism is understood within the framework of the above definition, then liberalism becomes a necessity.[22]

تغيير الْفَتْوَى، وَاخْتِلَافِهَا بِحَسَبِ تَغَيُّرِ الْأَزْمِنَةِ وَالْأَمْكِنَةِ وَالْأَحْوَالِ وَالنِّيَّاتِ وَالْعَوَائِدِ[23]

It means: "*Changes and differences in fatwas are based on changes in time, place, conditions, intentions, and customs*."

He stated that the Shari'ah is intended for the benefit of the community. The Shari'ah brings justice, mercy, and public welfare; therefore, any matter that leads to the opposite (toward harm and disorder) is not the objective of the Shari'ah.

[20] Budhy Munawar Rachman, *Reorientasi Pembaruan Islam: Sekularisme, Liberalisme, Dan Pluralisme: Paradigma Baru Islam Indonesia* (Jakarta: Lembaga Studi Agama dan Filsafat, 2010).

[21] Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (Columbia: Columbia University Press, 2014).

[22] Abd a-Rahman as-Suyuthi, *Al-Asybâh Wa Al-Nazhâ'ir Fî Qawâ'id Wa Furû' Fikih Al-Syar'îyyah* (Beirut: Dâr al-Kutub al-Ilmiyyah, 1998), p. 63.

[23] Musthafa Ahmad al-Zarqa, *Syarh Al-Qawaid Al-Fiqiyah* (Damaskus: Dar al-Qalam, 1989), p. 924.

لأن النصوص محدودة ولكن الحوادث والنوازل غير محدودة أو لأن النصوص تتناهى ولكن الحوادث والنوازل لا تتناهى[24]

It means: "*Indeed, the texts (nass) are limited, while the emerging issues are unlimited. Or because the texts have ceased, whereas problems will continue to arise and never cease*."

Changes and developments in Islamic legal thought are a necessity, especially for Muslim communities outside the Middle East that have different social conditions and cultures. This is because many Islamic legal rulings are products of ijtihad influenced by Middle Eastern culture, and therefore may not necessarily be suitable for other societies. In addition, the advancement of science and technology has created increasingly complex social issues, making it necessary to conduct ijtihad that is adapted to the character and needs of each nation so that Islamic law remains relevant and capable of addressing new problems.

Scholars of ushul have developed several methods (of reasoning), all of which aim to derive legal rulings from the sacred texts. These methods include: the approach of *bi dalalah al-nash* and *bi al-ra'yi*; textual and contextual approaches; and the bayani, ta'lili, and istishlahi approaches.[25] Muhammad Ma'ruf al-Dawalibi classifies the methods of Islamic legal istinbath into three, namely: the bayani method, the ta'lili method, and the istishlahi method.[26]

The difference in approach between ahlu hadith and ahlu ra'yi in the history of Islamic law reflects that the development of fiqh is greatly influenced by the geographical, social, and intellectual contexts that underlie it. The Hijaz region, which had proximity to the center of hadith transmission, tended to emphasize a text-based approach, whereas Iraq, with its more complex social dynamics, encouraged the use of rationality through ra'yu and qiyas.[27] Scholars of ushul fiqh explain that ikhtilaf among mujtahids is rooted in differences in determining legal sources, methods of ijtihad, and ways of understanding the language of the texts (nass).[28] Although these differences exist, both approaches remain grounded in the Qur'an and Sunnah as the primary sources and acknowledge the importance of

[24] Ungkapan ini tidak penulis temukan dalam literatur ushul fikih yang penulis pelajari, namun ada istilah yang sama, dapat dilihat di Abd al-Wahhab al-Khalâf, *Mashâdir Al-Tasyrî' Al-Islâmi Fimâ Lâ Nasha Fihi* (Kuwait: Dâr al-Qalam, 1993), p. 35.

ان النصوص القرأن و السنة محدودة و منتاهية ووقائع الناس و اقضيتهم غير محدودة و لا منتاهية

[25] M. Amin Abdullah, *'Mazhab' Jogja: Menggagas Paradigma Ushul Fikih Kontemporer* (Jogjakarta: Ar-Ruzz Press, 2002), p. 50.

[26] Muhammad Ma'ruf al-Dawalibi, *Al-Madkhal Ila Ilmi Ushul Al-Fiqih* (Beirut: Dar al-Ilmi lil Malayin, 1965), p. 381-383.

[27] Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fikih* (Cambridge: Cambridge University Press, 1997, p.27-30.

[28] Abdul Wahab Khallaf, *'Ilm Ushul al-Fikih* (Kuwait: Dar al-Qalam, 1978), p. 72–85.

ijtihad when no explicit ruling is found.[29] In the contemporary context, the rational approach is considered more responsive to the ever-developing issues of muamalah, while the textual approach continues to preserve the authority and authenticity of the teachings.[30] Therefore, the interaction between text and reason shows that Islamic law possesses a dynamic character and is capable of adapting to the changes of the times without abandoning its fundamental principles.

CONCLUSION

Ahlu hadith and ahlu ra'yi emerged due to the social conditions of their time, the influence of their teachers, and differences in understanding the context of the texts (nass). The origins of ahlu ra'yu and ahlu hadith had already existed during the time of the Prophet (peace be upon him), but became more prominent when the formulation of Islamic legal theory and Islamic law (fiqh) began. The social life of the time, including the thoughts of those who held legal authority, also played a role.

Ahlu hadith, which includes the scholars of Hijaz, devoted themselves to memorizing hadith and the fatwas of the Companions, and based the formulation of law on their understanding of these hadiths and fatwas. They avoided engaging in ijtihad through personal opinion and did not use it except in cases of extreme necessity.

Ahlu ra'yu, which includes the mujtahids of Iraq, had a broader view of the objectives of the Shari'ah. They did not avoid using opinion due to the breadth of ijtihad, and they made opinion a wide field in most discussions related to the formulation of law and others. The factors underlying ahlu hadith and ahlu ra'yu include: 1) The influence of the methodologies of the Companions. 2) Iraq, which was a region frequently affected by conflict.

The differences between ahlu hadith and ahlu ra'yu arise from the factors that gave birth to these two schools, resulting in differing legal determinations. However, this does not mean that the fuqaha of Iraq did not use hadith in formulating law, nor does it mean that the fuqaha of Hijaz did not perform ijtihad and use ra'yu, because both groups essentially agree that hadith is a *hujjah shar'iyyah* that is authoritative, and that ijtihad through ra'yu namely through qiyas is also a *hujjah shar'iyyah* in matters for which there is no text (nass).

The concepts of ahlu al-hadis and ahlu ra'yu continue to develop to this day, and even appear to remain in tension in determining legal rulings. Ahlu hadith rely on the textual meaning of the nass (law), while ahlu ra'yi seek the underlying cause (*'illat*) or the essence of the text and consider the social conditions in which the text exists.

[29] Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003), p. 468–75.

[30] Yusuf al-Qaradawi, *Ijtihad in Islamic Shariah* (Cairo: Dar al-Tawzi' wa al-Nashr al-Islamiyyah, 1996), p. 45–60.

BIBLIOGRAPHY

Abdullah, M. Amin. *'Mazhab' Jogja: Menggagas Paradigma Ushul Fikih Kontemporer*. Vol. 1. Jogjakarta: Ar-Ruzz Press, 2002.

Adnan, Ikmal, Mukhlis Mustaffa, and Ismail Abd Halim. 'Perkembangan Aliran Al-Ra'yi Dan al-Hadīth Serta Usaha Pembentukan Mazhab Fikih Kontemporari'. *RABBANICA: Journal of Revealed Knowledge* 3, no. 1 (2022).

Dawalibi, Muhammad Ma'ruf al-. *Al-Madkhal Ila Ilmi Ushul Al-Fiqih*. Beirut: Dar al-Ilmi lil Malayin, 1965.

Farhan, Ahmad Subhi, and M. Hasbi Umar. 'Dinamika Hukum Islam: (Studi Pemikiran Ahl Al-Hadis Dan Ahl Al-Ra'yi)'. *Jurnal Indragiri Penelitian Multidisiplin* 3, no. 1 (2023).

Hallaq, Wael B. *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fikih*. Cambridge: Cambridge University Press, 1997.

———. *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fikih*. Cambridge: Cambridge University Press, 1997.

———. *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*. Columbia: Columbia University Press, 2014.

Hourani, George F. *Reason and Tradition in Islamic Ethics*. Cambridge: Cambridge University Press, 1985.

———. 'Two Theories of Value in Medieval Islam'. *The Muslim World* 50, no. 4 (1960).

Kafrawi, As'ad Abd al-Ghani as-Sayyid al-. *Al-Istidlalu 'Inda Al-Ushuliyyiin*. Mesir: Dar al-Salam, 2002.

Kamali, Mohammad Hashim. *Principles of Islamic Jurisprudence*. 3rd ed. Cambridge: Islamic Texts Society, 2003.

———. *Principles of Islamic Jurisprudence*. 3rd ed. Cambridge: Islamic Texts Society, 2003.

Khalâf, Abd al-Wahhab al-. *Mashâdir Al-Tasyrî' Al-Islâmi Fimâ Lâ Nasha Fihi*. Kuwait: Dâr al-Qalam, 1993.

Khalil, Rasyad Hasan. *Tarikh Tasyri': Sejarah Legislasi Hukum Islam*. Jakarta: Amzah, 2010.

Khallaf, Abdul Wahab. *'Ilm Ushul al-Fikih*. Kuwait: Dar al-Qalam, 1978.

Khallaf, Abdul Wahab, and Wajidi Sayadi. *Ushul Fikih, Sejarah Pembentukan Dan Perkembangan Hukum Islam*. Jakarta: PT Raja Grafindo Persada, 2001.

Malibari, Zainuddin bin Abdul Aziz al-. *Fathul Muin*. Jakarta: Al-Haramain, 2005.

Mawsili, Umar Nihad al-. *Al-Fikih Al-Iftiradhi Fi Madrasat Abi Hanifah*. Beirut: Dar al-Basha'ir al-Islamiyyah, 2014.

Philips, Abu Ameenah Bilal, and M. Fauzi Arifin. *Asal-Usul Dan Perkembangan Fikih: Analisis Historis Atas Mazhab, Doktrin Dan Kontribusi*. Bandung: Nusamedia, 2005.

Qaradawi, Yusuf al-. *Ijtihad in Islamic Shariah*. Cairo: Dar al-Tawzi' wa al-Nashr al-Islamiyyah, 1996.

Qardhawi, Yusuf al-. *Fikih Az-Zakat; Dirasah Muqaranah Li Ahkamiha Wa Falsafatiha Fi Dhaw-I Al-Qur'an Wa as-Sunnah*. Beirut: Yayasan ar-Risalah, 1991.

Rachman, Budhy Munawar. *Reorientasi Pembaruan Islam: Sekularisme, Liberalisme, Dan Pluralisme: Paradigma Baru Islam Indonesia*. Jakarta: Lembaga Studi Agama dan Filsafat, 2010.

Rahman, Fazlur. *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press, 1982.

———. *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press, 1982.

Sarkhasi, Abi Bakr Muhammad bin Ahmad bin Abi Sahl al-. *Ushul As-Sarkhasi*. Vol. 1. Hindia: Lajnah Ihya al-Maarif an-Nimaniah, 1372.

Schacht, Joseph. *An Introduction to Islamic Law*. Oxford: Oxford University Press, 1964.

Shafii, Muhammad bin Idris al-. *Al-Umm*. Vol. 2. Beirut: Dar al-Fikr, 1403.

Shafi'i, Muhammad ibn Idris al-. *Al-Risalah*. Cairo: Maktabah al-Halabi, 1940.

Sholihati, Wildya Laila, and Imam Faturrahman. 'Analisis Pendekatan Ahl-Ra'y Dan Ahl-Hadis Pada Masa Awal Kodifikasi Hukum Islam'. *Al-Madzhab* 2, no. 1 (2025).

Suyuthi, Abd a-Rahman as-. *Al-Asybâh Wa Al-Nazhâ'ir Fî Qawâ'id Wa Furû' Fikih Al-Syar'îyyah*. Beirut: Dâr al-Kutub al-Ilmiyyah, 1998.

T, Andi Aco Bugman. 'Ahlu Ra'yi Wa Ahlu Riwayah'. *J-Alif : Jurnal Penelitian Hukum Ekonomi Syariah dan Budaya Islam* 6, no. 2 (November 2021). https://doi.org/10.35329/jalif.v6i2.2734.

Zarqa, Musthafa Ahmad al-. *Syarh Al-Qawaid Al-Fiqiyah*. Damaskus: Dar al-Qalam, 1989.