

SOURCES OF ISLAMIC LAW: AN EPISTEMOLOGICAL STUDY AND ITS RELEVANCE IN THE CONTEMPORARY CONTEXT

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ABSTRACT

The sources of Islamic law constitute the epistemological foundation of Islamic legal reasoning and play a central role in guiding normative and practical legal formulations. This study aims to critically reexamine the four primary sources of Islamic law—the Qur'an, Sunnah, Ijmā', and Qiyās—through an epistemological lens and to assess their relevance in addressing contemporary socio-legal challenges. This study employed a qualitative library-based research method, analyzing classical and contemporary scholarly works on Islamic legal epistemology. The analysis focused on identifying the dynamic interaction between normative texts, rational reasoning, and socio-historical contexts, with particular attention to the integration of maqāṣid al-shari‘ah and interdisciplinary approaches. The findings indicate that Islamic legal epistemology is inherently dynamic and open to continuous ijtihād, enabling Islamic law to respond adaptively to challenges such as globalization, legal pluralism, technological advancement, and digital ethics. However, the study also reveals a methodological gap in contemporary Islamic legal studies, particularly in harmonizing classical legal sources with modern social sciences through a maqāṣid-oriented framework. This study concludes that a transformative and interdisciplinary epistemological approach is essential to bridge the normative Islamic legal tradition with contemporary societal needs, thereby producing Islamic legal formulations that are contextual, inclusive, and oriented toward public welfare.

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INTRODUCTION

Islamic law functions not only as a normative legal system but also as an epistemological framework that integrates revelation, reason, and social reality. Its authority is derived from the Qur'an and Sunnah, while its adaptability is maintained through juristic reasoning and methodological principles. This epistemological structure

enables Islamic law to remain relevant across changing historical and social contexts. Therefore, a mechanism of *ijtihad* is required to connect normative texts with the evolving social context (Nasution, 1985).

This research arises from the observation that most studies on the sources of Islamic law remain normatively and textually oriented, with limited attention given to their epistemological and methodological dimensions within the framework of modern law (Abdullah, 2015). This study aims to reanalyze the sources of Islamic law and their implications for the development of contemporary *fiqh*. Accordingly, this paper is expected to offer a theoretical contribution to the advancement of a more contextual and interdisciplinary methodology in Islamic legal studies.

Beyond identifying the limitations of dominant normativist and textualist approaches, this study contributes an epistemological synthesis that integrates classical Islamic legal sources with *maqāṣid al-shari‘ah* and contemporary social theory. By doing so, this research offers a novel framework for understanding how Islamic law can operate as a dynamic and context-sensitive legal system in pluralistic and globalized societies.

METHOD

This study employs a qualitative approach using the method of library research. This approach is chosen because the research focuses on conceptual and epistemological analysis of the sources of Islamic law as presented in both classical and contemporary literature. According to (Zed, 2014), library research aims to collect data and information from various written sources such as books, scholarly journals, previous research findings, and relevant religious documents to address the research problem. This type of research is descriptive-analytical in nature, seeking to systematically describe the concepts of Islamic legal sources and then analyze their relevance to the development of contemporary Islamic legal thought.

The research procedure consists of three main stages: Data collection through digital and physical literature searches in academic repositories; Data reduction by selecting and classifying information based on relevance; and Data analysis using content analysis to interpret the meaning and implications between normative texts and the historical context of Islamic law.

The results of the analysis are presented interpretively, taking into account the interrelation between classical concepts and contemporary approaches.

This methodological framework does not merely organize sources, but enables a critical epistemological analysis by systematically comparing classical juristic doctrines with contemporary socio-legal theories. Through this approach, the study is able to identify underlying assumptions, methodological tensions, and interpretive patterns in Islamic legal thought, thereby strengthening the analytical depth and theoretical contribution of the research.

RESULT AND DISCUSSION

The Qur'an: Normative and Ethical Foundation

The Qur'an is the primary source of Islamic law, possessing a strong normative and ethical dimension. Approximately 500 verses in the Qur'an directly relate to legal aspects, covering areas such as worship, transactions, family, criminal law, and social order (Rahman & Selviana, 2019). However, these verses are not merely legalistic; they also contain moral values that underpin a just and civilized social structure. Therefore, the Qur'an cannot be understood solely as a book of law but as a comprehensive guide to life.

Within the epistemology of Islamic law, the Qur'an serves not only as a source of text but also as a source of meaning that requires reasoning and contextual understanding. According to (Kamali, 2019b), a purely textual approach to legal verses must be complemented by *maqāṣid* and contextual approaches to ensure Islamic law remains relevant to contemporary dynamics. This aligns with Ashraf Adeel's (2019) view that Qur'anic epistemology embodies a virtue-based approach, demanding the involvement of reason, ethics, and social awareness in understanding revelation.

One of the main challenges in interpreting the Qur'an's legal verses is how to apply universal texts to ever-changing realities. For instance, verses on justice (Qur'an 16:90) and the prohibition of injustice (Qur'an 2:279) can

serve as the foundation for building a legal system that rejects economic exploitation, social discrimination, and environmental degradation. Contextual interpretation of these verses enables Islamic law to contribute to global justice discourse(Auda, 2008a).

Furthermore, the Qur'an places great emphasis on equality and respect for human dignity. The verse in Qur'an 49:13 asserts that differences in ethnicity and nationality are not grounds for superiority but means for mutual recognition. In today's context, this verse provides a normative basis for rejecting racism, sexism, and other forms of discrimination. Consequently, Islamic law derived from the Qur'an must accommodate principles of gender equality and social inclusivity(Sachedina, 2009).

In the realm of digital ethics, the Qur'an also offers fundamental principles that can guide regulation. For example, the prohibition against spreading slander and falsehood (Qur'an 49:12) can be applied to social media content regulation and personal data protection. This demonstrates that although the Qur'an does not explicitly mention technology, its values can still serve as a foundation for laws relevant to the digital era(Sardar, 2014).

Therefore, understanding the Qur'an's legal verses cannot be separated from the *maqāsid al-sharī'ah* approach. This approach emphasizes that the ultimate goal of Islamic law is to realize public welfare and prevent harm. Thus, legal interpretation based on the Qur'an must consider aspects of benefit, justice, and the socio-cultural context of humanity(Raisuni, 1995),(Auda, 2008a).

Finally, the Qur'an as a source of Islamic law requires active engagement from scholars, academics, and society in an ongoing process of *ijtihad*. This process is not only legal-formal but also epistemological and ethical. By integrating textual, contextual, and *maqāsid* approaches, the Qur'an will remain a living, dynamic source of law capable of addressing contemporary challenges in a just and solution-oriented manner(Abdullah, 2015),(Hallaq, 2009)

Sunnah: Clarification, Reinforcement, and Prophetic Legislation

The Sunnah is the second source of Islamic law after the Qur'an, encompassing all the sayings, actions, and approvals of the Prophet Muhammad (peace be upon him). It functions as an explanation of revelation and as a complement in establishing laws not explicitly detailed in the Qur'an. Within the epistemology of Islamic law, the Sunnah holds a highly significant position as it represents the practical manifestation of the divine values contained in revelation(Kamali, 2019b).

According to(Al-Qaradawi, 1996), the Sunnah has three main functions in the construction of Islamic law: **tafsir** (explaining Qur'anic verses), **taqrir** (affirming practices carried out by companions or society), and **tashri'** (establishing new rulings not mentioned in the Qur'an). These functions demonstrate that the Sunnah is not merely supplementary but also an independent source with its own legal authority.

The validity of the Sunnah as a source of law has been agreed upon by the majority of scholars across various schools of thought. This is based on the Prophet's statement: *"I leave with you two things; if you hold firmly to them, you will never go astray: the Book of Allah and the Sunnah of His Messenger"* (Reported by Malik). This hadith serves as a normative foundation that the Sunnah is inseparable from the Qur'an in forming a comprehensive and holistic Islamic legal system(Zuhayli, 1986).

In practice, the Sunnah is used to clarify verses that are general or broad in nature. For example, the command to perform prayer in the Qur'an does not specify the number of units (rak'ah), timing, or detailed procedures. The Sunnah provides these details through the Prophet's practice, which then becomes the legal standard for worship(Kamali, 2010). Thus, the Sunnah functions as a hermeneutical instrument that concretizes the text of revelation into operational law.

Beyond explanation, the Sunnah also establishes rulings on new cases not explicitly addressed in the Qur'an. For instance, the prohibition of consuming predatory animals and birds of prey is not directly mentioned in the Qur'an but is clarified in authentic hadiths. This illustrates that the Sunnah possesses independent legislative capacity, provided it does not contradict the principles of the Qur'an and the objectives of the Sharia (*maqāsid al-sharī'ah*)(Al-Amidi, 1996).

In contemporary contexts, the Sunnah also serves as a source of social ethics and public law. For example, principles of justice, transparency, and accountability in leadership can be found in various hadiths regulating the

conduct of leaders and public officials. The Sunnah also offers guidance in bioethics, such as prohibiting self-harm, emphasizing caution in medical treatment, and protecting patient rights (Auda, 2008a; Sachedina, 2009).

Therefore, understanding the Sunnah as a source of Islamic law must be approached methodologically and critically. The authenticity of hadiths, historical context, and social relevance are crucial factors in determining whether a Sunnah can serve as a legal basis. This approach requires expertise in the sciences of hadith classification (*musthalah al-hadith*), hadith jurisprudence (*fiqh al-hadith*), and integration with *maqāṣid al-shari‘ah* to ensure that the Sunnah remains a living and solution-oriented source of law in addressing contemporary challenges (Abdullah, 2015; Hallaq, 2009).

Ijma‘: Scholarly Consensus and a Pillar of Stability in Islamic Law

Ijma‘, or the consensus of scholars on a legal ruling after the death of the Prophet Muhammad (peace be upon him), is a source of Islamic law with significant epistemological and social importance. It functions as a collective mechanism to preserve the continuity of Islamic teachings and prevent legal distortion driven by individual or group interests. According to (Al-Amidi, 1996), Ijma‘ demonstrates that Islamic law is not only normative but also rational and social, as it emerges from a deliberative process among legal experts.

Al-Ghazali (n.d.) asserts that Ijma‘ represents a “guarantee of collective truth” that cannot be based on error. This statement refers to the Prophet’s hadith: “*My community will never agree upon misguidance*” (Reported by Ibn Majah). This hadith serves as a theological foundation affirming that scholarly consensus holds legitimate authority and can be considered a source of law, provided it meets the methodological conditions established in the discipline of *usul al-fiqh*.

Methodologically, Ijma‘ has three essential pillars: (1) Mujtahidun, scholars qualified for ijтиhad during a specific period; (2) Masā’il ijтиhadiyyah, issues without definitive textual evidence and open to legal reasoning; and (3) Unanimous agreement, meaning complete consensus among all mujtahid scholars without any known dissent (Khallaf, 2003). These pillars indicate that Ijma‘ is not merely a majority agreement but a total consensus with scientific legitimacy.

The conditions for a valid Ijma‘ are also stringent. According to (Al-Juwaini, 1997)A, Ijma‘ must occur after the Prophet’s death, include all mujtahid scholars of the time, be based on scriptural evidence, and aim to uphold the objectives of Sharia (*maqāṣid al-shari‘ah*). Thus, Ijma‘ is not simply a product of agreement but the outcome of an epistemological process that considers welfare, justice, and the sustainability of Islamic law.

Classic examples of Ijma‘ can be found in Islamic history, such as the consensus of the Companions on compiling the Qur‘an during the caliphates of Abu Bakr and Uthman ibn Affan. This agreement was not merely administrative but carried significant legal and theological implications. Another example is the consensus on the obligation of zakat on trade goods, which is not explicitly mentioned in the Qur‘an but agreed upon through analogy and public interest (Zuhayli, 1986).

In modern contexts, Ijma‘ has evolved through collective ijтиhad institutions such as the International Islamic Fiqh Academy (OIC), the Indonesian Council of Ulama (MUI), and the National Sharia Board. These bodies work to build consensus on emerging issues such as bioethics, Islamic finance, fintech, and digital technology. Although they may not always produce ijma‘ in the classical sense, their decisions reflect a collective spirit and *maqāṣid*-oriented approach to addressing contemporary challenges (al-Islami, 2023a; Auda, 2008a).

Thus, Ijma‘ remains relevant as a source of Islamic law that ensures stability, continuity, and adaptability. It demonstrates that Islamic law is not individualistic but founded on consultation, scholarship, and collective responsibility. In an era of globalization and legal pluralism, Ijma‘ can serve as a vital instrument for maintaining the authority of Islamic law while opening space for guided reform rooted in the values of *maqāṣid al-shari‘ah* (Abdullah, 2015; Kamali, 2019).

Qiyas: Rationality in Deriving Islamic Law

Qiyas is a method of legal analogy used to determine rulings on new issues by comparing them to cases that already have established rulings and share the same ‘illah (legal cause). Within the epistemology of Islamic law, Qiyas

serves as evidence that Sharia is not stagnant but opens space for human rationality in understanding and developing law according to the context of time (Al-Ghazali, n.d.).

As a methodological instrument, Qiyas enables the expansion of Islamic law without altering its fundamental principles. Al-Ghazali emphasizes that Qiyas is a means to maintain the continuity of Islamic law while addressing the evolving needs of society. It acts as a bridge between normative texts and social realities, ensuring that Islamic law remains relevant and applicable (Al-Ghazali, n.d.).

Methodologically, Qiyas consists of four essential pillars: (1) al-Asl (the original case with an established ruling), (2) al-Far' (the new case without a ruling), (3) al-'Illah (the legal cause that forms the common link between al-Asl and al-Far'), and (4) al-Hukm al-Asl (the ruling applied to the original case) (Al-Amidi, 1996). These pillars provide a logical foundation for a systematic and measured process of legal analogy.

The validity of Qiyas is subject to strict conditions. According to (Al-Juwaini, 1997), Qiyas can only be accepted as a legal basis if it meets several criteria: clarity and similarity of the 'illah between the original and new cases, non-contradiction with definitive texts (*nass qat'i*), and relevance to the objectives of Sharia (*maqāṣid al-sharī'ah*). If any of these conditions are not met, the result of Qiyas is considered invalid and cannot serve as a legal basis.

Examples of Qiyas can be found in various areas of Islamic law. For instance, the prohibition of narcotics and addictive substances is analogized to the prohibition of intoxicants because they share the same 'illah—intoxication. Similarly, the obligation of zakat on paper currency and digital money is analogized to zakat on gold and silver due to their similar economic function (Kamali, 2019b; Zuhayli, 1986).

In contemporary contexts, Qiyas is an essential tool for addressing new issues such as financial technology, bioethics, and artificial intelligence. For example, rulings on credit card use, cryptocurrency transactions, or vaccination can be derived through Qiyas by analogy to classical cases with similar 'illah. This demonstrates the flexibility of Islamic law in responding to social and technological changes (al-Islami, 2023b; Auda, 2008a).

Thus, Qiyas is not merely a method of analogy but also a representation of intellectual dynamism within Islamic law. It requires analytical skills, understanding of *maqāṣid*, and sensitivity to social realities. In the modern era, Qiyas can serve as a strategic instrument to ensure that Islamic law remains vibrant, relevant, and oriented toward public welfare (Abdullah, 2015; Kamali, 2010). The classification of Islamic legal sources is summarized in Table 2.1

Table 2.1 Application of Qiyas Pillars

| No | Original Case (<i>al-Asl</i>) | Original Ruling (<i>al- Hukm al-Asl</i>) | New Case (<i>al-Far'</i>) | Legal Cause (' <i>Illah</i>) | New Ruling (<i>Hukm al-Far'</i>) |
|----|------------------------------------|---|--|--|---------------------------------------|
| 1 | Khamr (intoxicating drinks) | Prohibited (Qur'an 5:90) | Narcotics, methamphetamine, cannabis | Causes intoxication | Prohibited |
| 2 | Gold and silver | Zakat obligatory if reaching <i>niṣāb</i> | Paper currency and digital money | Functions as a medium of exchange and store of value | Zakat obligatory |
| 3 | Usury in money lending | Prohibited | Conventional bank interest | Increment on loan amount | Prohibited |
| 4 | Adultery | Prohibited and subject to <i>ḥudūd</i> | Digital pornography | Corrupts morality and dignity | Prohibited |
| 5 | Hoarding staple food | Prohibited | Hoarding medicine and medical supplies | Causes scarcity and public harm | Prohibited |

| | | | | | |
|----|----------------------------|---------------------------------|---------------------------------------|--|---|
| 6 | Palm frond placed on grave | Sunnah | Placing frangipani flowers on grave | Both involve remembrance of Allah | Sunnah |
| 7 | Saying "ah" to parents | Prohibited (Qur'an 17:23) | Hitting or kicking parents | Causes harm and violates dignity | Prohibited |
| 8 | Adhān for newborn | Sunnah | Adhān at funeral | Contains remembrance and reminder of death | Sunnah |
| 9 | Trade in lawful goods | Permissible | Trade in digital assets (NFT, crypto) | Both are voluntary transactions with value | Permissible (with conditions) |
| 10 | Intentional killing | Prohibited and subject to qīṣāṣ | Cyberbullying causing suicide | Leads to death indirectly | Prohibited (with discretionary penalty) |

Maqāṣid al-Sharī'ah: An Integrative Legal Paradigm

Maqāṣid al-sharī'ah is a fundamental concept in the epistemology of Islamic law, referring to the primary objectives of Sharia: the preservation of religion (*hifz al-dīn*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-māl*). These five principles serve as a normative foundation for establishing laws that are not only textually valid but also socially and ethically meaningful (Al-Shatibi, 1992).

Classical scholars such as Imam al-Shatibi in *Al-Muwafaqat* emphasized that *maqāṣid* is the essence of all Islamic rulings. He asserted that any law that does not lead to benefit (*maṣlaḥah*) or results in harm (*mafsadah*) should be reconsidered. This view was later developed by contemporary thinkers like Jasser Auda, who proposed a systemic and multidimensional approach to *maqāṣid* (Auda, 2008).

The *maqāṣid* approach allows Islamic law to be contextual and adaptive. In modern contexts, *maqāṣid* can be employed to formulate laws responsive to issues such as human rights, social justice, and environmental sustainability. For example, the protection of life can serve as a legal basis in bioethics, while the protection of intellect can guide regulations on education and freedom of thought (Sachedina, 2009).

Integrating *maqāṣid* with contemporary social sciences also opens the door for more inclusive reform of Islamic law. This approach encourages jurists not only to rely on textual sources but also to consider empirical data, social analysis, and community needs. Thus, *maqāṣid* becomes a bridge between text and context, tradition and modernity (Abdullah, 2015).

In practice, *maqāṣid* has been applied by fatwa institutions such as the International Islamic Fiqh Academy and Indonesia's National Sharia Council to address contemporary issues like fintech, vaccination, and digital data protection. This demonstrates that *maqāṣid* is not merely theoretical but also a practical methodology in the process of legal derivation (*istinbāt*) (al-Islami, 2023).

However, the main challenge in applying *maqāṣid* lies in balancing public interest with individual rights, as well as reconciling universal values with cultural particularities. Therefore, a methodology that is not only normative but also critical and transformative is required. (Auda, 2025) recommends a systems-based approach that considers social, political, and technological complexities in formulating Islamic law.

Thus, *maqāṣid al-sharī'ah* is not only a legal paradigm but also a social ethic and civilizational vision. It calls for active engagement from scholars, academics, and policymakers in crafting laws that are just, inclusive, and sustainable. In a global era full of challenges, *maqāṣid* can serve as the foundation for Islamic law that is solution-oriented and focused on public welfare (Auda, 2008; Kamali, 2019).

Interdisciplinary Approaches in Islamic Law

An interdisciplinary approach in Islamic law is a methodological response to the complexity of modern life, which cannot be addressed solely through textual or normative methods. Islamic law, as a system of values and regulations, must be able to engage in dialogue with social sciences, economics, politics, and technology to remain relevant and solution-oriented. This integration is not merely an additional methodology but an essential part of contemporary *ijtihad* based on *maqāṣid al-shari‘ah* (Auda, 2008).

For example, in the context of zakat distribution, an interdisciplinary approach enables the use of poverty data, spatial analysis, and economic indicators to identify beneficiaries more accurately and fairly. This demonstrates that zakat jurisprudence cannot rely solely on textual sources but requires support from statistics, public policy, and information technology (Naim & Huda M., 2021). Thus, Islamic law can transform into an instrument of social empowerment grounded in data and distributive justice.

Environmental jurisprudence (*fiqh al-bi‘ah*) is another important example of interdisciplinary engagement. Issues such as climate change, pollution, and deforestation cannot be resolved solely through classical legal texts but require integration between Sharia principles and ecological science, environmental ethics, and international regulations. *Maqāṣid* principles such as *hifz al-nafs* (protection of life) and *hifz al-māl* (protection of property) can serve as the basis for laws that promote sustainability and ecological responsibility (Kamali, 2010).

Digital ethics in transactions also demands an interdisciplinary approach. The rise of information technology, social media, and digital commerce introduces new challenges such as misinformation, privacy violations, and algorithmic manipulation. In this regard, Islamic law must interact with communication studies, technology ethics, and cyber law to establish regulations aligned with Sharia values and user rights protection (Naim Q., 2021).

Interdisciplinary approaches also pave the way for reconstructing the methodology of *uṣūl al-fiqh*. Scholars and academics are developing models of legal derivation (*istinbāt*) that combine textual analysis with empirical and theoretical insights from various disciplines. This creates a legal framework that is more adaptive, contextual, and oriented toward public welfare (Abdullah, 2015).

However, this integration faces challenges, including resistance to methodological reform, limited interdisciplinary literacy among jurists, and the fragmentation between religious and social sciences in Islamic educational institutions. Therefore, curriculum reform, methodological training, and cross-disciplinary collaboration are necessary to strengthen this approach institutionally (Naim & Huda M., 2021).

In conclusion, the interdisciplinary approach is not merely an academic strategy but an epistemological necessity for building Islamic law that is responsive and solution-oriented. It bridges classical texts with empirical realities and connects Sharia values with modern social dynamics. In the global and digital era, this approach forms a crucial foundation for revitalizing Islamic law to be just, inclusive, and sustainable (Auda, 2025; Kamali, 2019).

CONCLUSION

This study demonstrates that the Qur'an, Sunnah, Ijma', and Qiyyas function not merely as legal sources but as an integrated epistemological system that enables Islamic law to remain both normatively grounded and contextually responsive. By critically examining these sources through a *maqāṣid* oriented and interdisciplinary framework, this research shows how Islamic legal reasoning can adapt to contemporary socio legal challenges such as globalization and legal pluralism. The findings contribute theoretically by offering a synthesized model of Islamic legal epistemology and methodologically by strengthening critical analysis in library-based research. These insights provide practical implications for scholars and policymakers in developing Islamic legal interpretations that are more inclusive, contextual, and oriented toward public welfare.

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