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A Methodological Analysis of the Sources of Islamic Law: Integrating the Concept of Qiyas and the Interpretive Rules of Amr and Nahy in Uṣul al-Fiqh

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Abstract

This study is motivated by the importance of a methodological understanding of uṣūl al-fiqh in deriving the sources of Islamic law through both rational and linguistic reasoning. The main problem arises from the difficulty of distinguishing between the ʿillah (effective cause), sabab (cause), and ḥikmah (wisdom) of a ruling in the application of qiyās, as well as the high potential for misinterpreting the meaning and indication (dalālah) of the rules of amr (command) and nahy (prohibition) in the Qur'an and Sunnah. A lack of understanding of these two instruments risks producing inaccurate legal conclusions (istinbāṭ). This study aims to analyze the pillars, conditions, and differentiation of ʿillah, sabab, and ḥikmah in the mechanism of qiyās, and to examine the application of the rules of amr and nahy and their dalālah as instruments for deriving Islamic law. The research employs normative legal research (library research) with a qualitative-descriptive approach. Data were collected from primary legal materials in the form of the Qur'an, Hadith, and classical works of uṣūl al-fiqh; secondary materials in the form of textbooks and scientific journals; and tertiary materials in the form of Arabic dictionaries and encyclopedias of Islamic law. The results show that qiyās has valid legal force as a method of legal discovery as long as its pillars and conditions are fulfilled, with the ʿillah functioning as a measurable attribute that determines the ruling and is distinct from sabab and ḥikmah. In addition, the rule of amr fundamentally indicates obligation (al-aṣl fī al-amr li al-wujūb) and the rule of nahy indicates prohibition (al-aṣl fī al-nahy li al-taḥrīm), and an understanding of the dalālah of both rules is the key to deriving accurate rulings from the texts of the Qur'an and Sunnah.

I. INTRODUCTION

Uṣūl al-fiqh is a vital methodological foundation (*manhaj*) in the structure of Islamic law (*tashrīʿ*). It functions as a fundamental guide for *mujtahids* in deriving, formulating, and establishing practical (*ʿamaliyyah*) rulings of the Sharīʿah directly from its main sources, namely the Qur'an and Sunnah. In its development, the dynamic reality of social life continuously gives rise to contemporary problems that are not explicitly mentioned in the revealed texts. This condition demands flexibility in Islamic law without neglecting the principles of its authenticity, so that an understanding of the methods of legal discovery (*istinbāṭ al-aḥkām*), whether through rational analogical reasoning or linguistic (*lughawiyyah*) analysis, becomes a critical instrument for ensuring that the resulting rulings remain relevant and accurate (Hasanah, 2022).

One of the main instruments of rational legal reasoning is *qiyās* (analogy), formulated by scholars as a method of extending to a new case that has no explicit ruling the ruling of an original case on the basis of a shared *ʿillah*. In practice, however, the application of *qiyās* often confronts researchers with conceptual complexity, particularly in clearly distinguishing between the *ʿillah*, *sabab*, and *ḥikmah* of a ruling. A lack of clarity in this distinction may lead to methodological confusion, in which abstract wisdom is mistakenly used as the basis of a ruling in place of an *ʿillah* that is measurable (*munḍabiṭ*) and evident (*ẓāhir*) (Sholeh, 2025; Syafuri, 2022). An understanding of the pillars, conditions, position, and authority of *qiyās* among the scholars of uṣūl al-fiqh is therefore crucial to ensure that analogy does not fall into prohibited personal opinion (*raʾy*).

On the other hand, the derivation of law from the sacred texts does not rely solely on rational analogy but also depends heavily on linguistic rules (*qawāʿid lughawiyyah*), particularly the meanings of the expressions of *amr* (command) and *nahy* (prohibition). The texts of the Qur'an and Sunnah are dominated by sentence structures

containing commands to perform an act or prohibitions against it. An understanding of the literal (*ḥaqīqī*) and figurative (*majāzī*) meanings and of the *dalālah* (legal indication) of the expressions of *amr* and *nahy* is key to determining whether a demand is obligatory (*wujūb*), recommended (*nadb*), prohibited (*taḥrīm*), or disliked (*karāhah*) (Djaka et al., 2024; Zulaiha, 2021). Errors in interpreting the forms of expression (*ṣīghah*) and the derivative rules of *amr* and *nahy* can lead a legal researcher to fatal mistakes in determining the legal status of an act.

Historically, the systematic articulation of these methods is associated with Muḥammad ibn Idrīs al-Shāfiʿī, whose *Risāla* established a hierarchy of legal sources consisting of the Qur'an, the Sunnah, consensus, and analogy, and insisted that legal reasoning must be disciplined by the texts rather than by unconstrained personal opinion (Al-Shafi'i, 1961). Later theorists of the Shāfiʿī, Ḥanafī, Mālikī, and Ḥanbalī schools elaborated this framework into the discipline of uṣūl al-fiqh, developing detailed theories of language, analogy, and legal causation (Hallaq, 1997; Weiss, 1992). Modern scholarship has emphasized that these theories were not merely technical devices but expressions of a sophisticated hermeneutics through which jurists sought to bridge the gap between a finite body of revealed texts and the infinite variety of human situations (Vishanoff, 2011; Weiss, 1998).

The relevance of this classical methodology to contemporary problems is evident in the work of fatwa institutions. In Indonesia, the National Sharia Council of the Indonesian Ulema Council and the Indonesian Ulema Council itself regularly issue fatwas on new financial products, medical technologies, and social issues, many of which rely on analogy and on the interpretation of commands and prohibitions in the texts (Dewan Syariah Nasional Majelis Ulama Indonesia, 2017; Majelis Ulama Indonesia, 2021). The quality of these fatwas depends on the rigor with which the classical methods are applied. A clear understanding of the distinction between *ʿillah* and *ḥikmah*, and of the shifts in meaning of commands and prohibitions, is therefore not merely an academic matter but a practical requirement for responsible legal guidance.

Previous studies have examined these topics separately. Some have analyzed the methodological construction and authority of *qiyās* (Hasanah, 2022), others have traced the concept of *ʿillah* and its relation to *sabab* and *ḥikmah* (Sholeh, 2025; Syafuri, 2022), and others have examined the rules of *amr* and *nahy* in Qur'anic interpretation (Mun'im, 2024; Rahmad & Firdaus, 2023). International scholarship has provided detailed historical and analytical accounts of Islamic legal theory (Hallaq, 1997; Kamali, 2003; Zysow, 2013). However, relatively few studies have examined how rational analogy and linguistic analysis operate together in the process of legal derivation, and how their integration can be applied to contemporary questions in a way that is both faithful to the tradition and transparent in its reasoning. This study seeks to fill that gap. Specifically, it asks how the classical theory defines and disciplines analogy through the concept of the *ʿillah*, how the rules of *amr* and *nahy* determine the legal value, scope, and effect of textual commands and prohibitions, and how these two instruments operate together in contemporary legal derivation. In answering these questions, the study combines classical Arabic sources, modern Indonesian scholarship, and international research on Islamic legal theory, and illustrates the analysis with contemporary fatwas issued in Indonesia.

Based on this methodological urgency, this study integrates two important pillars of uṣūl al-fiqh, namely the analytical reasoning of *qiyās* together with the distinction of its constituent elements (*ʿillah*, *sabab*, and *ḥikmah*), and the linguistic analysis of the rules of *amr* and *nahy*. Integrating these two approaches is needed to provide a complete, comprehensive, and rational framework for examining the mechanism of legal discovery in Islam. This study is expected to make a significant academic contribution to clarifying the methodological boundaries of uṣūl al-fiqh and to serve as a practical guide for students and academics in conducting *istinbāṭ* accurately, systematically, and free from interpretive bias.

II. RESEARCH METHOD

This study is normative legal research (doctrinal legal research) with a qualitative approach. The approaches applied include a conceptual approach and an analytical approach to examine in depth the theories of uṣūl al-fiqh related to the concept of *qiyās* and the linguistic rules of *amr* and *nahy*. The main focus of the research lies in the study of legal discovery (*istinbāṭ al-aḥkām*) through the tracing of relevant literature and scholarly texts.

The data used in this study are entirely

secondary data classified into three types of legal materials. Primary legal materials consist of the texts of the Qur'an and the Hadith of the Prophet Muhammad (peace be upon him), together with the principal classical works of uṣūl al-fiqh. Secondary legal materials consist of modern textbooks, journal articles, and previous studies discussing the mechanism of *qiyās*, the formation of *ʿillah*, and the rules of *amr* and *nahy* (Hasanah, 2022; Mun'im, 2024; Rahmad & Firdaus, 2023). Tertiary legal materials consist of Arabic dictionaries such as *Lisān al-ʿArab*, encyclopedias of Islamic law, and the Great Dictionary of the Indonesian Language (KBBI), which provide guidance on and explanations of technical terms.

The primary classical sources examined include al-Shāfiʿī's *Risāla*, al-Ghazālī's *al-Mustaṣfā*, and al-Shāṭibī's *al-Muwāfaqāt*, which represent foundational stages in the development of uṣūl al-fiqh (Al-Ghazali, 1429/2022; Al-Shafi'i, 1961; Al-Shatibi, 2006). Modern Arabic textbooks of uṣūl al-fiqh by Khallāf, Abū Zahrah, and al-Zuḥaylī are used because they synthesize the positions of the various schools and are widely used in Islamic higher education in Indonesia (Abu Zahrah, 1958; Al-Zuhayli, 1986; Khallaf, 1978). International scholarship on Islamic legal theory and hermeneutics is used to situate the classical doctrines historically and analytically (Hallaq, 1997; Weiss, 1992; Zysow, 2013). Contemporary fatwas are examined as illustrations of the application of these methods to new problems.

Data were collected through documentation study (library research) by inventorying, reading, recording, and categorizing library materials relevant to the research problem. The collected data were then analyzed using content analysis with a deductive pattern of reasoning. The analysis proceeded by exploring the general rules of uṣūl al-fiqh regarding *qiyās* and *amr–nahy*, then correlating them to draw specific, systematic, and objective conclusions about the integration of the two concepts in the formation of Islamic law.

III. RESULTS AND DISCUSSION

A. Results

The results show that *qiyās* occupies the position of a supporting source of law that is applied when a contemporary problem has no explicit basis in the Qur'an or Sunnah. *Qiyās* does not create a new ruling independently (*ithbāt al-ḥukm*) but reveals the reach of an existing ruling (*kashf al-ḥukm*) so that it can be applied to new cases. Its validity depends on the collective fulfillment of four pillars: *aṣl*, *farʿ*, *ḥukm al-aṣl*, and *ʿillah* (Hasanah, 2022).

The study also finds that the *ʿillah* must be evident (*ẓāhir*), measurable and constant (*munḍabiṭ*), and logically relevant to the purpose of the ruling (*munāsib*), and that it must be clearly distinguished from the *sabab*, which is an external sign that is not always rationally comprehensible, and from the *ḥikmah*, which is the abstract and subjective benefit pursued by the ruling. A ruling is attached to its *ʿillah*, not to its *ḥikmah* or *sabab* alone (Sholeh, 2025; Syafuri, 2022).

Furthermore, the study finds that the basic rule of *amr* indicates obligation (*al-aṣl fī al-amr li al-wujūb*) and the basic rule of *nahy* indicates prohibition (*al-aṣl fī al-nahy li al-taḥrīm*). However, the *dalālah* of both rules is flexible: in the presence of valid contextual indicators (*qarīnah*), a command may shift to recommendation, permissibility, ethical guidance, or threat, and a prohibition may shift to dislike, ethical guidance, or a statement of hopelessness (Mun'im, 2024; Rahmad & Firdaus, 2023).

The study also finds that analogy and linguistic analysis are embedded in a hierarchy of legal sources in which revealed texts are primary and rational methods operate under their authority, and that supplementary principles, such as public interest and the blocking of means, complement analogy where the texts are silent or where strict analogy would defeat the purposes of the law (Abu Zahrah, 1958; Kamali, 2003).

The study further finds that the classical theory provides specific procedures for identifying the *ʿillah*, known as *masālik al-ʿillah*, which include textual indication, consensus, the method of probing and elimination, and the criterion of suitability, as well as techniques for refining and verifying the ratio of a ruling (Kamali, 2003; Zysow, 2013). With respect to linguistic analysis, the study finds that the default meanings of command and prohibition were the subject of debate among the schools, including whether a command requires repetition or immediate performance and whether a prohibition entails the invalidity of the prohibited act (Weiss, 1992; Al-Zuhayli, 1986). Finally, contemporary fatwas on electronic money and on the use of vaccines containing prohibited substances show that analogy and the interpretation of prohibitions continue to operate together, moderated by principles such as necessity (Dewan Syariah Nasional Majelis Ulama Indonesia, 2017; Majelis Ulama Indonesia, 2021).

B. Discussion

1. The Hierarchy of Legal Sources and the Place of Rational Reasoning

The methods examined in this study operate within a broader theory of legal sources. Sunni legal theory recognizes the Qur'an and the Sunnah as the primary textual sources, consensus (*ijmāʿ*) as an authoritative agreement of qualified jurists, and analogy (*qiyās*) as the principal method of extending textual rulings to new cases (Kamali, 2003; Khallaf, 1978). Beyond these four, various schools recognized supplementary methods, including juristic preference (*istiḥsān*), public interest (*maṣlaḥah mursalah*), custom (*ʿurf*), the presumption of continuity (*istiṣḥāb*), and the blocking of means (*sadd al-dharāʾiʿ*), although their authority and scope were disputed (Abu Zahrah, 1958; Al-Zuhayli, 1986).

The hierarchy of sources reflects a fundamental principle: human reasoning operates under the authority of revelation. Rational methods do not create law independently but discover the law intended by the Lawgiver, either by extending the rulings of the texts or by identifying the purposes they serve (Weiss, 1998). This principle explains why analogy requires an original case grounded in the texts and why the interpretation of commands and prohibitions occupies such a central place in legal theory: the texts are the starting point of all legal reasoning, and the rules of language determine what they say (Hallaq, 1997; Vishanoff, 2011).

Within this hierarchy, the relationship between linguistic analysis and analogy is sequential and complementary. Linguistic analysis determines the meaning and legal value of the texts, establishing the rulings that can serve as original cases. Analogy then extends these rulings to cases that the texts do not mention explicitly. Supplementary methods, such as public interest and the blocking of means, operate where neither the texts nor analogy provide a clear answer, or where the strict application of analogy would defeat the purposes of the law (Kamali, 2003; Opwis, 2010).

2. The Position, Textual Basis, and Historical Development of Qiyās

In the discourse of Islamic legal methodology, *qiyās* (analogical reasoning) occupies the position of a supporting source of law (*maṣādir al-aḥkām al-thānawiyyah*) that operates when a contemporary issue has no explicit (*ṣarīḥ*) legal basis in the Qur'an or Sunnah. It is important to understand that *qiyās* is not a means of establishing a new ruling independently (*ithbāt al-ḥukm*), but merely a means of revealing and disclosing the reach of an existing ruling (*kashf al-ḥukm*) so that it can be applied to new cases (Hasanah, 2022).

The legitimacy of *qiyās* depends on the collective fulfillment of four main pillars: the *aṣl* (the original case with a textual ruling), the *farʿ* (the new case whose ruling is sought), the *ḥukm al-aṣl* (the ruling of the original case), and the *ʿillah* (the fundamental reason underlying the ruling). The absence of any one of these four elements automatically invalidates the analogical analysis, given that *qiyās* functions as a rational bridge connecting the rulings of the classical texts with the complexity of contemporary challenges.

Among all the pillars of *qiyās*, determining the *ʿillah* is the most vital process and requires the greatest precision. The *ʿillah* is the key to establishing a ruling because the application of a ruling always accompanies the existence of its *ʿillah* (*al-ḥukm yadūru maʿa ʿillatihi wujūdan wa ʿadaman*). For an attribute to qualify as an *ʿillah*, scholars set very strict criteria: it must be evident (*ẓāhir*), measurable and constant (*munḍabiṭ*), and logically relevant to the purpose of the ruling (*munāsib*). Without a measurable and definite attribute, the process of analogy loses its objective standard and may produce speculative and confusing rulings (Sholeh, 2025).

Proponents of analogy cited several textual bases for its authority. The Qur'anic command "So take warning, O people of vision" (Sūrat al-Ḥashr verse 2) was interpreted by many theorists as a general instruction to draw lessons by comparing similar cases (Khallaf, 1978). The report that the Prophet approved the method of Muʿādh ibn Jabal, who stated that he would judge by the Book of God, then by the Sunnah, and then by his own reasoning, was frequently invoked as evidence that disciplined reasoning is legitimate where the texts are silent (Kamali, 2003). The practice of the Companions, who reasoned by analogy in matters such as the punishment for drinking wine, was also cited as evidence of consensus on the legitimacy of analogy.

Modern historical scholarship has examined these justifications critically. Some scholars have argued that the systematic theory of analogy developed gradually and that the textual proofs were assembled after the method was already in use (Hallaq, 2005; Schacht, 1964). Studies of the hadith literature have shown how reports were

evaluated by classical scholars and how their authenticity has been debated in modern scholarship (Brown, 2009). Regardless of these historical questions, the acceptance of analogy by the major schools established it as a central method of Islamic legal reasoning, and its discipline through the theory of the *ʿillah* became one of the most sophisticated achievements of uṣūl al-fiqh (Weiss, 1992; Zysow, 2013).

The authority of *qiyās* was not uncontested in the early history of Islamic law. Al-Shāfiʿī defended analogy as a legitimate method of extending the rulings of the texts, but he restricted it to cases in which the new situation could be connected to a textual ruling through a shared meaning, thereby distinguishing disciplined analogy from free personal opinion (Al-Shafi'i, 1961; Schacht, 1964). The Ẓāhirī school, by contrast, rejected analogy altogether, holding that the law should be derived from the apparent meaning of the texts alone, while the major Sunni schools accepted analogy as the fourth source of law after the Qur'an, the Sunnah, and consensus (Hallaq, 1997; Hallaq, 2005).

Among the schools that accepted analogy, there were differences in emphasis. The Ḥanafīs developed the method of juristic preference (*istiḥsān*), which allowed jurists to depart from a strict analogy when it would lead to hardship or contradict a stronger consideration, while the Mālikīs gave greater weight to public interest and the practice of Medina (Kamali, 2003). The Shāfiʿīs and Ḥanbalīs generally adhered more closely to analogy based on a textually grounded *ʿillah*. These differences show that the classical tradition contained a range of methodological options for balancing fidelity to texts with responsiveness to circumstances (Weiss, 1998).

Classical theorists also classified analogy according to the strength of the connection between the original case and the new case. In *qiyās al-awlā*, the *ʿillah* is present more strongly in the new case than in the original case, as when the prohibition of saying "uff" to parents is extended to striking them; in *qiyās al-musāwī*, the *ʿillah* is present equally; and in *qiyās al-adnā*, it is present less strongly, which makes the analogy weaker and more open to dispute (Abu Zahrah, 1958; Khallaf, 1978). Some theorists debated whether the a fortiori inference should be classified as analogy at all or as an implication of the text itself, a debate that reflects the close relationship between linguistic and rational reasoning in uṣūl al-fiqh (Zysow, 2013).

3. Methods of Identifying the ʿIllah (Masālik al-ʿIllah)

Because the validity of analogy depends on the correct identification of the *ʿillah*, classical theorists developed detailed procedures for discovering it, known as *masālik al-ʿillah*. The strongest method is explicit textual indication (*al-naṣṣ*), in which the text itself states the reason for a ruling, for example through causal particles. A second method is consensus (*al-ijmāʿ*), in which the jurists agree on the ratio of a ruling. When neither text nor consensus identifies the *ʿillah*, jurists resort to methods of rational inquiry (Kamali, 2003; Al-Zuhayli, 1986).

One such method is probing and elimination (*al-sabr wa al-taqsīm*), in which the jurist lists the attributes of the original case that could plausibly serve as the *ʿillah* and eliminates those that are unsuitable until one remains. Another is suitability (*al-munāsabah*), in which an attribute is identified as the *ʿillah* because it is appropriate to the purpose of the ruling, in the sense that attaching the ruling to it promotes a benefit or prevents a harm (Weiss, 1992; Zysow, 2013). The concept of suitability links the theory of analogy to the theory of the objectives of the law, since the appropriateness of an attribute is judged by its relation to the purposes the law seeks to achieve (Al-Shatibi, 2006; Opwis, 2010).

Classical theory also distinguishes three operations relating to the ratio of a ruling. *Takhrīj al-manāṭ* is the extraction of the *ʿillah* when it is not stated in the text; *tanqīḥ al-manāṭ* is the refinement of the *ʿillah* by removing attributes mentioned in the text that are irrelevant to the ruling; and *taḥqīq al-manāṭ* is the verification that the identified *ʿillah* is present in a particular new case (Abu Zahrah, 1958; Kamali, 2003). The last operation is particularly important for contemporary applications, because it requires empirical knowledge of the new case. Determining whether a new substance is intoxicating, for example, requires scientific evidence, not merely textual analysis. This shows that analogy in contemporary legal reasoning necessarily involves cooperation between jurists and experts in other fields.

4. The Distinction between ʿIllah, Sabab, and Ḥikmah and the Role of Wisdom

Misunderstanding often occurs in the study of Islamic law when researchers fail to distinguish sharply between the *ʿillah*, *sabab*, and *ḥikmah* of a ruling, even though the three play very different methodological roles:

a. *ʿIllah* of a ruling: a fundamental criterion that is defined (*ẓāhir*), precisely measurable (*munḍabiṭ*), and rationally relevant (*munāsib*), around which a ruling revolves. The *ʿillah* is the main foothold of *qiyās*, as with intoxication (*iskār*), which is the focal point of the prohibition of *khamr* and of modern addictive substances.
b. *Sabab* of a ruling: an external sign set by the Sharīʿah as the indicator of the commencement of an obligation, whose connection with the obligation is not always accessible to human reason (*ghayr maʿqūl al-maʿnā*). An example is sunset as the indicator of the obligation of the Maghrib prayer, which people perform out of pure obedience (*taʿabbudī*) without questioning the logical correlation between the astronomical movement and the obligation of worship.
c. *Ḥikmah* of a ruling: the ultimate benefit sought, the hardship avoided, or the philosophy of goodness (*jalb al-manāfiʿ wa darʾ al-mafāsid*) that constitutes the purpose for which Allah legislated a ruling. *Ḥikmah* is abstract, subjective, and strongly influenced by individuals' physical and psychological conditions, such as "preventing hardship" (*dafʿ al-ḥaraj*), which is the philosophy behind the dispensation from fasting for travelers.

Based on these fundamental differences, the consensus of the scholars of uṣūl al-fiqh holds that a ruling is attached directly to its *ʿillah*, not to its *ḥikmah* or *sabab* alone. Taking the example of long-distance travel (*safar*), the basis of the dispensation (*rukhṣah*) in worship is the "status of travel" itself, because this variable is clear and measurable (*munḍabiṭ*), not the fatigue that constitutes its *ḥikmah*. If a ruling were based on subjective wisdom, a traveler journeying in luxury without feeling tired would lose the right to *rukhṣah*, while a manual laborer in the city would claim the same dispensation. Thus, prioritizing the *ʿillah* over the *ḥikmah* serves to maintain the certainty, stability, and justice of Islamic law across eras (Syafuri, 2022).

Although the majority of jurists held that rulings are attached to the *ʿillah* rather than to the *ḥikmah*, this position was qualified in important ways. Some theorists accepted that the *ḥikmah* may serve as the basis of a ruling when it is itself evident and measurable, since the reason for preferring the *ʿillah* is precisely that the *ḥikmah* is usually indeterminate (Al-Zuhayli, 1986; Zysow, 2013). On this view, the distinction is not between two kinds of reasons in principle but between reasons that can be applied consistently and reasons that cannot. Where wisdom can be specified with sufficient precision, it may function as a ratio.

The relationship between *ʿillah* and *ḥikmah* also connects the theory of analogy with the theory of public interest. The criterion of suitability (*munāsabah*) requires that the *ʿillah* be appropriate to the purpose of the ruling, which means that the *ḥikmah* enters analogical reasoning indirectly, as the standard by which the suitability of the *ʿillah* is assessed (Opwis, 2010; Weiss, 1992). Furthermore, when no textual ruling exists to serve as the original case, jurists of several schools accepted reasoning based directly on public interest (*maṣlaḥah mursalah*), provided that it was consistent with the objectives of the law and did not contradict the texts (Al-Ghazali, 1429/2022; Kamali, 2003).

This analysis suggests that the strict separation of *ʿillah* and *ḥikmah* serves the value of legal certainty within analogical reasoning, while the consideration of wisdom and public interest operates at another level, guiding the identification of suitable ratios and filling gaps where analogy is unavailable. Understanding these levels helps prevent two errors: the error of grounding rulings directly in subjective wisdom, which undermines certainty, and the error of ignoring the purposes of the law altogether, which may produce rulings that are formally consistent but substantively inappropriate (Al-Shatibi, 2006; Auda, 2008).

5. Linguistic Foundations: Clarity, Scope, and Implied Meaning

The analysis of commands and prohibitions is part of a broader theory of linguistic meaning in uṣūl al-fiqh. Classical theorists classified expressions according to their clarity, distinguishing between texts whose meaning is unequivocal and texts that admit more than one meaning, and between expressions used in their literal (*ḥaqīqah*) and figurative (*majāz*) senses (Kamali, 2003; Zulaiha, 2021). They also distinguished between general (*ʿāmm*) and particular (*khāṣṣ*) expressions, and between unqualified (*muṭlaq*) and qualified (*muqayyad*) expressions, all of which affect the scope of commands and prohibitions (Djaka et al., 2024).

Modern scholarship has shown that these linguistic theories reflect sophisticated views of

communication. Sunni legal theorists developed models of how meaning is conveyed by a speaker to an addressee, emphasizing the role of context and the intention of the speaker in determining meaning (Ali, 2000). Other studies have shown how theorists imagined the revealed law as a body of texts whose meaning had to be reconstructed through hermeneutical principles, with different theorists adopting different assumptions about the relationship between language and divine intention (Vishanoff, 2011). The rules of *amr* and *nahy* should therefore be understood not as mechanical formulas but as part of a hermeneutic theory that balances default meanings with contextual indicators.

Determining the legal value of a command or prohibition is only one part of interpretation; the interpreter must also determine its scope. Classical theory addresses this through the categories of general (*ʿāmm*) and particular (*khāṣṣ*) expressions. A general expression covers all individuals that fall within its meaning, while a particular expression refers to a specific individual or group. When a general command or prohibition is accompanied by a particular text that excludes certain cases, the general rule is specified (*takhṣīṣ*) by the particular, so that the ruling applies only to the remaining cases (Djaka et al., 2024; Kamali, 2003).

The schools differed on the strength of general expressions. The majority held that the indication of a general expression with respect to each of its individuals is probable, so that it may be specified by probable evidence such as a solitary hadith or analogy, while the Ḥanafīs held that it is definitive and can be specified only by evidence of equal strength (Abu Zahrah, 1958; Al-Zuhayli, 1986). This difference affects the interaction between analogy and textual commands: for the majority, analogy may specify a general text, whereas for the Ḥanafīs this is more restricted.

A similar relationship exists between unqualified (*muṭlaq*) and qualified (*muqayyad*) expressions. When a command is unqualified in one text and qualified in another, and both concern the same ruling and the same cause, the majority construe the unqualified expression in light of the qualified one. For example, the requirement of freeing a slave as expiation is qualified in some verses by the condition that the slave be a believer, and jurists debated whether this qualification should be extended to other expiations where it is not mentioned (Khallaf, 1978). These debates show that the interpretation of commands and prohibitions requires attention to the entire body of relevant texts rather than to isolated expressions.

Beyond the explicit wording of commands and prohibitions, classical theorists recognized implied meanings. The congruent implication (*mafhūm al-muwāfaqah*) is a meaning that is not stated but follows a fortiori from the text, as when the prohibition of saying "uff" to parents implies the prohibition of striking them. The divergent implication (*mafhūm al-mukhālafah*) is the inference that a ruling attached to a particular attribute or condition does not apply when that attribute or condition is absent (Ali, 2000; Kamali, 2003).

The acceptance of these implications differed among the schools. Congruent implication was widely accepted, although theorists disagreed whether it is a linguistic implication or a form of analogy. Divergent implication was accepted by the majority under certain conditions but rejected by the Ḥanafīs, who argued that the absence of a stated ruling does not establish the opposite ruling (Al-Zuhayli, 1986; Zysow, 2013). These disagreements have practical consequences in determining the scope of prohibitions; for instance, whether a prohibition stated with a qualifying description implies that the act is permitted when the description is absent.

The theory of implied meaning demonstrates once more the close relationship between linguistic analysis and rational inference. The congruent implication occupies a position between the explicit meaning of the text and analogy, and the debates about it show that the boundary between interpretation and extension was itself a subject of theoretical reflection (Vishanoff, 2011; Weiss, 1992). For contemporary legal reasoning, awareness of these categories helps interpreters avoid both excessive literalism, which ignores implied meanings, and excessive extension, which reads into texts meanings that they do not support.

6. The Meaning, Dalālah, and Default Value of Amr

Linguistic analysis (*qawāʿid lughawiyyah*) is a fundamental instrument in the methodology of uṣūl al-fiqh for deriving and formulating law directly from the texts of the Qur'an and Hadith. In legal interpretation, the study of the expressions of *amr* (command) and *nahy* (prohibition) is the key to sorting the degree of the Sharīʿah's demand, that is, whether an act is obligatory, recommended, or merely permissible. A deep

understanding of the structure of expressions (*ṣīghah*) and their indication of meaning (*dalālah*) is a prerequisite for a legal thinker to avoid errors in testing and determining the legal status of an act (Zulaiha, 2021).

Terminologically, *amr* is an instruction to perform an act issued by a party of higher authority (Allah and His Messenger) to the party addressed (*mukallaf*). The principal rule agreed upon by the majority of scholars states *al-aṣl fī al-amr li al-wujūb*, namely that in principle every form of command in the religious texts indicates obligation, unless a contextual indicator (*qarīnah*) diverts its meaning. The forms of *amr* are not limited to the imperative verb (*fiʿl al-amr*) but also include the present-tense verb preceded by *lām al-amr*, the verbal noun with an imperative sense (*ism fiʿl al-amr*), and declarative sentences (*khabar*) carrying the content of a demand (Mun'im, 2024).

Nevertheless, the *dalālah* of *amr* is flexible and may shift depending on the syntactic context and its supporting indicators (*qarīnat al-ḥāl*). The basic meaning of obligation in a command may move to several other levels (Djaka et al., 2024):

a. Recommendation (*nadb*): a demand that is not absolutely binding, such as the instruction to record debt transactions in Sūrat al-Baqarah verse 282, which scholars understand as a recommendation in *muʿāmalah*.
b. Permissibility (*ibāḥah*): an instruction granting freedom of choice after a prior prohibition, such as the command to disperse and seek sustenance after the Friday prayer, or to hunt after completing the pilgrimage.
c. Ethical guidance (*irshād*): a command directing toward goodness or social etiquette without the consequence of sin if neglected.
d. Warning or threat (*tahdīd*): a command delivered as a rebuke or stern warning, as in the verse "Do whatever you will."

The application of the rule of *amr* is reinforced by the derivative principle *al-amr bi al-shay' amr bimā lā yatimmu al-wājib illā bihi*, which affirms that a command to fulfill an obligation automatically includes a command to prepare all the means necessary for it, such as the obligation of ritual purification (*wuḍū'*) for the establishment of prayer (Mun'im, 2024).

Although the majority of jurists held that an unqualified command indicates obligation, this position was not unanimous. Some theorists argued that the default meaning of a command is recommendation, since the minimum that a command conveys is that the act is desired; others argued that the default meaning is shared between obligation and recommendation, so that the jurist must suspend judgment until an indicator is found (Al-Zuhayli, 1986; Weiss, 1992). The majority position was supported by textual evidence, such as verses that threaten those who disobey the Prophet's command, and by linguistic usage, in which a master who commands a servant and is disobeyed is considered justified in reproaching him (Khallaf, 1978).

A second debate concerned whether a command requires repetition (*tikrār*) or is satisfied by a single performance. The majority held that an unqualified command is satisfied by a single performance unless the command is connected to a recurring condition or cause, as in the command to pray at specified times (Abu Zahrah, 1958). A third debate concerned whether a command requires immediate performance (*fawr*) or allows delay (*tarākhī*). Some jurists held that an unqualified command requires prompt performance, while others held that it permits delay as long as the act is performed within its time (Al-Zuhayli, 1986). These debates have practical consequences, for example in determining whether the obligation to perform the pilgrimage must be fulfilled at the first opportunity.

7. The Meaning, Dalālah, and Legal Effect of Nahy

The expression of *nahy* is understood as a demand from the legal authority to refrain from and abandon an act completely. The main principle governing this rule is *al-aṣl fī al-nahy li al-taḥrīm*, namely that in principle every form of prohibition in the texts indicates that the act is forbidden. The *dalālah* of *nahy* implicitly signals that the prohibited act has the potential to cause harm (*mafsadah*) that endangers the basic principles of life, namely religion, life, intellect, lineage, and property. Its forms may be the prohibitive verb (*lā al-nāhiyah*) or sentence structures that condemn and forbid a behavior (Rahmad & Firdaus, 2023).

As with the rule of command, the legal indication (*dalālah*) of *nahy* may also shift in meaning when supported by a valid indicator (*qarīnah*). The shifts of meaning in prohibition include the following (Djaka et al., 2024; Rahmad & Firdaus, 2023):

a. Dislike (*karāhah*): a prohibition in the form of advice to avoid something in order to preserve goodness, such as the prohibition of asking too many questions that may burden oneself.
b. Ethical guidance (*irshād*): a prohibition intended to provide guidance on manners, such as the prohibition of eating and drinking while standing.
c. Statement of hopelessness (*taʾyīs*): a prohibition that affirms the impossibility of an event, such as the prohibition addressed to the disbelievers against offering excuses on the Day of Judgment.

Thus, comprehensive mastery of the shifts in the *dalālah* of the expressions of *amr* and *nahy* guarantees that the rulings derived through *istinbāṭ* remain measured and relevant and reflect the flexibility and richness of Arabic as the language of revelation (Zulaiha, 2021).

An important question in the theory of prohibition is whether a prohibited act, when performed, is legally invalid (*fāsid* or *bāṭil*) or merely sinful while remaining legally effective. The answer has significant consequences in the law of transactions and worship. If a sale concluded at the time of the Friday call to prayer is prohibited, is the sale void, or is the seller merely sinful while the sale remains valid? (Al-Zuhayli, 1986; Kamali, 2003).

The jurists developed nuanced answers. Many held that a prohibition directed at the essence of an act or at one of its essential elements entails invalidity, as in the prohibition of selling things that cannot lawfully be owned. A prohibition directed at an attribute inseparable from the act may also entail invalidity, according to some schools, or defectiveness, according to the Ḥanafīs, who distinguished between void (*bāṭil*) and defective (*fāsid*) contracts. By contrast, a prohibition directed at an external circumstance that is separable from the act, such as the time of the Friday prayer, was generally held not to invalidate the act, although it renders the actor sinful (Abu Zahrah, 1958; Weiss, 1992).

This debate illustrates the integration of linguistic and rational analysis. To determine the legal effect of a prohibition, the jurist must examine not only the form of the expression but also the reason for the prohibition and the relationship between the prohibited aspect and the act. In other words, the interpretation of *nahy* requires an inquiry into its *ʿillah* and purpose, which connects the theory of prohibition to the theory of analogy and the objectives of the law (Al-Shatibi, 2006; Rahmad & Firdaus, 2023). For contemporary Islamic commercial law, this analysis is essential in determining whether contracts that contain prohibited elements are void, voidable, or valid but sinful.

The theory of prohibition is complemented by the principle of blocking the means (*sadd al-dharāʾiʿ*), according to which acts that are permissible in themselves may be prohibited if they lead to prohibited outcomes. The Mālikī and Ḥanbalī schools gave this principle considerable weight, while the Shāfiʿīs and Ḥanafīs applied it more cautiously (Abu Zahrah, 1958; Kamali, 2003). The principle reflects the concern of the law with consequences: a prohibition that addresses only the final prohibited act, while allowing the means that lead to it, may fail to achieve its purpose.

Blocking the means operates differently from analogy. Analogy extends a ruling to a new case because it shares the *ʿillah* of the original case, whereas blocking the means prohibits an act because of the likelihood that it will lead to a prohibited result. The two methods can therefore produce overlapping but distinct outcomes. For example, a transaction designed to circumvent the prohibition of usury may be prohibited either because it shares the essential characteristics of usury or because it serves as a means to it (Vogel & Hayes, 1998).

The principle of blocking the means also has a counterpart, the opening of the means (*fatḥ al-dharāʾiʿ*), according to which the means to an obligatory end may themselves become obligatory. This counterpart corresponds to the maxim discussed above that whatever is necessary for the fulfillment of an obligation is itself obligatory (Mun'im, 2024). Together, these principles show that the rules of *amr* and *nahy* extend beyond the acts explicitly commanded or prohibited to the means connected with them, which considerably broadens their practical scope. However, because the likelihood that a means will lead to a prohibited end is a matter of judgment, the application of these principles requires caution to avoid excessive restriction of permissible acts (Al-Shatibi, 2006).

8. Legal Maxims as Complements to Analogy and Linguistic Analysis

Alongside the methods of uṣūl al-fiqh, Islamic jurisprudence developed a body of legal maxims (*al-qawāʿid al-fiqhiyyah*) that summarize recurring principles of the law. Among the most

important are the maxims that harm must be removed, that hardship begets facility, that necessity renders prohibited things permissible, that necessity is measured by its extent, and that custom is authoritative (Al-Zarqa, 1989; Kamali, 2003). These maxims are derived inductively from many particular rulings and function as general guides for legal reasoning.

Legal maxims interact with the rules of command and prohibition in significant ways. The maxim that necessity renders prohibited things permissible operates as a contextual condition that suspends the application of a prohibition in situations of genuine necessity, while the maxim that necessity is measured by its extent limits this suspension to what is strictly required. The vaccine fatwa examined later in this article illustrates this interaction: the prohibition remains in principle, but its application is suspended because of necessity and only to the extent necessary (Majelis Ulama Indonesia, 2021). Similarly, the maxim that hardship begets facility explains many of the dispensations in the law, such as the permission for travelers to shorten prayers, whose *ʿillah* is travel and whose *ḥikmah* is the alleviation of hardship (Syafuri, 2022).

The relationship between maxims and analogy must also be understood carefully. Maxims are general and admit exceptions, so they cannot by themselves establish rulings with the same certainty as textual evidence or a well-founded analogy. Classical jurists generally treated them as supporting principles that guide reasoning and help explain the coherence of the law, rather than as independent sources (Al-Zarqa, 1989). In contemporary legal reasoning, maxims are useful for structuring the analysis of new problems, but they should be combined with the textual and analogical methods discussed in this study.

9. Integrating Qiyās and the Rules of Amr–Nahy within the Framework of Maqāṣid

The two instruments discussed above operate in a complementary manner. The rules of *amr* and *nahy* determine the degree of the ruling contained in the original text (*ḥukm al-aṣl*), while *qiyās* extends that ruling to new cases through a shared *ʿillah*. An error at either stage will affect the final result: misreading the *dalālah* of a command or prohibition will produce an incorrect *ḥukm al-aṣl*, and confusing the *ʿillah* with its *ḥikmah* will produce an invalid extension of the ruling (Hasanah, 2022; Sholeh, 2025).

For this reason, a sound *istinbāṭ* requires the researcher first to establish the precise degree of the textual ruling through linguistic analysis and then to identify the measurable *ʿillah* before applying analogy. This integrated procedure is particularly relevant for contemporary issues such as digital transactions and medical jurisprudence, where new cases must be connected to textual rulings without falling into subjective reasoning (Syafuri, 2022; Zulaiha, 2021).

The objectives of the law (*maqāṣid al-sharīʿah*) provide a framework within which analogy and linguistic analysis can be integrated. Al-Shāṭibī argued that the purposes of the law, established inductively from a large number of texts, are certain and universal, and that particular rulings should be interpreted in light of these purposes (Al-Shatibi, 2006). Contemporary scholars have developed this idea into a systematic approach in which the objectives of the law guide both the interpretation of texts and the extension of rulings to new cases (Auda, 2008; Kamali, 2008).

In the context of analogy, the objectives of the law inform the criterion of suitability, as noted above. In the context of linguistic analysis, they help determine the contextual indicators that modify the default meanings of commands and prohibitions. A command whose fulfillment would defeat the purpose of the law in a particular situation may be understood as not applicable in that situation, and a prohibition whose purpose is to prevent harm may be relaxed when its application would cause greater harm (Kamali, 2008; Opwis, 2010). The objectives therefore serve as a higher-order framework that ensures coherence between the results of different methods.

However, the use of the objectives of the law must itself be disciplined. If the objectives are invoked without regard to the texts and the established methods, they may become a vehicle for subjective reasoning, which is precisely the danger that the strict theory of the *ʿillah* seeks to avoid. The integration proposed in this study therefore gives priority to the texts and the established methods, while using the objectives of the law to resolve ambiguities and conflicts and to test the appropriateness of results (Al-Shatibi, 2006; Weiss, 1998).

The integrated procedure can be illustrated with the question of online gambling. The first step is linguistic: the relevant verse, Sūrat al-Mā'idah verse 90, describes intoxicants and games of chance (*maysir*) as abominations of Satan's handiwork and commands believers to

avoid them. Although the expression is grammatically a command (*fa-jtanibūhu*, "so avoid it"), its content is a demand to refrain, and the accompanying description of the acts as abominations, together with the following verse, functions as a contextual indicator that the demand is categorical. The jurists therefore read the verse as establishing prohibition (*taḥrīm*), showing that the legal value of a text depends on its meaning and context rather than on grammatical form alone (Kamali, 2003; Rahmad & Firdaus, 2023).

The second step is analogical. The original case is *maysir* as practiced in the time of revelation, and its *ʿillah* is identified as the staking of wealth on an uncertain outcome in which one party gains at the expense of another without a corresponding exchange. The third step is the verification of the *ʿillah* in the new case: online games and applications in which users stake money on uncertain outcomes for the chance of winning the stakes of others contain this attribute, regardless of the digital medium (Sholeh, 2025). The fourth step applies supplementary considerations: digital platforms that are not gambling in themselves but are designed to lead users into gambling may be addressed through the principle of blocking the means, and the objectives of the law, particularly the protection of property and intellect, confirm the appropriateness of the conclusion (Al-Shatibi, 2006; Kamali, 2008). This example shows how linguistic analysis, analogy, supplementary principles, and the objectives of the law operate as successive and mutually reinforcing stages of a single process of derivation.

10. Analogical Reasoning in Comparative Perspective

Analogical reasoning is not unique to Islamic law. In common law systems, legal reasoning proceeds largely by analogy between cases, as judges compare a new case with precedents to determine whether the same rule should apply (Levi, 1949). Legal theorists have analyzed the structure of such reasoning, arguing that analogy involves identifying a principle that explains why the precedent was decided as it was and then determining whether that principle applies to the new case (Sunstein, 1993). Others have defended analogy as a distinctive and rational form of legal argument that cannot be reduced to deduction from general rules (Weinreb, 2005).

The comparison with Islamic legal theory is illuminating. The Islamic concept of the *ʿillah* corresponds closely to the principle that, in common law reasoning, explains the precedent and determines its extension. The insistence of Muslim jurists that the *ʿillah* be evident, measurable, and suitable can be understood as a set of constraints designed to make analogical reasoning predictable and controllable, addressing the same concern that motivates Western debates about the indeterminacy of analogy (Sunstein, 1993; Zysow, 2013). At the same time, Islamic legal theory differs in that the original case is grounded in revealed texts rather than in judicial precedent, and in that the theory developed an elaborate taxonomy of methods for identifying the *ʿillah* that has no exact equivalent in common law theory (Hallaq, 1997).

This comparative perspective shows that the problems addressed by uṣūl al-fiqh, such as how to extend rules to new cases without arbitrariness, are general problems of legal reasoning. It also suggests that the classical Islamic theory of analogy can contribute to contemporary jurisprudence more broadly, as a sophisticated account of how reasoning by similarity can be disciplined (Weiss, 1998).

11. Applications in Islamic Commercial Law and Contemporary Fatwas

The rules of *amr* and *nahy* play a particularly important role in Islamic commercial law (*fiqh al-muʿāmalāt*), where the general principle is that transactions are permissible unless there is evidence of prohibition. This principle means that the analysis of commercial transactions focuses primarily on prohibitions: the prohibition of usury (*ribā*), excessive uncertainty (*gharar*), gambling (*maysir*), fraud, and harm (Vogel & Hayes, 1998). Each of these prohibitions is derived from textual expressions whose meaning, scope, and legal effect must be determined through the methods discussed above.

The command to fulfill contracts, stated in the opening verse of Sūrat al-Mā'idah, illustrates the role of commands in this field. Interpreted according to the default meaning of obligation, the verse establishes the binding force of valid contracts, a principle that underlies the enforcement of commercial agreements (Kamali, 2003). The command to record debts in Sūrat al-Baqarah verse 282, by contrast, is understood by the majority as a recommendation, because contextual indicators, including the following verse, show that the purpose of recording is to protect the parties rather than to impose a strict obligation (Mun'im, 2024). These two examples

show how the same grammatical form can produce different legal values depending on context.

Analogy is equally important in commercial law. The prohibition of usury in the hadith on the six commodities has been extended by analogy to other goods and to money, with the schools differing on the *ʿillah*: some identified it as measurement by weight or volume, others as the function of serving as a medium of exchange or foodstuff (Al-Zuhayli, 1986; Vogel & Hayes, 1998). The identification of the *ʿillah* determines whether modern currencies and financial instruments fall within the scope of the prohibition, which shows the practical importance of the theory of causation for contemporary Islamic finance.

The integration of analogy and linguistic analysis can be illustrated by contemporary fatwas. The first example concerns electronic money. When electronic money emerged, jurists had to determine its legal nature and the conditions under which it complies with Islamic law. The fatwa of the National Sharia Council on Sharia electronic money characterizes the relationship between the issuer and the holder by analogy with established contracts, such as a loan or a deposit, and applies to it the prohibitions of usury, excessive uncertainty, gambling, and harm (Dewan Syariah Nasional Majelis Ulama Indonesia, 2017). The reasoning involves both analogy, in identifying the classical contract whose *ʿillah* corresponds to the new arrangement, and the interpretation of textual prohibitions, in determining which elements of the arrangement are prohibited.

The second example concerns vaccines. In 2021, the Indonesian Ulema Council issued a fatwa on a COVID-19 vaccine whose production process involved a substance derived from a prohibited source. The fatwa held that the use of the vaccine was in principle prohibited because of the prohibited element, but that its use was permissible under the circumstances because of necessity, the risk of serious harm, and the unavailability of sufficient alternatives (Majelis Ulama Indonesia, 2021). This reasoning reflects the interaction between the default meaning of prohibition and the contextual indicators that modify its application, including the legal maxim that necessity renders prohibited things permissible. It also reflects the protection of life as a fundamental objective of the law (Al-Shatibi, 2006; Kamali, 2008).

The third example concerns new intoxicants and addictive substances. The prohibition of *khamr* in the Qur'an is extended by analogy to other substances on the basis of the shared *ʿillah* of intoxication (Sholeh, 2025). Applying this analogy to new psychoactive substances requires *taḥqīq al-manāṭ*, the verification that the substance in fact produces intoxication, which depends on medical and pharmacological evidence. Substances that do not intoxicate but cause harm may be prohibited on the basis of the prohibition of harm rather than by analogy with *khamr*. This example shows how the precise identification of the *ʿillah* prevents both under-inclusion and over-inclusion in the application of prohibitions (Syafuri, 2022).

12. Custom, Context, and the Determination of Indicators

The determination of contextual indicators (*qarāʾin*) that modify the meaning of commands and prohibitions often depends on custom (*ʿurf*). Classical jurists recognized that the meaning of words in contracts, oaths, and other transactions should be understood according to the usage of the people concerned, and that rulings based on custom may change when custom changes (Abu Zahrah, 1958; Kamali, 2003). The legal maxim that custom is authoritative expresses this principle (Al-Zarqa, 1989).

Custom affects the rules of *amr* and *nahy* in at least two ways. First, it helps determine whether a command in a particular context was understood as obligatory or merely advisory, particularly in matters of social etiquette where the purpose of the command is guidance (*irshād*). Second, it helps determine the application of analogy, since the attributes that make a case similar to another may depend on social practices. For example, whether a particular form of exchange constitutes a sale, a loan, or a deposit may depend on how the parties and society understand it. In the Indonesian context, where diverse local customs coexist with Islamic norms, the role of custom in interpretation is particularly significant and has been recognized in the development of an Indonesian school of Islamic jurisprudence (Hooker, 2008).

At the same time, custom cannot override clear textual prohibitions. Classical theory distinguished between valid custom, which does not contradict the texts, and invalid custom, which does (Khallaf, 1978). This distinction ensures that the consideration of context enhances rather than undermines the authority of the texts.

13. Reformist Critiques and Contemporary Debates on Uṣūl al-Fiqh

The classical methods examined in this study have been the subject of critical reflection by modern Muslim thinkers. Reformist scholars have argued that an exclusive focus on the linguistic analysis of individual verses and the analogical extension of particular rulings may obscure the broader moral objectives of the Qur'an. Rahman (1982) proposed a "double movement" in which interpreters first move from the specific rulings of the Qur'an to the general moral principles underlying them, and then move from these principles back to specific rulings suited to contemporary circumstances. Others have called for a radical reform of Islamic ethics that would give greater weight to the contexts and objectives of the law and to the contributions of experts in other fields (Ramadan, 2009).

Systems-oriented approaches to the objectives of the law similarly argue that the classical theory treated texts and rulings atomistically and that a more holistic approach is needed (Auda, 2008). Historians of Islamic law, meanwhile, have emphasized that the classical methods developed within particular institutional and social contexts and that their application in modern states raises new questions about authority and legitimacy (Hallaq, 2009).

These critiques do not reject the classical methods but call for their contextualization and integration within a broader framework. The approach taken in this study is consistent with this call: it affirms the rigor of the classical theory of the *ʿillah* and of the rules of *amr* and *nahy*, while emphasizing the role of contextual indicators, the objectives of the law, and expert knowledge in their application. In this way, the classical methods can serve as a disciplined foundation for responsive legal reasoning rather than as a rigid system that resists change (Kamali, 2008; Opwis, 2010).

14. Ijtihād, Its Conditions, and the Question of Authority

The application of analogy and linguistic analysis presupposes a qualified interpreter. Classical theory held that independent legal reasoning (*ijtihād*) may be exercised only by a jurist who possesses knowledge of the Qur'an and Sunnah, of the Arabic language, of the points of consensus, of the methods of analogy, and of the objectives of the law (Kamali, 2003; Khallaf, 1978). These conditions reflect the recognition that the methods of uṣūl al-fiqh are demanding and that their misuse can lead to serious error.

The notion that the "gate of *ijtihād*" was closed after the formative period, which was once widely accepted in Western scholarship, has been challenged by research showing that independent legal reasoning continued to be practiced and theorized throughout the history of Islamic law (Hallaq, 1984). This finding is significant for contemporary Islamic legal thought, because it shows that the extension of the law to new circumstances through disciplined reasoning is an integral part of the tradition rather than a modern innovation.

In contemporary societies, the complexity of new problems often exceeds the competence of any single jurist. This has led to the development of collective *ijtihād*, in which scholars and experts deliberate together, often within institutions such as fatwa councils. In Indonesia, the Indonesian Ulema Council and its National Sharia Council have become the principal institutions issuing fatwas on national issues, and research on their fatwas has shown how they combine classical methods with considerations of social and political context (Hosen, 2004; Hooker, 2008). Collective reasoning of this kind offers a way to meet the demanding conditions of *ijtihād* by combining the expertise of jurists with that of specialists in other fields, but its quality depends on the rigor and transparency with which the methods discussed in this study are applied.

15. Methodological Safeguards against Subjective Reasoning

The preceding analysis suggests several safeguards that help ensure the objectivity of legal derivation. Table 1 summarizes these safeguards in relation to the two instruments examined in this study.

Table 1. Methodological Safeguards in Qiyās and the Interpretation of Amr and Nahy

Stage	Safeguard	Purpose
Identifying the ʿillah	Use of recognized masālik al-ʿillah	Avoid substituting ḥikmah or personal opinion for the ratio
Applying the ʿillah	Taḥqīq al-manāṭ with expert evidence	Verify that the ratio exists in the new case
Reading commands	Default of obligation unless a valid qarīnah exists	Prevent arbitrary weakening of obligations
Reading prohibitions	Distinguish essence, inseparable attribute, and external circumstance	Determine the correct legal effect of the prohibition
Final ruling	Consistency with the objectives of the law	Ensure the ruling realizes benefit and prevents harm

Source: Processed by the author from the research results.

The first safeguard is adherence to recognized methods for identifying the *ʿillah*, which prevents the substitution of personal preference for disciplined reasoning (Kamali, 2003). The second is the use of expert evidence in verifying the presence of the *ʿillah* in new cases, which recognizes that contemporary problems often require knowledge beyond the texts. The third is the presumption of the default meanings of commands and prohibitions, which places the burden of proof on those who argue for a different meaning and requires them to identify a valid contextual indicator (Mun'im, 2024). The fourth is the careful analysis of the object of prohibitions to determine their legal effects. The fifth is the consideration of the objectives of the law, which ensures that the result of derivation is consistent with the purposes of the Sharīʿah (Al-Shatibi, 2006; Opwis, 2010).

These safeguards are particularly important in the contemporary context, where fatwas and legal opinions are disseminated rapidly through digital media and may influence the behavior of large numbers of people. Transparent reasoning that identifies the textual evidence, the *ʿillah*, the contextual indicators, and the objectives considered allows others to evaluate a ruling and contributes to the credibility of Islamic legal institutions (Ramadan, 2009).

16. Implications for Islamic Legal Education and Fatwa Practice in Indonesia

The findings of this study have implications for Islamic legal education in Indonesia. In many institutions, uṣūl al-fiqh is taught as a set of definitions and rules to be memorized, with limited attention to their historical development, the debates among schools, and their application to contemporary problems. Such an approach risks producing graduates who know the rules but cannot use them critically. A more effective approach would teach uṣūl al-fiqh as a method of reasoning, using case studies of contemporary fatwas to show how analogy and linguistic analysis operate in practice, and drawing on modern scholarship that situates the classical doctrines in their historical context (Hallaq, 1997; Weiss, 1998).

For fatwa institutions, the findings underscore the importance of transparent reasoning. Fatwas that state the textual evidence, the identified *ʿillah*, the contextual indicators considered, and the objectives of the law allow scholars and the public to understand and evaluate the basis of the ruling. Such transparency also enables consistency across fatwas and helps institutions respond to new questions by building on previous reasoning. Collaboration with experts in medicine, finance, technology, and other fields is necessary for the verification of the *ʿillah* in new cases (Dewan Syariah Nasional Majelis Ulama Indonesia, 2017; Majelis Ulama Indonesia, 2021).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the discussion, it can be concluded that *qiyās* is a valid and flexible methodological instrument in uṣūl al-fiqh for revealing the rulings of new problems that are not explicitly stated in the texts. The validity of *qiyās* depends heavily on the determination of the *ʿillah* as its main pillar, which differs fundamentally from the *sabab* and the *ḥikmah*. The *ʿillah* is clear and precisely measurable (*munḍabiṭ*), the *sabab* is an external marker that cannot always be rationalized, and the *ḥikmah* is the abstract philosophy of benefit that the Sharīʿah seeks to achieve. In the construction of Islamic law, a ruling is attached to its *ʿillah* in order to maintain the stability, certainty, and justice of the law.

The analysis of the methods for identifying the *ʿillah*, including textual indication, consensus, probing and elimination, and suitability, together with the operations of extracting, refining, and verifying the ratio, shows that classical theory provides a rigorous procedure for disciplining analogy. Contemporary applications, such as fatwas on electronic money and vaccines, confirm that this procedure remains relevant but requires cooperation with experts to verify the presence of the *ʿillah* in new cases.

Meanwhile, the rules of *amr* (command) and *nahy* (prohibition) are the main linguistic instruments for deriving law from the Qur'an and Sunnah, in which *amr* basically indicates obligation and *nahy* indicates prohibition. Nevertheless, the *dalālah* of both rules is flexible and may shift to recommendation, permissibility, dislike, or ethical guidance (*irshād*) when supported by valid indicators (*qarīnah*).

This study contributes to scholarship by showing that rational analogy and linguistic analysis are not separate methods but interdependent stages of a single process of legal derivation, in which the interpretation of commands and prohibitions determines the ruling of the original case and analogy extends that ruling to new cases through a measurable

ʿillah. The study is limited to doctrinal analysis and illustrative examples; it does not systematically analyze a corpus of fatwas or examine how jurists in Indonesian institutions actually apply these methods. Future research could undertake such empirical analysis to assess the consistency and transparency of contemporary legal derivation.

The study further concludes that legal maxims, custom, and the objectives of the law function as complementary frameworks that guide the identification of contextual indicators and test the appropriateness of results, while the conditions of *ijtihād* and the practice of collective reasoning in fatwa institutions determine the quality of legal derivation in contemporary society. Reformist critiques remind interpreters that these methods must be applied with attention to context and moral purpose, but they do not diminish the value of the classical theory as a disciplined foundation for legal reasoning.

B. Suggestions

In line with these conclusions, academics and researchers of Islamic law are advised to continually sharpen their precision in distinguishing between *ʿillah* and *ḥikmah*, especially when responding to contemporary issues of *fiqh* such as digital *muʿāmalah* and medical jurisprudence, so that the derivation of law does not fall into subjective reasoning. In addition, legal practitioners and fatwa institutions are expected to apply the linguistic rules of *amr* and *nahy* comprehensively by considering their context and supporting indicators, so that the fatwas and Islamic legal products produced remain relevant, proportional, and able to bring real benefit to society.

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