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Contemporary Law, Justice, and Integrative Jurisprudence: Reconstructing *Usul al-Fiqh* Towards an Integrated Philosophy of Law

Abstract: Contemporary legal philosophy has generated diverse approaches to understanding the relationship between law, morality, and justice, including legal positivism, natural law, legal pluralism, and integrative jurisprudence. Nevertheless, the absence of an epistemological framework capable of coherently integrating normative authority, rationality, justice, morality, and legal pluralism remains a persistent challenge within contemporary legal discourse. Addressing this challenge, this study reconstructs *Usul al-Fiqh* as an epistemological foundation for Contemporary Integrative Jurisprudence. It proposes an Integrated Philosophy of Law that synthesizes revelation, reason, ethical values, and justice within a unified conceptual framework. This study employs qualitative doctrinal legal research through comparative legal philosophy, conceptual analysis, philosophical hermeneutics, and qualitative library research. Primary sources include the Qur'an, Sunnah, and classical and contemporary *Usul al-Fiqh* scholarship, while comparative analysis draws upon major traditions of Western legal philosophy, particularly integrative jurisprudence. The findings demonstrate that *Usul al-Fiqh* extends beyond a methodology for deriving Islamic legal rulings by functioning as an integrative legal epistemology capable of reconciling normative authority, rational inquiry, moral legitimacy, historical consciousness, and legal pluralism. The study develops a conceptual model of Contemporary Integrative Jurisprudence in which *Usul al-Fiqh* serves as the epistemological architecture of an Integrated Philosophy of Law, thereby extending existing theories of integrative jurisprudence by incorporating revelation-based legal reasoning into contemporary global legal discourse. This reconstructed model contributes to legal philosophy by providing a coherent framework for balancing legal certainty, substantive justice, public interest (*maṣlaḥah*), and human dignity within increasingly pluralistic and post-secular legal societies.

Keywords: Contemporary Integrative Jurisprudence; Integrated Philosophy of Law; Justice; Legal Philosophy; *Usul al-Fiqh*.

INTRODUCTION

The landscape of twenty-first-century jurisprudence is characterized by unprecedented systemic complexity, driven by the rapid acceleration of legal pluralism, constitutional pluralism, and the rise of transnational regulatory frameworks. Modern legal systems no longer operate within the clean, insulated boundaries of Westphalian state sovereignty. Instead, the emergence of digital governance, algorithmic statecraft, and artificial intelligence has decentralized traditional enforcement mechanisms, creating normative friction between localized statutes and global technological realities.¹ Concurrently, multicultural societies face an acute crisis of legal legitimacy. As diverse moral, cultural, and religious worldviews intersect within shared socio-political spaces, conventional law frequently fails to command intrinsic authority, increasingly relying on raw institutional coercion rather than shared normative consensus. Consequently, reconstructing legal philosophy is no longer a detached academic exercise in conceptual semantics; it has become an urgent intellectual imperative to prevent the total fragmentation of the global legal order.

While contemporary jurisprudence has moved beyond the rudimentary debates of classical legal philosophy, its dominant frameworks remain structurally ill-equipped to resolve this legitimacy crisis. To be sure, Western legal theory has evolved significantly through sophisticated attempts to reconcile law's normative, rational, and social dimensions. Interpretivism seeks to bind legal practice to internal moral integrity, while discourse theory attempts to derive legal validity from democratic communicative rationality. In the transnational realm, models of global constitutionalism and transnational legal theory have struggled to build an overarching framework for overlapping jurisdictions.

A central milestone in this integrative movement is Harold J. Berman's integrative jurisprudence, which famously synthesizes legal positivism (*voluntas*/will), natural law (*ratio*/reason), and the historical school (*memoria*/memory) into a unified triadic

¹ Sholahuddin Al-Fatih et al., "Legal Reform in Village Law-Making Process Using Artificial Intelligence: Is It Necessary?," *Journal of Law and Legal Reform* 6, no. 2 (April 2025): 757-782, <https://doi.org/10.15294/jllr.v6i2.21116>.

architecture.² However, despite its conceptual elegance, Berman's framework—and the secular paradigms that succeeded it—exhibits critical structural limitations when confronted with a post-secular, pluralistic global landscape.³ First, Berman's model operates entirely within a secularized historical horizon, failing to incorporate transcendental revelation as an independent, viable source of legal legitimacy.⁴ Second, it lacks a robust teleological framework capable of dynamically balancing competing rights, such as that offered by *maqāṣid al-sharīʿah*. Finally, contemporary integrative theories fail to explain how religious legal traditions can interact constructively with global legal pluralism without being completely subordinated to Eurocentric secular reductionism. The contemporary dilemma is therefore not the simple failure of Western law, but rather the continuing absence of a comprehensive epistemological framework capable of integrating normative authority, moral reasoning, rational utility, historical consciousness, and legal pluralism into a coherent global philosophy of law.

Extensive scholarship has attempted to bridge the divide between Western legal philosophy and Islamic jurisprudence, yet these efforts remain largely descriptive and fragmented. In comparative legal theory, it has been emphasized that a triadic legal model is necessary to counteract the value crisis of secular legal fragmentation. At the same time, post-secular dialogue has opened vital avenues by welcoming religious epistemologies into the public sphere. Within Islamic legal studies, seminal works have brilliantly demonstrated the holistic and evolutionary nature of *usul al-fiqh*, illustrating how its classical mechanisms structurally balanced textual authority with changing social contexts.⁵

² Harold J. Berman, "Toward an Integrative Jurisprudence: Politics, Morality, History," *California Law Review* 76 (1988): 779; Thomas Vincent Svogun, "Integrative Jurisprudence: Law and Law Enforcement's Three Dimensions," in *The Jurisprudence of Police: Toward a General Unified Theory of Law*, ed. Thomas Vincent Svogun (New York: Palgrave Macmillan US, 2013), 135–89, doi:10.1057/9781137342638_8.

³ Matthias Klatt, "Integrative Jurisprudence: Legal Scholarship and the Triadic Nature of Law," *Ratio Juris* 33, no. 4 (2020): 380–398, doi:10.1111/raju.12301.

⁴ Harold J. Berman, *Faith and Order: The Reconciliation of Law and Religion* (Wm. B. Eerdmans Publishing, 2000).

⁵ Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge University Press, 2009); Bernard G. Weiss, *The Spirit of Islamic Law* (University of Georgia Press, 1998).

Furthermore, scholars have explored the dynamic compatibility between Islamic jurisprudence, modern constitutionalism, and universal human rights.⁶

However, a critical examination of this literature reveals a persistent theoretical gap. Previous studies have almost exclusively treated *Usul al-Fiqh* either as an insular methodology confined to Islamic legal reasoning (*istinbat*) or as an object of static historical comparison against Western paradigms.⁷ Existing scholarship has routinely failed to conceptualize *Usul al-Fiqh* as an expansive epistemological architecture capable of being reconstructed into the very foundation of integrative jurisprudence within global legal philosophy. Consequently, current literature leaves unresolved the question of how an Islamic legal epistemology can transcend its civilizational boundaries to enrich the broader, global discourse on legal synthesis.

This study directly addresses this theoretical gap by moving beyond a conventional, descriptive comparative analysis of Western and Islamic legal traditions. The fundamental novelty of this research lies in its explicit reconstruction of *Usul al-Fiqh* as the foundational epistemological architecture for a new model of Contemporary Integrative Jurisprudence. Rather than merely mapping structural similarities between separated systems, this study positions *Usul al-Fiqh* as a dynamic epistemological bridge that seamlessly synthesizes fixed transcendental values (*qat'iyyat*), evolving contextual reason (*zanniyyat/ijtihād*), substantive justice, public morality, historical consciousness, and empirical social realities (*'urf*) into a unified Integrated Philosophy of Law. By doing so, this article introduces a cross-civilizational paradigm shift to global legal philosophy, demonstrating that religious legal epistemologies possess the systematic tools necessary to resolve the secular-religious dichotomies of post-secular societies.

⁶ Abdullahi Ahmed An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia* (Harvard University Press, 2008).

⁷ Ariyanti Mustapha and Abdul Karim Ali, "Teori Evolutionism Dalam Epistemologi Usul Fiqh Dari Perspektif Barat [The Theory of Evolutionism in the Epistemology of Usul Fiqh From the Western Perspective]," *Jurnal Islam Dan Masyarakat Kontemporer* 23, no. 3 (November 30, 2022): 1-13, doi:10.37231/jimk.2022.23.3.692; Muhammad Husni Abdulah Pakarti et al., "Perkembangan Ushul Fiqh Di Dunia Kontemporer," *Al-Syakhsiyyah: Journal of Law & Family Studies* 5, no. 1 (August 11, 2023): 89-89, doi:10.21154/syakhsiyyah.v5i1.7065.

Central to this reconstruction is a radical re-evaluation of the concept of justice, which sits at the core of the contemporary legal crisis. Today's jurisprudential deadlock is fundamentally a tension between formal legal certainty (the predictability of positive statutes) and substantive justice (the moral, ethical, and human rights demands of a pluralistic public). Secular positivism secures certainty at the expense of substantive morality, while radical naturalism or moral relativism risks compromising legal predictability.⁸

Usul al-Fiqh resolves this tension by providing highly sophisticated, normative mechanisms that continuously calibrate the balance between legal certainty and substantive justice. Through the teleological framework of *maqāṣid al-sharīʿah*—which prioritizes the preservation of religion, life, intellect, lineage, and property—the law is anchored to immutable ethical objectives.⁹ Concurrently, through the operational mechanics of *maṣlaḥah* (public interest), *istiḥsān* (juristic equity), and *ijtihād* (independent rational reasoning), *Usul al-Fiqh* empowers jurists to depart from rigid textual literalism when its strict application yields systemic injustice or hardship.¹⁰ It is this unique ability to combine absolute normative authority with radical contextual flexibility that positions *Usul al-Fiqh* as the ideal structural engine for an Integrated Philosophy of Law.

Premised on these dynamics, the primary objective of this study is twofold: first, to systematically deconstruct the epistemological insularity of both Western integrative jurisprudence and traditional Islamic legal theory; and second, to formulate a coherent conceptual model of Contemporary Integrative Jurisprudence anchored in the architectural principles of *usul al-fiqh*. In doing so, this study offers a major theoretical

⁸ Islamiyati Islamiyati, “Kritik Filsafat Hukum Positivisme Sebagai Upaya Mewujudkan Hukum Yang Berkeadilan,” *Law, Development and Justice Review* 1, no. 1 (November 9, 2018): 82–96, doi:10.14710/ldjr.v1i1.3574; Lukman Santoso, “Towards Religiosity-Based Legal Science: Critical-Constructive Prophetic Law on Positivism Paradigm,” *Prophetic Law Review*, December 31, 2020, 221–42, doi:10.20885/PLR.vol2.iss2.art6.

⁹ Ibrahim Ibn Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law: Al-Muwafaqat Fi Usul al-Shari'a*, trans. Imran Ahsan Khan Nyazee (Reading, UK: Garnet Publishing, 2012).

¹⁰ Ali Mutakin, “Hubungan maqashid al syari'ah dengan metode istinbath hukum,” *Analisis: Jurnal Studi Keislaman* 17, no. 1 (July 1, 2017): 113–36, doi:10.24042/ajsk.v17i1.1789; Muannif Ridwan, “Ijtihad Pada Era Kontemporer (Konteks Pemikiran Islam Dalam Fiqih Dan Maqashid al-Syariah),” *Jurnal Masohi* 1, no. 2 (December 25, 2020): 110–121, doi:10.36339/jmas.v1i2.356.

contribution to global legal philosophy. It provides international jurists, comparative legal scholars, and policymakers with a balanced, post-secular framework capable of safeguarding human dignity, honoring historical legal traditions, and maintaining structural order within increasingly pluralistic and transnationally fluid legal societies.

METHOD

This study departs from a conventional, purely descriptive comparative legal framework to adopt a constructive jurisprudential approach rooted in conceptual reconstruction methodology. While comparative legal philosophy is uniquely suited for mapping structural divergences and convergences across legal traditions, theoretical reconstruction demands a systematic framework for theory-building. This research operationalizes a tripartite philosophical method—comprising philosophical hermeneutics, conceptual analysis, and comparative inquiry—to generate a novel model of Contemporary Integrative Jurisprudence from comparative cross-civilizational data. By examining the structural limitations and internal antinomies of existing legal paradigms, this design systematically demonstrates how an integrated legal epistemology can resolve contemporary crises of legal legitimacy and pluralism. To establish high conceptual validity and methodological transparency, this study employs a purposive theoretical sampling strategy rather than a broad, undefined literature review. The units of analysis are restricted to primary texts and authoritative jurisprudential treatises that represent fundamental epistemological shifts within their respective legal traditions.

Within the Islamic jurisprudential tradition, the study selects:

1. Al-Shāfi'ī: For his foundational systematization of the hierarchy of textual sources (*usul*) and formalization of legal reasoning.¹¹
2. Al-Ghazālī: For his robust epistemological reconciliation of rationalism (*'aql*) and traditionalism (*naql*).

¹¹ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, Rev. ed (Cambridge: Islamic Texts Society, 1991).

3. Al-Shāṭibī: For his groundbreaking formulation of *maqāṣid al-sharīʿah* as a comprehensive, teleological theory of law.¹²
4. Wael Hallaq and Bernard Weiss: To capture modern, critical insights into the dynamic, evolutionary architecture of Islamic legal discovery.¹³

Within the Western jurisprudential tradition, the units of analysis include:

1. H.L.A. Hart and Lon Fuller: To represent the foundational positivist-naturalist debate regarding the separation or integration of law and morality.¹⁴
2. Ronald Dworkin: For his interpretivist model linking legal validity to systemic moral integrity.¹⁵
3. Jürgen Habermas: For his discourse theory of law, providing a framework for post-secular communicative legitimacy.¹⁶
4. Harold J. Berman and Matthias Klatt are the primary architects of integrative jurisprudence, whose triadic models (*voluntas, ratio, memoria*) serve as the immediate baseline for expansion.¹⁷

Textual interpretation in this study is operationalized through Paul Ricoeur's critical hermeneutics, which synthesizes the "hermeneutics of suspicion" with the "hermeneutics of faith." This framework allows the study to look past superficial textual declarations and instead uncover the deep epistemological motives that govern each jurisprudential tradition.¹⁸ The analysis operationalizes "epistemological motives" using three specific analytical criteria: First, *the ultimate source of normative validity*: How a system defines the boundary of lawful authority. Second, *the justification engine*: How the system balances

¹² Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law*.

¹³ Hallaq, *An Introduction to Islamic Law*; Weiss, *The Spirit of Islamic Law*.

¹⁴ N. E. Simmonds, "On the Idea of Law," *Society* 62, no. 5 (October 1, 2025): 738–749, doi:10.1007/s12115-025-01107-7.

¹⁵ Ronald Dworkin, *Taking Rights Seriously* (A&C Black, 2013).

¹⁶ Jürgen Habermas, "Contributions to a Discourse Theory of Law and Democracy," in *The New Social Theory Reader*, 2nd ed. (Routledge, 2008).

¹⁷ Berman, *Faith and Order*; Klatt, "Integrative Jurisprudence."

¹⁸ Peter Langford, "From Textual Hermeneutics to Law: The Genesis and Development of Law and Rights in Ricoeur," *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 39, no. 4 (April 1, 2026): 1155–1189, doi:10.1007/s11196-025-10377-7.

rational deduction against text or tradition. Third, *the contextual adaptation mechanism*: How a system structurally incorporates changing social history and empirical realities.

By applying these criteria uniformly across Western and Islamic legal texts, the study extracts the foundational architectures required for cross-civilizational synthesis. Rather than utilizing a comparative matrix merely as a passive classification exercise, this study employs an analytical conceptual matrix as an active generative engine for theory construction. The architectural elements of Western integrative jurisprudence (*voluntas* from positivism, *ratio* from natural law, *memoria* from historicism, and *utility* from utilitarianism) are not merely juxtaposed with Islamic legal sources (*Qur'an*, *Sunnah*, *ijmāʿ*, *qiyās*, and *maṣlaḥah*). Instead, they are evaluated based on their structural functions within the legal order. The conceptual analysis deconstructs these elements into their fundamental components, identifying how their systemic interactions can transcend the rigid secular boundaries of existing models. This analytical mapping uncovers structural parallels and highlights how the unique synthesis of fixed values and dynamic reasoning can serve as the basis for Contemporary Integrative Jurisprudence.

The theoretical progression from comparative findings to a brand new jurisprudential model is achieved through dialectical synthesis and abductive reasoning. Rather than normatively asserting that *Usul al-Fiqh* is an overarching framework, the synthesis proceeds through a strict analytical process. First, the internal antinomies of Western legal fragmentation are diagnosed.¹⁹ Second, these systemic failures are placed in a dialectical dialogue with the integrated mechanisms of *Usul al-Fiqh*. Abductive reasoning is then applied to determine the most coherent epistemological framework that can accommodate these fragmented dimensions simultaneously. The synthesis proves that *Usul al-Fiqh*'s dual structural nature—which balances absolute transcendental anchors (*qat'iyyat*) with highly rationalized contextual reasoning (*zanniyyat*)—serves as the missing structural “equilibrium point,” transforming the data from a binary comparison into an original, coherent Integrated Philosophy of Law.

¹⁹ Dworkin, *Taking Rights Seriously*.

To ensure analytical precision throughout the conceptual synthesis, the core concepts in the study's title are rigorously operationalized as distinct analytical categories:

1. Law: Defined not merely as state-enacted rules (*positivism*) or abstract cosmic commands (*naturalism*), but as a multi-layered normative system that integrates transcendental authority, rational formalization, and social execution.
2. Justice: Divided into *formal justice* (procedural predictability and legal certainty) and *substantive justice* (the preservation of human dignity, equity, and moral rights). The methodology treats justice as a dynamic equilibrium point continuously balanced by jurisprudential mechanisms.
3. Integrative Jurisprudence: Operationalized as a holistic legal philosophy that reconciles the competing claims of will, reason, history, and utility into a unified framework.
4. Usul al-Fiqh: Reconceptualized from a localized denominational methodology into a cross-civilizational, post-secular legal epistemology.

To bridge the gap between these broad categories, the study explicitly integrates several analytical sub-categories throughout the synthesis process. Concepts such as *maqāṣid al-sharīʿah* are operationalized as a teleological theory of legal objectives; *maṣlaḥah* as a functional metric for public interest; *istiḥsān* as an engine for juristic equity; and *ijtihād* as a rational tool for contextual evolution. These subcategories serve as the analytical tools used to measure how effectively a legal framework balances formal legal certainty with substantive justice in pluralistic societies.

RESULTS AND DISCUSSION

Contemporary Crisis of Legal Epistemology

Contemporary legal systems are confronted with an increasingly complex epistemological crisis that extends far beyond the traditional debate concerning the nature of law. The accelerating development of global legal pluralism, constitutional pluralism, transnational governance, digital technologies, artificial intelligence, environmental sustainability, and multicultural societies has fundamentally transformed the conditions under which law is created, interpreted, and enforced. Within this rapidly changing

environment, legal systems are no longer expected merely to provide legal certainty through institutional authority but also to reconcile competing normative claims involving justice, morality, human rights, religious values, democratic legitimacy, and social welfare. Consequently, the central challenge of contemporary jurisprudence is not simply identifying the source of legal validity but constructing an epistemological framework capable of integrating these diverse normative dimensions into a coherent philosophy of law.²⁰

For more than a century, modern legal philosophy has attempted to overcome the longstanding dichotomy between legal positivism and natural law. Legal positivism successfully established institutional certainty by grounding legal validity in enacted authority, whereas natural law theory emphasized the inseparable relationship between law and morality.²¹ Historical jurisprudence subsequently highlighted the importance of cultural development and historical consciousness in shaping legal institutions. In contrast, more recent approaches—including legal pluralism, interpretivism, and integrative jurisprudence—have sought to reconcile these competing perspectives.²² Despite these significant theoretical advances, contemporary legal philosophy continues to suffer from epistemological fragmentation because no single framework has yet succeeded in integrating legal authority, rationality, ethical legitimacy, historical experience, and normative diversity into a comprehensive jurisprudential paradigm.

Harold J. Berman's theory of Integrative Jurisprudence represents one of the most influential attempts to overcome this fragmentation. Rejecting the exclusivity of legal positivism, natural law, and historical jurisprudence, Berman argues that law should be understood through the interaction of *voluntas*, *ratio*, and *memoria*, thereby integrating political authority, rational deliberation, and historical continuity within a unified conception of law.²³ Matthias Klatt further develops this perspective by characterizing law

²⁰ Roger B. M. Cotterrell, *The Sociology of Law: An Introduction* (Butterworths, 1992).

²¹ Bambang, 'Ijtihad and the Dynamics of Islamic Legal Interpretation: An Epistemological Exploration in the Contemporary Context', *Nusantara: Journal of Law Studies* 3, no. 1 (July 2024): 56–67, <https://doi.org/10.5281/zenodo.17373912>.

²² Berman, "Toward an Integrative Jurisprudence."

²³ Harold J. Berman, "Toward an Integrative Jurisprudence: Politics, Morality, History," *California Law Review* 76 (1988): 779.

as a triadic phenomenon comprising normative validity, moral reasoning, and institutional practice.²⁴ Together, these scholars significantly expand the scope of legal philosophy beyond the rigid dichotomies that have historically divided Western jurisprudence.

Nevertheless, the achievements of contemporary integrative jurisprudence remain subject to important conceptual limitations. While Berman successfully reconciles legal positivism, natural law, and historical jurisprudence, his framework remains largely grounded within the intellectual tradition of Western legal thought. It does not fully explain how transcendental sources of legal legitimacy may coexist with rational deliberation, nor does it adequately incorporate teleological legal reasoning based upon substantive justice and public welfare. Likewise, although integrative jurisprudence recognizes historical development and moral reasoning, it offers limited guidance regarding the interaction between religious epistemologies and contemporary legal pluralism within increasingly multicultural constitutional orders.²⁵

These limitations become more evident as contemporary legal systems increasingly operate within overlapping normative orders. Global legal governance today involves interaction among state law, international law, religious law, customary law, and transnational regulatory regimes. Rather than functioning as isolated legal systems, these normative orders continuously influence one another, creating new questions concerning legal legitimacy, public morality, constitutional identity, and social justice. In such circumstances, legal philosophy requires an epistemological model capable of integrating multiple sources of legal authority without reducing one tradition to another.²⁶

The emergence of post-secular legal discourse further reinforces this necessity. Habermas argues that modern constitutional democracies can no longer exclude religious reasoning from the public sphere, because religious traditions continue to provide significant moral resources for democratic deliberation. Instead of maintaining a rigid

²⁴ Klatt, "Integrative Jurisprudence."

²⁵ An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia*.

²⁶ H. Patrick Glenn, *Legal Traditions of the World: Sustainable Diversity in Law* (Oxford University Press, 2014).

separation between secular and religious rationalities, post-secular constitutionalism encourages a process of mutual learning in which both traditions contribute to the construction of public reason.²⁷ This development shifts the central question of legal philosophy from whether religion should participate in legal discourse to how different epistemological traditions may interact constructively while preserving democratic legitimacy and normative coherence.

From the perspective of philosophical hermeneutics, such dialogue also requires a reinterpretation of legal traditions through the interaction between historical meaning and contemporary legal realities. Gadamer's concept of the **fusion of horizons** (*Horizontverschmelzung*) demonstrates that understanding is not achieved through the mechanical application of historical texts but through a continuous dialogue between inherited traditions and present social circumstances.²⁸ Consequently, classical legal epistemologies should not be viewed as static historical legacies but as dynamic intellectual traditions capable of generating new theoretical insights for contemporary jurisprudence.

Within this context, *Usul al-Fiqh* offers a particularly significant contribution. Classical Islamic legal theory was historically developed not merely as a methodology for deriving legal rulings but as a comprehensive epistemological architecture integrating revelation (*wahy*), rational inquiry (*ijtihad* and *qiyās*), communal legitimacy (*ijmāʿ*), teleological reasoning (*maqāṣid al-sharīʿah*), and public welfare (*maṣlaḥah*).²⁹ Rather than separating legal certainty from moral reasoning or institutional authority from ethical objectives, *Usul al-Fiqh* constructs legal legitimacy through the interaction of these interdependent dimensions. Such an approach represents a distinctive jurisprudential model that differs fundamentally from both legal positivism and natural law while simultaneously addressing concerns traditionally associated with each.

However, contemporary scholarship has predominantly examined *Usul al-Fiqh* either as the methodological foundation of Islamic jurisprudence or as an object of comparative

²⁷ Habermas, "Contributions to a Discourse Theory of Law and Democracy."

²⁸ Хишигтөгс Khishigtugs, "Truth and Method by Hans-Georg Gadamer," *Continuum*, January 1, 1975.

²⁹ Weiss, *The Spirit of Islamic Law*; Hallaq, *An Introduction to Islamic Law*.

legal analysis. Although scholars such as Bernard Weiss, Mohammad Hashim Kamali, Wael B. Hallaq, and Imran Ahsan Khan Nyazee have demonstrated the sophistication of Islamic legal methodology, relatively few studies have reconstructed *Usul al-Fiqh* as a comprehensive epistemological foundation capable of contributing to contemporary global jurisprudence.³⁰ Consequently, the principal challenge is no longer demonstrating that Islamic legal theory possesses methodological sophistication, but rather explaining how its epistemological structure may reconstruct contemporary integrative jurisprudence.

Accordingly, this study argues that the present crisis in legal epistemology cannot be resolved by simply reconciling existing schools of Western jurisprudence. Instead, it requires a broader cross-civilizational framework capable of integrating transcendental legitimacy, rational deliberation, substantive justice, historical consciousness, and legal pluralism within a coherent philosophy of law. It is within this intellectual context that *Usul al-Fiqh* is reconstructed not merely as an Islamic methodology of legal reasoning but as the epistemological foundation of Contemporary Integrative Jurisprudence, thereby providing the conceptual basis for an Integrated Philosophy of Law capable of addressing the normative complexities of twenty-first-century global legal governance.

Critical Evaluation of Integrative Jurisprudence

Among the major attempts to overcome the fragmentation of modern legal philosophy, Harold J. Berman's theory of Integrative Jurisprudence occupies a foundational position. Berman's central insight is that law cannot be adequately understood through a single theoretical tradition. Legal positivism, natural law, historical jurisprudence, and sociological approaches each illuminate important dimensions of law, but become theoretically incomplete when they claim exclusive authority over the meaning and validity of law. Berman therefore proposes an integrative approach that brings together *voluntas*, *ratio*, and *memoria*—the dimensions of political will, rationality, and historical consciousness—as mutually constitutive elements of legal understanding.³¹ This

³⁰ Weiss, *The Spirit of Islamic Law*; Hallaq, *An Introduction to Islamic Law*; Kamali, *Principles of Islamic Jurisprudence*.

³¹ Berman, "Toward an Integrative Jurisprudence"; Harold J. Berman, "The Historical Foundations of Law," *Emory Law Journal* 54 (2005): 13.

formulation represents an important movement away from reducing law to institutional command, abstract morality, or social development.

The significance of Berman's project lies precisely in its rejection of theoretical exclusivism. Legal positivism provides institutional validity and legal certainty but may separate legal validity from substantive morality; natural law provides normative and ethical justification but may risk abstracting law from institutional and historical realities; while historical and sociological jurisprudence illuminates the social development and lived dimensions of law but may lack a sufficiently determinate normative foundation. Berman's integrative project attempts to preserve the analytical contribution of each tradition while overcoming the epistemological limitations of their isolation.³² In this respect, integrative jurisprudence offers a valuable conceptual foundation for a jurisprudence that understands law as simultaneously normative, institutional, historical, and moral.

The broader intellectual development of integrative jurisprudence confirms that Berman's proposal should not be understood as a closed theoretical system. Witte and Manzer's discussion of Berman's intellectual legacy demonstrates the continuing significance of his effort to connect law, history, religion, and civilizational development.³³ Similarly, Hurtado and Govern's discussion of integrative jurisprudence illustrates that contemporary legal problems increasingly require frameworks capable of responding simultaneously to diversity and global unity.³⁴ The New Haven School's policy-oriented jurisprudence, as represented by Lasswell and Reisman, likewise demonstrates the importance of examining law in relation to social values, policy objectives, and the broader

³² Berman, "Toward an Integrative Jurisprudence"; Klatt, "Integrative Jurisprudence"; Islamiyati, "Kritik Filsafat Hukum Positivisme Sebagai Upaya Mewujudkan Hukum Yang Berkeadilan."

³³ John Witte Jr and Christopher J. Manzer, "A Prequel to Law and Revolution: A Long Lost Manuscript of Harold J. Berman Comes to Light," *Journal of Law and Religion* 29, no. 1 (February 2014): 142–169, doi:10.1017/jlr.2013.3; Berman, *Faith and Order*.

³⁴ Pablo S. Hurtado and Kevin H. Govern, "Diversity, Global Unity, and the Holy Trinity: Making Sense of World Events Through an Integrative Jurisprudence," 2009, <https://www.semanticscholar.org/paper/Diversity%2C-Global-Unity%2C-and-the-Holy-Trinity%3A-of-Hurtado-Govern/a195af8a9640bf57a98833c499f4e9e5b17af127>.

context in which legal decisions operate.³⁵ These developments indicate that integrative jurisprudence is best understood as an open intellectual project rather than a completed theory.

Nevertheless, precisely because integrative jurisprudence is an open project, its theoretical limits require critical examination. The first limitation concerns its epistemological scope. Berman's reconstruction primarily integrates major traditions within the Western jurisprudential canon. Although this achievement is significant, it leaves open the question of how legal epistemologies originating outside the Western philosophical tradition can participate in the construction of integrative jurisprudence. The problem is not that Western jurisprudence is incapable of engaging other traditions, but that an integrative framework remains incomplete if integration occurs only among theories sharing a broadly common intellectual genealogy. H. Patrick Glenn's account of the world's legal traditions demonstrates that contemporary legal orders are constituted by sustained interaction among multiple legal traditions, none of which can be adequately reduced to a single model of legal rationality.³⁶

The second limitation concerns the source of legal legitimacy. Berman's theory expands legal legitimacy beyond formal institutional authority by incorporating morality and historical experience. However, it does not fully articulate revelation as an autonomous source of normative authority within the structure of legal reasoning. This limitation becomes particularly important in a global legal environment in which religious legal traditions remain socially and politically significant. The relationship between law and religion, therefore, cannot simply be treated as a historical background to modern law. Berman's own broader engagement with the relationship between law and religion indicates the importance of this issue. However, the problem remains theoretically open: how can transcendental normative authority participate in an integrative philosophy of

³⁵ Harold, Lasswell, and W. Reisman, "The New Haven School of International Law : An Invitation to A Policy-Oriented Jurisprudence," 2016, <https://www.semanticscholar.org/paper/The-New-Haven-School-of-International-Law-%3A-An-to-A-Harold-Lasswell/45bb583049f63f8b9d8ac2c0f81e1adacc5fcdec>.

³⁶ Glenn, *Legal Traditions of the World*.

law without undermining rational deliberation, constitutional governance, or legal pluralism?³⁷

The third limitation concerns the teleological dimension of law. Berman's framework successfully connects law with political authority, reason, and historical consciousness, but it requires further development concerning the purposes that law ought to pursue. Contemporary legal systems confront conflicts involving public welfare, human dignity, equality, environmental sustainability, social justice, and competing collective interests. These problems cannot be resolved merely by identifying the institutional source of a rule or reconstructing its historical development. They require a method for determining the normative objectives that should guide legal interpretation and institutional decision-making. The New Haven School's policy-oriented approach demonstrates the importance of values and social consequences in legal reasoning. In contrast, Islamic legal theory offers a more structured teleological vocabulary through the concepts of *maqāṣid al-sharī'ah* and *maṣlaḥah*.³⁸

The fourth limitation concerns the relationship between legal integration and legal pluralism. Overlapping normative regimes, including state law, international law, customary law, religious law, and transnational regulation, characterize contemporary legal orders. Cotterrell's sociological approach emphasizes that law operates within complex social relationships, while Glenn demonstrates the continuing diversity and interaction of legal traditions.³⁹ These perspectives challenge any model that assumes that legal integration necessarily requires the homogenization of legal norms. The central problem is therefore not how to eliminate legal diversity but how to construct principles of interaction among diverse normative orders while maintaining justice, legitimacy, and normative coherence.

³⁷ Berman, *Faith and Order*; Harold Berman, "World Law: An Ecumenical Jurisprudence of the Holy Spirit," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, February 1, 2005), doi:10.2139/ssrn.666143.

³⁸ Harold, Lasswell, and Reisman, "The New Haven School of International Law"; Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law*; Imran Ahsan Khan Nyazee, *Theories of Islamic Law: The Methodology of Ijtihād* (International Institute of Islamic Thought and Islamic Research Institute, 1994).

³⁹ Cotterrell, *The Sociology of Law*; Glenn, *Legal Traditions of the World*.

This issue is particularly important in relation to contemporary constitutional states. An-Na'im's analysis of Islam and the secular state demonstrates that the relationship between Islamic norms, state authority, human rights, and constitutional governance cannot be reduced to a simple opposition between religious law and secular law.⁴⁰ The challenge is instead to develop institutional and epistemological mechanisms through which religiously informed moral reasoning can participate in public legal discourse while respecting the plurality of citizens and the requirements of constitutional legitimacy. This perspective reinforces the argument that an integrative jurisprudence must be capable of accommodating diverse sources of normativity without reducing religious traditions to mere private beliefs or, conversely, imposing a single religious interpretation on pluralistic societies.

The fifth limitation concerns the practical and institutional implementation of integrative jurisprudence. The existing literature identifies the fragmentation of legal education as a significant obstacle to holistic jurisprudential thinking. Berman's project requires legal education to overcome the separation of legal philosophy, legal history, morality, and social context.⁴¹ Hurtado and Govern similarly highlight the challenge of developing integrative approaches that can respond to both diversity and global unity. At the same time, Lasswell and Reisman demonstrate the importance of interdisciplinary and policy-oriented approaches to legal analysis.⁴² These concerns reveal that integrative jurisprudence is not merely a theoretical problem. Its implementation requires transforming the way law is studied, interpreted, and applied.

The preceding limitations, however, should not be understood as a rejection of Berman's contribution. Rather, they demonstrate that the project of integrative jurisprudence remains theoretically unfinished. Berman successfully establishes that law cannot be adequately explained through the isolated categories of positive authority, abstract morality, or historical development. The next step, therefore, is not to abandon

⁴⁰ An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia*.

⁴¹ Berman, "Toward an Integrative Jurisprudence"; Witte Jr and Manzer, "A Prequel to Law and Revolution: A Long Lost Manuscript of Harold J. Berman Comes to Light."

⁴² Hurtado and Govern, "Diversity, Global Unity, and the Holy Trinity"; Harold, Lasswell, and Reisman, "The New Haven School of International Law."

integration but to expand its epistemological scope. Such expansion requires the inclusion of legal traditions capable of contributing additional dimensions of legitimacy, particularly transcendental authority, teleological reasoning, and pluralistic methods of legal interpretation.

It is at this point that *Usul al-Fiqh* provides more than a comparative example. Its significance lies in the possibility of reconstructing the architecture of integrative jurisprudence itself. Islamic legal theory does not organize legal reasoning around a single source of legitimacy. Rather, it establishes a structured relationship among revelation, reason, interpretive methodology, communal authority, moral objectives, and public welfare. Bernard G. Weiss explains the relationship between the sources of Islamic law and the rational processes through which legal norms are derived.⁴³ Kamali demonstrates that *ijtihād*, *qiyās*, *ijmāʿ*, *istiḥsān*, and related methods constitute a sophisticated methodology through which legal reasoning operates within the normative framework of revelation.⁴⁴ Nyazee further emphasizes the methodological structure of *ijtihād* as a rational process of legal discovery, while Hallaq demonstrates the historical complexity and institutional development of Islamic legal theory.⁴⁵

The significance of these principles for integrative jurisprudence lies in their structural relationship, not in superficial analogy. *Ijmāʿ*, for example, cannot simply be equated with modern legal positivism because its normative authority is not derived solely from state institutional power. Likewise, *maṣlaḥah* cannot be equated with utilitarianism, as its objective is not the maximization of aggregate utility in a purely consequentialist sense. Its normative orientation is connected to the broader objectives of Islamic law and the preservation of human welfare within a framework of moral and legal responsibility.⁴⁶ Similarly, *qiyās* should not be reduced to historical jurisprudence merely because both

⁴³ Weiss, *The Spirit of Islamic Law*.

⁴⁴ Kamali, *Principles of Islamic Jurisprudence*.

⁴⁵ Nyazee, *Theories of Islamic Law*; Hallaq, *An Introduction to Islamic Law*; Wael B. Hallaq, *Shariʿa: Theory, Practice, Transformations* (Cambridge, UK ; New York: Cambridge University Press, 2009).

⁴⁶ Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law*; Syamsul Falah and Arif Al Wasim, "Relasi Maqāṣid Dengan Dalil-Dalil Fiqih," *Syariati: Jurnal Studi Al-Qur'an Dan Hukum* 8, no. 2 (November 1, 2022): 189–200, doi:10.32699/syariati.v8i1.3367; Mutakin, "Hubungan maqashid al syari'ah dengan metode istinbath hukum."

involve attention to continuity and analogy. Its operation is structured by a particular theory of legal reasoning that connects an established textual rule with a new case through a legally recognized effective cause.

This distinction is methodologically crucial. The contribution of *Usul al-Fiqh* does not lie in providing one-to-one equivalents for Western legal theories.⁴⁷ Its contribution lies in demonstrating how different sources and modes of legal reasoning can be integrated within a single epistemological architecture while retaining their distinct normative functions. In this sense, *Usul al-Fiqh* offers a model of integration based not upon conceptual assimilation but upon structured interdependence.

On this basis, the present study reconstructs the relationship between *Usul al-Fiqh* and integrative jurisprudence through four interdependent dimensions of legal legitimacy. First, transcendental legitimacy is derived from revelation as the ultimate normative source. Second, rational legitimacy is developed through *ijtihād*, *qiyās*, and other methods of disciplined legal reasoning. Third, teleological legitimacy is articulated through *maqāṣid al-sharīʿah* and the pursuit of justice and human welfare. Fourth, social legitimacy emerges through *ijmāʿ*, *maṣlaḥah*, and the responsiveness of legal reasoning to social realities. These dimensions should not be understood as separate layers but as mutually conditioning elements within an integrated epistemological structure.

This reconstruction, therefore, extends Berman's project in a specific theoretical sense. Berman's *voluntas*, *ratio*, and *memoria* provide an important account of political authority, rationality, and historical consciousness. *Usul al-Fiqh* adds a further epistemological dimension by demonstrating how revelation can function as a source of normative authority while remaining connected to rational interpretation, teleological reasoning, and social adaptation. The result is not the replacement of Berman's integrative jurisprudence but its cross-civilizational reconstruction.

Accordingly, the central argument of this study is that *Usul al-Fiqh* should not merely be described as compatible with integrative jurisprudence. Its deeper contribution is to

⁴⁷ Edi Mulyono and Mahmoud Mohamed Ali Mahmoud Edris, 'From Jurisprudence to Algorithms: The Role of Artificial Intelligence in Contemporary Sharia Financial Decision-Making', *Nusantara: Journal of Law Studies* 4, no. 2 (October 2025): 129-142, <https://doi.org/10.5281/zenodo.17341980>.

provide an epistemological architecture capable of expanding the concept of integration itself. Through the interaction of revelation, reason, justice, morality, historical consciousness, and legal pluralism, *Usul al-Fiqh* makes it possible to conceptualize a form of Contemporary Integrative Jurisprudence that moves beyond the integration of Western legal theories toward an Integrated Philosophy of Law capable of addressing the plural and post-secular character of contemporary global legal governance.

The proposed reconstruction nevertheless requires critical caution. The plurality of Islamic legal schools demonstrates that *Usul al-Fiqh* is not a monolithic system. Differences concerning the authority of *maṣlaḥah*, the scope of *istiḥsān*, the role of customary practice, the boundaries of *ijtihād*, and the relationship between textual fidelity and contextual interpretation reveal significant internal methodological diversity.⁴⁸ Contemporary debates over the renewal of *ijtihād* likewise demonstrate that applying classical legal principles to modern constitutional, technological, economic, and social realities remains contested.⁴⁹ These internal debates do not undermine the possibility of reconstruction. On the contrary, they demonstrate that the epistemological resources of *Usul al-Fiqh* have historically operated through methodological plurality and interpretive contestation.

For this reason, the proposed model should not be understood as a claim that *Usul al-Fiqh* offers a universally predetermined answer to every contemporary legal problem. Rather, its contribution lies in offering a framework for structuring the relationship among different sources of legal legitimacy. Such a framework can preserve normative commitments while allowing rational interpretation, historical consciousness, public welfare, and legal pluralism to participate in the development of law. In this reconstructed form, *Usul al-Fiqh* becomes not merely an object of comparative legal philosophy but a source for the construction of a broader jurisprudential paradigm.

⁴⁸ Kamali, *Principles of Islamic Jurisprudence*; Miftahul Huda, *Filsafat Hukum Islam* (Ponorogo: STAINPo Press, 2006); Siska Lis Sulistiani, "Perbandingan sumber hukum islam," *Tahkim (Jurnal Peradaban dan Hukum Islam)* 1, no. 1 (March 15, 2018), doi:10.29313/tahkim.v1i1.3174.

⁴⁹ Ridwan, "Ijtihad Pada Era Kontemporer (Konteks Pemikiran Islam Dalam Fiqih Dan Maqashid al-Syariah)"; Mustapha and Ali, "Teori Evolutionism Dalam Epistemologi Usul Fiqh Dari Perspektif Barat [The Theory of Evolutionism in the Epistemology of Usul Fiqh From the Western Perspective]"; Pakarti et al., "Perkembangan Ushul Fiqh Di Dunia Kontemporer."

Reconstructing *Usul al-Fiqh* as an Epistemological Architecture

The findings of this study indicate that *Usul al-Fiqh* should not be understood merely as a technical methodology for deriving Islamic legal rulings. Its deeper significance lies in the epistemological relationship it establishes among normative authority, human reason, moral purposes, and social reality. Classical and contemporary scholarship has demonstrated that *Usul al-Fiqh* integrates revelation (*wahy*) with rational inquiry through *ijtihad*, *qiyās*, *ijmāʿ*, *istihsān*, *ʿurf*, and *maṣlaḥah*.⁵⁰ The present study reconstructs these elements as an interconnected epistemological architecture that can contribute to contemporary jurisprudence.

The reconstructed architecture consists of four interdependent dimensions. First, transcendental legitimacy is grounded in revelation, particularly the Qur'an and Sunnah, which provide the normative horizon of legal obligation. Second, rational legitimacy is established through human interpretation and reasoning, particularly *ijtihad* and *qiyās*, which connect general norms with changing circumstances. Third, teleological legitimacy is articulated through *maqāṣid al-sharīʿah* and *maṣlaḥah*, which enable legal reasoning to evaluate whether legal interpretation serves justice, welfare, dignity, and the prevention of harm. Fourth, social legitimacy is reflected in collective reasoning and contextual responsiveness through concepts such as *ijmāʿ*, *ʿurf*, and the recognition of social realities.⁵¹

These dimensions are not independent sources competing for priority. Their significance emerges from their interaction. Revelation provides normative direction; reason mediates interpretation; *maqāṣid* evaluates the purposes and consequences of law; and social reasoning ensures contextual responsiveness. Accordingly, legal legitimacy in the reconstructed model is multidimensional rather than reducible to either formal institutional authority or abstract moral principles.

⁵⁰ Weiss, *The Spirit of Islamic Law*; Kamali, *Principles of Islamic Jurisprudence*; Hallaq, *Sharīʿa*; Nyazee, *Theories of Islamic Law*.

⁵¹ Weiss, *The Spirit of Islamic Law*; Hallaq, *Sharīʿa*; Mehman A. Damirli, "Integrative Jurisprudence from Fuzzy Logic Perspective," in *14th International Conference on Theory and Application of Fuzzy Systems and Soft Computing – ICAFS-2020*, ed. Rafik A. Aliev et al. (Cham: Springer International Publishing, 2021), 198–205, doi:10.1007/978-3-030-64058-3_24.

This architecture also clarifies the distinctive contribution of *Usul al-Fiqh* to integrative jurisprudence. It should not be treated as directly equivalent to any single Western legal theory. *Ijmāʿ*, for example, cannot simply be identified with legal positivism because its authority is embedded within a broader normative framework. Likewise, *maṣlaḥah* cannot be reduced to utilitarianism because the normative purposes of Islamic law condition its concern with welfare.⁵² The analytical significance of these concepts, therefore, lies not in superficial equivalence but in the different functions they perform within a broader epistemology of legal legitimacy.

The architecture further demonstrates that *Usul al-Fiqh* contains a structured relationship between legal certainty and legal adaptability. The distinction between fixed normative principles and areas requiring interpretive reasoning allows legal authority to remain normatively grounded while responding to changing circumstances.⁵³ In this respect, *Usul al-Fiqh* offers an epistemological response to the tension between legal stability and social change that continues to characterize contemporary jurisprudence.

Justice is therefore not an external moral aspiration added to law after the process of legal reasoning has been completed. Through *maqāṣid al-sharīʿah*, *maṣlaḥah*, and related interpretive principles, justice becomes an internal criterion for evaluating the purposes, consequences, and application of legal norms. This does not eliminate disagreement concerning the meaning of justice or public welfare; rather, it provides a methodological structure within which such disagreement can be reasoned and evaluated.⁵⁴

The reconstruction proposed here, therefore, moves beyond the conventional description of *Usul al-Fiqh* as flexible, adaptive, or pluralistic. Its distinctive contribution lies in identifying an epistemological architecture of relational legitimacy:

⁵² Weiss, *The Spirit of Islamic Law*; Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law*.

⁵³ Nyazee, *Theories of Islamic Law*; Lili Rasjidi and Ira Thania Rasjidi, *Dasar-Dasar Filsafat Dan Teori Hukum* (Bandung: PT. Citra Aditya Bakti, 2007); Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (Russell Sage Foundation, 1975).

⁵⁴ Mutakin, “Hubungan maqashid al syari’ah dengan metode istinbath hukum”; Falah and Wasim, “Relasi Maqāṣid Dengan Dalil-Dalil Fiqih”; Huda, *Filsafat Hukum Islam*.

Figure 1. Islamic Legal Reasoning

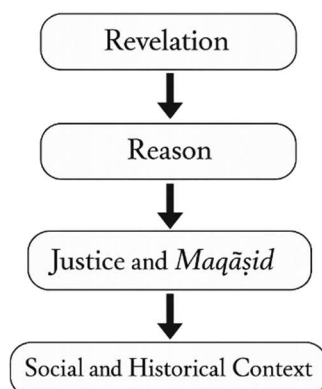


Figure 1 illustrates the conceptual process of Islamic legal reasoning, demonstrating the sequential relationship between revelation, rational inquiry, legal objectives, and contextual application in the formation of legal interpretation. This is not a linear sequence but a mutually corrective relationship. Revelation provides normative limits; reason interprets; *maqāṣid* and justice evaluate; and social and historical contexts inform application. The result is an epistemological structure capable of connecting normative authority with rational inquiry and substantive justice without collapsing one into the other.

In this reconstructed form, *Usul al-Fiqh* provides the epistemological basis for the next stage of the argument: the construction of a model of Contemporary Integrative Jurisprudence. Its contribution is therefore not simply that Islamic legal theory is compatible with existing jurisprudential traditions, but that its internal architecture provides conceptual resources for reconstructing the relationship among law, morality, reason, justice, and legal pluralism.

From Epistemological Architecture to Contemporary Integrative Jurisprudence

The epistemological architecture reconstructed above provides the basis for moving from the study of *Usul al-Fiqh* to the construction of Contemporary Integrative Jurisprudence. The central finding is that integration cannot be achieved merely by juxtaposing different legal theories. It requires an epistemological structure capable of explaining how normative authority, reason, justice, history, and social plurality interact in the formation and application of law.

This finding also reveals the limitation of existing integrative jurisprudence. Harold J. Berman's integration of *voluntas*, *ratio*, and *memoria* makes an important contribution by connecting legal authority, rationality, and historical consciousness.⁵⁵ However, the framework does not fully explain how transcendental revelation may function as an independent source of legal legitimacy, how *maqāṣid al-sharīʿah* may operate as a teleological theory of law, or how religious normativity may engage constructively with global legal pluralism.⁵⁶ The contribution of *Usul al-Fiqh* is therefore not simply to confirm Berman's theory but to extend its epistemological scope.

The reconstructed model integrates five mutually related dimensions:

1. Normative authority provides the foundational basis of legal obligation;
2. Rational interpretation connects general norms with new circumstances;
3. Justice and teleological reasoning evaluate legal purposes and consequences through *maqāṣid* and *maṣlaḥah*;
4. Historical consciousness situates law within tradition and social development, and
5. Legal pluralism recognizes the coexistence of multiple normative orders and communities.

These dimensions form a model of relational legal legitimacy. Legal legitimacy is not located exclusively in formal enactment, moral principle, historical continuity, or social acceptance. It emerges through the interaction of these dimensions. In this framework, revelation provides normative direction, reason provides interpretive mediation, justice provides substantive evaluation, history provides contextual consciousness, and pluralism provides social responsiveness.

The model is therefore not based on one-to-one equivalences between Islamic and Western legal concepts. Instead, it adopts a functional and reconstructive approach. The question is not whether *ijmāʿ* is identical to legal positivism or whether *maṣlaḥah* is identical to utilitarianism, but how different legal traditions address recurring jurisprudential problems concerning authority, reason, justice, and social order. This

⁵⁵ Berman, "Toward an Integrative Jurisprudence"; Klatt, "Integrative Jurisprudence."

⁵⁶ Berman, *Faith and Order*; An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia*; Glenn, *Legal Traditions of the World*.

approach avoids reducing the intellectual complexity of either tradition while enabling constructive dialogue among them.

Figure 2. Reflexive Process of Jurisprudence

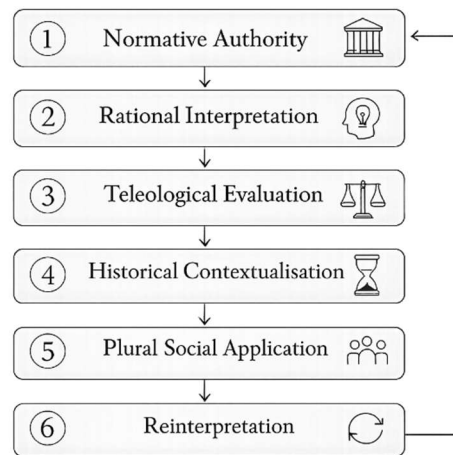


Figure 2 illustrates a conceptual framework for the dynamic process of norm reinterpretation through six interconnected stages. Each stage remains open to correction by the others. Legal interpretation must remain connected to normative authority; normative authority must be interpreted in relation to changing circumstances; legal purposes must be evaluated through the lens of justice and public welfare; and legal application must remain responsive to plural social realities. The model, therefore, transforms *Usul al-Fiqh* from a methodology of legal derivation into an epistemological foundation for an Integrated Philosophy of Law.

Its theoretical contribution lies precisely in this reconstruction. Existing jurisprudential theories tend to privilege one dimension of law: institutional validity, moral normativity, historical continuity, social reality, or practical utility. Contemporary Integrative Jurisprudence, as reconstructed here, seeks to relate these dimensions without reducing them to a single principle. *Usul al-Fiqh* contributes a distinctive epistemological architecture in which transcendental normativity and human reasoning are not mutually exclusive, but are connected through interpretive and teleological methodologies.

Accordingly, the principal novelty of this study is not the claim that *Usul al-Fiqh* is “flexible” or “relevant” to contemporary law—claims that are already well established. Its

originality lies in the proposition that *Usul al-Fiqh* can be reconstructed as the epistemological foundation of Contemporary Integrative Jurisprudence. Through this revelation, reason, justice, morality, historical consciousness, and legal pluralism are integrated into a coherent model of legal legitimacy.

Implications of Contemporary Integrative Jurisprudence for Global Legal Governance

The reconstructed model has implications beyond the relationship between Islamic and Western jurisprudence. Its significance lies in its capacity to respond to the plural and increasingly transnational character of contemporary legal governance. Global legal orders now involve overlapping state, international, religious, customary, transnational, and private normative systems. The central challenge, therefore, is not to establish a single universal legal system, but to develop a framework capable of managing normative plurality while preserving legal legitimacy and substantive justice.⁵⁷

Contemporary Integrative Jurisprudence responds to this challenge through epistemological integration rather than normative uniformity. Different legal traditions may retain their distinctive sources and identities while participating in a shared process of rational justification, moral evaluation, historical contextualization, and social accountability. In this respect, the reconstructed *Usul al-Fiqh* model provides a basis for engaging global legal pluralism without reducing pluralism to relativism.

This framework has three principal implications. First, it provides a basis for evaluating the legitimacy of plural and transnational legal orders. Legal authority cannot be assessed solely by institutional origin or formal validity. It must also be examined in relation to normative justification, rationality, justice, social consequences, and the communities affected by legal decisions. This is particularly important in global governance, where regulatory authority is increasingly exercised beyond the traditional nation-state.⁵⁸

Second, the model provides a framework for addressing post-secular constitutionalism and human rights. The continuing significance of religious values in

⁵⁷ Glenn, *Legal Traditions of the World*; Cotterrell, *The Sociology of Law*.

⁵⁸ Harold, Lasswell, and Reisman, "The New Haven School of International Law"; Cotterrell, *The Sociology of Law*.

public life demonstrates the limitations of approaches that automatically exclude religious reasoning from legal discourse. At the same time, plural societies cannot simply impose a single religious interpretation on all citizens. A dialogical approach is therefore required in which religious and secular traditions participate in public reasoning while remaining open to mutual learning.⁵⁹ The epistemological structure of *Usul al-Fiqh* contributes to this dialogue by connecting normative commitment with rational interpretation and public welfare.

Third, the model offers a jurisprudential framework for emerging global challenges, including artificial intelligence, digital governance, environmental justice, and sustainable development. These issues involve not only technical questions of regulation but also fundamental questions concerning human dignity, responsibility, public welfare, intergenerational justice, and the distribution of risks. Through the interaction of *ijtihād*, *maqāṣid al-sharīʿah*, *maṣlaḥah*, and contextual reasoning, *Usul al-Fiqh* provides conceptual resources for relating general normative principles to unprecedented circumstances.⁶⁰

The model also has implications for legal education and jurisprudential scholarship. The fragmentation of legal knowledge identified by Berman remains a significant obstacle to integrative legal thought.⁶¹ A genuinely integrative jurisprudence requires dialogue among legal doctrine, philosophy, history, ethics, sociology, and comparative legal traditions. In this context, *Usul al-Fiqh* should not be treated merely as a specialized subject within Islamic legal studies, but as a source of jurisprudential theory capable of contributing to broader debates concerning legal legitimacy and justice.

The proposed model should not, however, be interpreted as a claim that *Usul al-Fiqh* provides a universal formula or that Islamic legal rules should be imposed upon all legal communities. Its contribution is epistemological rather than imperial. It offers a way of

⁵⁹ Habermas, “Contributions to a Discourse Theory of Law and Democracy”; An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia*.

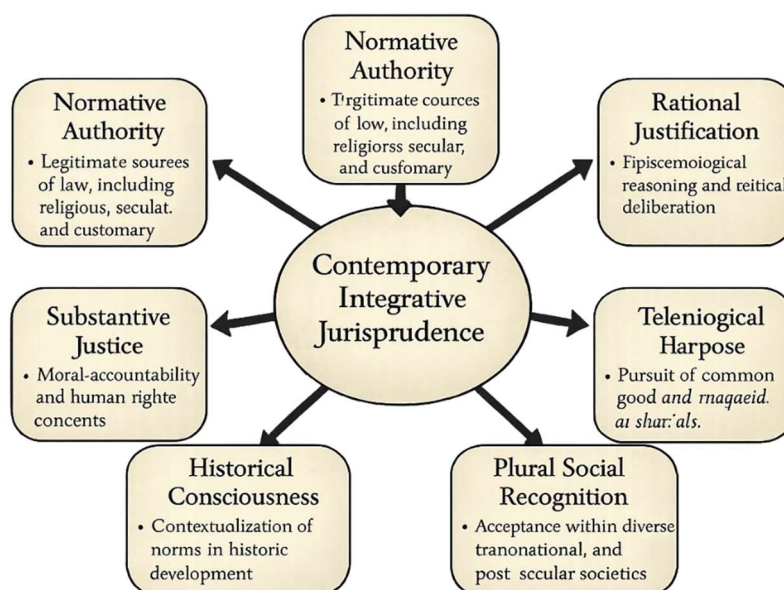
⁶⁰ Kamali, *Principles of Islamic Jurisprudence*; Nyazee, *Theories of Islamic Law*; Falah and Wasim, “Relasi Maqāṣid Dengan Dalil-Dalil Fiqih.”

⁶¹ Berman, “Toward an Integrative Jurisprudence”; Witte Jr and Manzer, “A Prequel to Law and Revolution: A Long Lost Manuscript of Harold J. Berman Comes to Light”; *ibid*.

relating transcendental normativity, rational interpretation, substantive justice, and social plurality without requiring the elimination of differences among legal traditions.

The broader implication of this study is therefore the development of a cross-civilizational jurisprudence. Contemporary Integrative Jurisprudence does not seek to replace existing theories but to reconstruct the relationships among their central concerns. It recognizes the importance of institutional legality, moral reasoning, historical consciousness, social reality, and transcendental normativity while subjecting each to dialogue with the others.⁶² In this model, the legitimacy of global law depends upon the interaction of six elements: normative authority, rational justification, teleological purpose, historical consciousness, and plural social recognition. The model thus offers an Integrated Philosophy of Law capable of addressing the epistemological fragmentation identified in this study.

Figure 3. Integrative Jurisprudence



Source: by Authors, 2026

⁶² Glenn, *Legal Traditions of the World*; Habermas, "Contributions to a Discourse Theory of Law and Democracy"; Weiss, *The Spirit of Islamic Law*; Salah Eldin Ragab Semida et al., "From Remedial to Preventive Justice: A Contemporary Reframing of Civil Liability in Islamic and Comparative Law," *MILRev: Metro Islamic Law Review* 5, no. 1 (May 19, 2026): 722-52, doi:10.32332/milrev.v5i1.13126.

Figure 3 presents the model of Contemporary Integrative Jurisprudence for Global Legal Governance, which conceptualizes legal legitimacy as the result of the interaction among six interrelated dimensions: normative authority, rational justification, substantive justice, teleological purpose, historical consciousness, and plural social recognition. Unlike approaches that prioritize normative uniformity, this model offers an epistemological architecture that integrates transcendental normativity with rational reasoning, moral evaluation, historical contextualization, and social pluralism. Through this framework, various legal traditions—including state law, international law, religious law, customary law, and transnational legal regimes—can retain their respective identities and sources of legitimacy while participating in a dialogical and inclusive process of legal justification.

This model forms a framework of cross-civilizational jurisprudence that is relevant for addressing the challenges of contemporary global legal governance, such as constitutional pluralism, the protection of human rights, digital governance, artificial intelligence, environmental justice, and sustainable development. In this context, the primary contribution of *Usul al-Fiqh* lies not in providing a single universal codification of substantive law, but rather in providing an epistemological architecture that enables the negotiation of differences, the evaluation of legal consequences, and the integration of various sources of normativity. Therefore, within a post-secular and pluralistic global governance landscape, this model provides a foundation for the development of jurisprudence grounded in normative legitimacy, open to rationality, responsive to moral values, historically conscious, and capable of sustainably accommodating institutional and social diversity.

CONCLUSION

This study concludes that the main challenge facing contemporary jurisprudence lies not in the weaknesses of any particular legal tradition, but rather in the failure to integrate various sources of legal legitimacy into a coherent philosophy of law. In response to this challenge, this study reconstructs *Usul al-Fiqh* not only as a methodology for the *istinbāt* of Islamic law but as the epistemological architecture for Contemporary

Integrative Jurisprudence. This reconstruction yields a conceptual model of the Integrated Philosophy of Law that connects six main dimensions of legal legitimacy: normative authority through revelation, rational reasoning through *ijtihād*, substantive justice as an evaluative standard, teleological orientation through *maqāṣid al-sharī'ah* and *maṣlaḥah*, historical awareness through the development of legal traditions, and legal pluralism as a response to social and institutional diversity. These six dimensions are positioned as an epistemological unity that interacts with one another, thereby producing a framework of legal legitimacy that is more comprehensive than conventional jurisprudential approaches.

Theoretically, this study expands the scope of integrative jurisprudence by introducing a revelation-based legal epistemology as a dimension that complements the relationship between law, morality, rationality, history, and legal pluralism. The contribution of *Usul al-Fiqh* is not understood as an attempt to offer a universal legal codification, but rather as an epistemological framework for evaluating competing legal claims through a dialogue among normative authority, rationality, justice, legal purposes, historical context, and pluralistic social recognition. This model is relevant to various contemporary global legal governance issues, such as constitutional pluralism, human rights, transnational regulation, the governance of artificial intelligence and digital technology, environmental justice, and cross-border dispute resolution. Thus, the originality of this research lies in its success in reconstructing *Usul al-Fiqh* as the epistemological foundation of the Integrated Philosophy of Law, which is capable of bridging Islamic and Western legal traditions within the framework of *cross-civilizational jurisprudence*, while also opening up an agenda for further research to test the implementation of this model in various fields of 21st-century contemporary law.

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AUTHOR CONTRIBUTIONS STATEMENT

Abdul Mun'im contributed to the conceptualization of the study, the development of the research framework, and the refinement of the theoretical analysis. Rohmad Nurhuda was responsible for conducting the literature review, coordinating the methodological design, and synthesizing the primary and secondary sources. Lukman Santoso assisted with data interpretation, comparative analysis of scholarly perspectives, and articulation of the study's critical arguments. Rohmad Nurhuda and Lukman Santoso contributed to drafting and structuring the manuscript, ensuring coherence between the theoretical discussion and contemporary socio-legal contexts. They also supported the validation of findings, provided editorial revisions, and contributed to shaping the implications.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interest regarding the research, authorship, or publication of this article. All authors have contributed independently and objectively, without any financial, institutional, or personal interests that could influence the integrity and outcomes of the study.

AI USAGE STATEMENT

This article utilized artificial intelligence (AI) tools solely for language refinement, grammar improvement, and formatting assistance. All conceptual development, data interpretation, analytical arguments, and conclusions were generated entirely by the authors. The authors reviewed and verified all AI-assisted outputs to ensure accuracy, originality, and alignment with academic integrity standards. No AI tools were used to generate research ideas, conduct analyses, or draw conclusions.

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