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Rethinking of contemporary Islamic law methodology: Critical study of Muhammad Shahrūr's thinking on Islamic law sources

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This study examined the contemporary ijtihād paradigm, especially in understanding the Islamic law sources, according to Muḥammad Shaḥrūr. This study focused on answering two things, namely Shaḥrūr's thinking in understanding the sources of contemporary Islamic law and compared it with the opinions of 'ulamā (Muslim scholars in Islamic law). An explorative method was used to explore the Shaḥrūr's thinking in understanding the contemporary Islamic law sources, and a comparative method was used to analyse it using 'ulamā's methodology. This research study used an Islamic law methodology (uṣūl al-fiqh) approach. This study concluded that the Shaḥrūr's thinking in understanding the sources of contemporary Islamic law is not comprehensive and less of combination among sources and propositions used by 'ulamā. Etymology understanding is most dominant in his methodology. In addition, there are some misunderstandings on Islamic law concepts raised by 'ulamā.

Contribution: This research enriched the study of contemporary Islamic law in responding to challenges of different times. Shaḥrūr offered a new paradigm that in al-Quran, the laws have certain limits and they should not be violated. The sunnah was divided into two parts, the changing and the unchanging. Qiyas is an analogy with the problems that happen now with those that happened in the past. And ijma is an agreement from people who have authority in certain matters.

Keywords: Ijtihad; Qirāat; al-Quran; Sunnah; Ijma; Qiyas; al-Kitāb; al-Nubuwwah; al-Risālah.

Introduction

Understanding of a theory not only leads people to concrete explanations or to things that are concrete and set out in detail, but also gives rise to philosophical explanation. In this case, legal theory is also included in such reasoning. It wanted to continue pursuing issues of a legal nature. As stated by Radbruch, the task of legal theory is to make it clear that the values produced by legal postulates come to the highest philosophical ground (Raharjo 1996).

Legal theory cannot be separated from the socio-historical situation which it raised. This legal theory is often seen as an answer provided to legal problems or to challenge a dominant legal thought at one time (Raharjo 1996). Therefore, although legal theory wishes to say one thought universally, it should be noted that this theory emerged and developed according to its socio-historical background. Thus, legal theories should not be separated from the context of the time they appeared. So it is better if a theory is understood along with the thoughts and socio-cultural conditions that underlie it. The theories born in one century deal with the problems that existed at that time and are not the characteristic of problems for another century (Purkon 2003).

This issue became one of Shaḥrūr's worries when he saw the stagnation of thought in Islamic world. Shaḥrūr emphasised the need for jurists to develop new legal theories according to the socio-cultural background and objective scientific knowledge of the contemporary period. History records that these efforts to reform the law have not always gone smoothly or acceptable to the society and the holders of legal authority consisting of scholars and rulers, although it is necessary to question whether legal authority must exist and must be controlled by certain parties (Esha 2001).

Starting from the belief that Islam is always relevant at any time and place, Shaḥrūr argues that every generation of Muslims must treat the holy book as the totality of revelations that have just been revealed and with the assumption that as if the Prophet Muhammad (PBUH) had just died.

An attitude like this will direct the understanding of Muslims to *al-Kitāb* always contextual and relevant in all situations and conditions. In line with this attitude, Muslims must desacralise all the products of interpretation produced by previous scholars because in essence, the sacred is only the text of the holy book itself (Shaḥrūr 2000).

Shaḥrūr is a modern scholar and is often called a liberal because his legal thinking tends to be different from the established conventional Islamic law (Clark 2007). However in methodology, it can be said that Shaḥrūr never came out with texts. He often only has dialectics with texts using a linguistic approach (Mujahidin 2012). Therefore, Shaḥrūr's thinking academically deserves to be critically appreciated as a product of modern Islamic law methodology that offered a new approach in understanding religious texts, especially in the Islamic law.

Literature review

There are several articles that examine Muḥammad Shaḥrūr's method of al-Qurān interpretation. Sahiron Syamsuddinin's dissertation contained debates between Shaḥrūr and his critics. Abdul Mustaqim explained Muḥammad Shaḥrūr's method of al-Qurān interpretation. He did not discuss the methodology of Shaḥrūr's *fiqh*. The examples presented in this article are problems outside of fiqh, namely the concepts of Shahwat, Faith and Islam (Mustaqim 2003). Burhanuddin explored the study of relevance and the possible role of Shaḥrūr theory boundaries in the development of Islamic law epistemology in Indonesia. The Shaḥrūr boundary theory discussed descriptively without any analysis of the concept (Burhanuddin 2002).

M. Amin Abdullah, in the book *Neo Uṣūl al-fiqh Menuju Ijtihād Kontekstual,* did not specifically discuss the methodology of Shaḥrūr fiqh, but the discussion is more focused on alternative offers for the development of contemporary *uṣūl al-fiqh*. The methodology offered by Shaḥrūr is discussed descriptively without any comprehensive analysis or comparison with the opinions of the scholars (Abdullah 2002). In thesis written by Imam Syaukani, the concept of Shaḥrūrfiqh methodology is mentioned as an example for the reconstruction of modern methodology; however, there is no analysis of the concept (Syaukani 2006).

This article explored and analysed comprehensively the Shaḥrūr's thinking in understanding the sources of contemporary Islamic law and compared it with the opinions of *'ulamā* (Muslim scholars in Islamic law).

Methods

This study used the library research. The library research was conducted by gathering data from sources of bibliography related to the topic.

The data obtained from primary and secondary sources are classified according to their proportions, and then processed using exploratory and comparative methods. This research used an Islamic law methodology (*uṣūl al-fiqh*) approach. The data related to the study problem are described systematically and objectively, and then analysed using content analysis techniques.

Results and discussion
Rethinking of contemporary *Ijtihād* paradigm

According to Shaḥrūr, there were several problems in laying the Islamic jurisprudence foundations in second-century Hijriyyah, including socio-religious problems. There is a view that the time of Prophet and the four caliphs was the time of Islam. All things in the form of decisions, teachings, commands and prohibitions that have been implemented in it are the essence of Islam. The problem here is that the time of Prophet and his companions with all their dimensions, ethics and culture have become part of religion. Therefore, Islam turned into a temporal religion that lost its universality.

In addition, in laying the foundations of Islamic jurisprudence in the second-century Hijriyyah, there were political problems. When the standardisation of the basics of Islamic jurisprudence was carried out, war raged between the Abbasiyyah and Umayyah. The war had a major impact on the Islamic law. And no less important is the language problem. The codification of *hadith*, *tafsir* and the determination of *ushul fiqh* are performed simultaneously with the codification of language (*nahwu* and *sharf*). The *nahwu* rule has overcome the rules of semantics and content of meaning. According to the problems, Shaḥrūr argued that Muslims must lay down new foundations if they want to produce a new Islamic jurisprudence.

Shaḥrūr argued that *ijtihād* in its strict linguistic sense was not related to the concept of interpretation. *Ijtihād* is a process in which the language of law is used to produce certain laws according to a certain time and place so that it may result in a different law, in another place and time. Meanwhile, interpretation includes changes in the meaning of an ambiguous text so that two perceptions or more than one word are the same (Shaḥrūr 2000).

It seems that Shaḥrūr did not define *ijtihād* comprehensively. What is explained is only one part of *ijtihād*, namely *ijtihād taṭbīqī*. *Ijtihād taṭbīqī* is *ijtihād* in the application of law. While *ijtihād istinbāṭī*, which is the activity of *ijtihād* which seeks to extract the law from predetermined arguments, Shaḥrūr seems to be more defined as *qirāat* (Shaḥrūr 2000).

In relation to *ijtihād* and interpretation, there are two words that the Shaḥrūr often mentions, namely *qirāat* and *mu'āṣirah*. *Qirāat* (reading) is an effort to find evidence, contemplate, find, describe and analyse a problem. After all these have been performed, one comes to understand what one reads. Reading in this sense is different from the general meaning of reading, which is reading calligraphy and understanding letter forms, even though this can lead to deduction or interpretation that is no longer satisfying (Shaḥrūr 2000).

The Muslim scholars set several conditions that *mujtahid* must have, namely having adequate knowledge of the al-Qurān and *sunnah*, knowing the issues that became the *ijmā'* of previous Muslim scholars, and mastering the science of *uṣūl al-fiqh* and Arabic (Zuḥailī 2004).

Shaḥrūr mentioned several conditions that need to be considered when carrying out *ijtihād* or interpretation, especially those relating to contemporary issues. Some of the conditions are that Arabic must be understood as a language free from synonymity of any linguistic text, whether sourced from the al-Qurān, and must be understood based on logical premises. Legal authorities must have an understanding of the basics of scientific knowledge at their time, and master economic and social laws and consider the products of scientists' natural thinking such as mathematics, medicine, astronomy, physics and chemistry, because the scientists are the main partners in determining the law. Besides that, one must stick to the principles of *qiyās al-shāhid 'alā al-syahid* supported by objective material evidence before issuing any legal decisions. In this context, legal determinants must cooperate with survey experts or competent statistical data managers. If one of the factors changes, especially the objective conditions surrounding a legal event, the law that has been decided must be reviewed (Shaḥrūr 2000).

Some of the requirements for ijtihād that were put forward by Shaḥrūr were actually covered by two conditions put forward by Muslim scholars, namely mastering Arabic and the science of *uṣūl al-fiqh*. Basically, *ijtihād* is carried out in the face of problems the laws of which are not explained in the al-Qurān or the *ḥadīth*. In other words, *ijtihād* applies in matters for which there is no text, it also applies to problems for which there is a text but is not certain for that matter (Syarifuddin 2000).

Rethinking of *Ijtihād* legal source
Al-Qurān
Shaḥrūr began his study of the al-Qurān by analysing several words that were considered important and main points contained in al-Qurān. The analysis conducted by Shaḥrūr was more linguistic. Shaḥrūr assumed that there were no synonyms in the language included in the al-Qurān (Yusuf 2014). However, in several places, Shaḥrūr was less consistent in this respect; for example, equating the meaning of *al-sab'u al-mathānī* and *sab'an min al-mathānī*, or the word *al-Qurān* with *al-hadīth* and *hadīth*.

Shaḥrūr started his discussion by presenting the definition of the *al-Kitāb*. What is meant by the term *al-Kitāb* in the view of Shaḥrūr is the collection of all objects of revelation that Allah delivered to Muhammad PBUH, which includes the textual form of revelation and its contents. *Al-Kitāb* consists of all the verses that have been compiled in the *Muṣḥaf* from *Sūrah al-Fātiḥah* to the end of *Sūrah al-Nās* (Shaḥrūr 2000).

The al-Qurān as understood by the majority of Muslims, in Shaḥrūr's opinion, called the *al-Kitāb*. However, in several places in his book, Shaḥrūr still uses the term *al-Qurān* for the meaning of *al-Kitāb*. This can lead to the perception that Shaḥrūr is inconsistent in using the term *al-Kitāb* (Shaḥrūr 2000). And in understanding the concepts in the al-Qurān, it seems that Shaḥrūr prioritises understanding etymology and pays less attention to how the concept is used in the *sunnah* and *tafsīr* as opined by Muslim scholars, even though the etymological understanding is often biased (Wathani 2018). According to *ulama*, *al-Kitāb* is another name for al-Qurān (al-Suyūṭī 1979 & Shihab 2000).

Al-Kitāb was revealed to Muhammad PBUH in his capacity as Prophet and Messenger at the same time. *Al-Kitāb* has a composition in accordance with the prophetic and apostolic position. Therefore, the *al-Kitāb* is divided into two major parts, namely *al-nubuwwah* and *al-risālah*. In the context of *al-Kitāb*, *al-nubuwwah* is understood as accumulated knowledge that was revealed to Muhammad Saw who later positioned him as a Prophet. The concept of *al-Nubuwwah* includes all information (*al-akhbār*) and scientific knowledge (*al-ma'lūmāt*) contained in the *al-Kitāb*, which also functions as a differentiator between what is right and what is false or between the truth of reality (*al-ḥaqīqah*) and presumption only (*al-wahm*) (Shaḥrūr 2000).

In general, Shaḥrūr explained that in the provisions of Allah mentioned in the *al-Kitāb* and the *Sunnah*, there are lower and upper limits for all mankind actions. The lower limit is the minimum boundary required by law in special cases, while the upper limit is the maximum boundary. The actions less than minimum limit, as well as those that exceed the maximum limit, are not valid. When these limits are breached, penalties must be imposed in proportion to the violation that occurred. Thus, humans can perform dynamic movements within predetermined limits. By understanding this theory, many legal provisions will be generated (Abdullah 2002).

Based on his legal verses study, Shaḥrūr constructed six forms of the limit theory, which are as follows:

Firstly, a legal provision that only has a lower limit (*al-ḥadd al-adnā*). This happens in terms of mentioning women who cannot be married, various types of forbidden food, debts and receivables, and about women's clothing. The author argues that ijtihād in this case means *ijtihād taṭbīqī*, that is, an attempt to apply the law extracted from the text to the law object. The scope of *ijtihād taṭbīqī* is the application of laws contained in the *al-Qurān* and the *sunnah* to events, incidents or problems that arise in a society. As for *istinbāṭī*, the law taken is as stated in the verse in question. Because this is *ijtihād is taṭbīqī*, it is casuistic and temporal in nature. So, the law that must be taken is the law mentioned in the verse (al-Shāṭibī 2003).

Secondly, a legal provision that only has an upper limit. This applies to theft and murder crime. The punishment of cutting off a hand for a thief is the highest punishment; therefore, a punishment that is heavier than that cannot be given.

However, in the case of theft, it can provide a lower penalty. In the concept of Islamic criminal law, there are terms *ḥudūd* and *ta'zīr*. *Ḥudūd* is a punishment determined by Allah. The point defined here is that both quantity and quality are determined. And *ta'zīr* is a punishment, whose quality and quantity are based on the policies of the power holders, according to the situation and conditions (Awdah 1992 & Sanad 1991).

Thirdly, a legal provision that has both an upper and lower limit. This provision applies to inheritance law and polygamy.

Fourthly, the legal provisions where the lower and upper limit is one point. There is no legal alternative, neither less nor more than what has been determined.

Fifthly, a legal provision has an upper and lower limit but cannot be touched because it means that someone has fallen into Allah's prohibition. This form is applied in social relationships between men and women, which start from not touching each other (lower limit) to relationships that are close to adultery. If a man and a woman approach adultery but have not committed adultery, then both of them have not fallen into the Allah's boundaries.

Sixthly, a legal provision that has an upper and lower limit, where the upper limit is positive (+) or cannot be exceeded, while the lower limit is negative (−) or may be exceeded. This applies to material relations among humans. The upper limit that is positive (+) (should not be exceeded) is usury, while zakat is the lower limit which is negative (−) (may be exceeded). This lower limit may be exceeded with various forms of alms besides *zakāt*. The position in the middle between the positive upper limit and the negative lower limit is the value of zero, namely benevolent loans (*al-qarḍ al-ḥasan*), which is to provide loans without charging interest (usury) (Shaḥrūr 2000).

Sunnah

Shaḥrūr argues that the definition of *sunnah* is generally understood to be wrong. The definition that the Prophet's *sunnah* is something that comes from the Prophet in the form of words, actions, orders, prohibitions and provisions (al-Khāṭib 1975) is somewhat wrong. This definition is not the one given by the Prophet himself or his companions, so that it can be accepted or rejected. This definition is stagnant among Muslims. The Prophet and his companions never knew this definition for *sunnah*. And the basis for determining the Sharia in Islam is the *al-Kitāb* and the *sunnah* (with an updated definition) not the *al-Kitāb* and *Hadīth* (Shaḥrūr 2000).

Sunnah, according to Shaḥrūr, is the method of applying the laws of *umm al-Kitāb* easily without going out of the limitations of Allah's law in matters related to *ḥudūd* or to establishing temporal local boundaries in matters outside *ḥudūd*. This effort is made by paying attention to the real reality, space, time and objective conditions, which become the area and space for the application of these laws while remaining based on the word of Allah (Shaḥrūr 2000).

When analysed, the actual definition of *sunnah* that has been understood so far is something that comes from the Prophet in the form of words, deeds, provisions or characteristics, which is a general definition. The definition put forward by Shaḥrūr is part of that definition that is related to the function of the *sunnah*.

Shaḥrūr divided the *sunnah* into two kinds, namely the *sunnah risālah* and *sunnah nubuwwah*, as the theoretical framework he used from the beginning. *Sunnah risālah*, like the *al-Kitāb*, can be differentiated into *al-ḥudūd* (boundaries in law), worship, morals and teachings (*al-ta'līmāt*). As for the *sunnah nubuwwah*, Shaḥrūr divided it into two types, namely those relating to unseen issues and to explanation of *tafṣīl al-Kitāb*; so according to him, understanding *ḥadīth* must be based on understanding the *al-Kitāb* and not the otherwise (Shaḥrūr 2000).

The criteria for each category of *sunnah* distribution mentioned by Shaḥrūr are not clear. This division seems to view only the essence of the *sunnah*, not in terms of coming (*wurūd*). One of the sunnah functions is the limitation of the absolute (*taqyīd al-muṭlaq*) and the denial of the restricted (*iṭlāq al-muqayyad*) within the area of *al-ḥalāl* (something permissible). It seems that the *mutlaq* and *muqayyad* definitions meant by Shahrur are different from those put forward by the *ushul al-fiqh* scholars. In *ushul al-fiqh*, *mutlaq* is defined as a text that shows the substance of something without mentioning a limiting provision. Even *muqayyad* is defined, among other things, as a text, which shows the substance of something that is limited by a provision. These restrictions and legalisations illustrate the shaping dimension for the fluctuations in the growth and development of society in a general frame that limits the area of *al-ḥarām* (something prohibited) and the area of *al-ḥalāl* (Shaḥrūr 2000).

According to Shaḥrūr, *Sunnah* is also a stipulation of the Prophet's *ijtihād* in the legalised area, regardless of whether the source is prophetic, which is not part of Islamic law, but is only a civil law (*qānūn madanī*) which is subject to social conditions. This means that the Prophet during his lifetime established laws for civilians to organise the society in legalised territories and to establish Arab governments and societies in the seventh century. Because of that, it is not eternal even though there are hundreds of *ḥadīth mutawātir* and *ḥadīth ṣaḥīḥ* that tell about it. From some of the *sunnah* characteristics, it seems that Shaḥrūr only saw the Prophet's *sunnah* which was the result of the Prophet's *ijtihād* apart from revelation. The issue of the Prophet's *ijtihād* has long been a matter of debate among scholars. This discussion of the Prophet's *ijtihād* seems quite broad and convoluted. Theoretically, the scholars generally agree that the Prophet's *ijtihād* occurs in worldly matters, such as in determining war tactics and strategies as well as decisions related to disputes. Although theoretically there is some kind of agreement, but from a religious perspective, the Ulama have different opinions on all issues (Shawkānī 1995).

Therefore, according to Shaḥrūr, there is a very clear difference between prohibiting (*al-nahy*) and *ḥarām* (*al-taḥrīm*). *Ḥalal* and *ḥarām* are *tauqīfī* (guidance) from Allah alone, while commands and prohibitions are shared rights between Allah and humans. Allah justifies and forbids as well as rules and prohibits, whereas humans only rule and forbid (Shaḥrūr 2000).

In *uṣūl al-fiqh*, it is explained that many phrases are used by the *Al-Qurān* and the *Sunnah* to show *ḥarām*. Among these phrases are demands that directly use the word *al-taḥrīm* and which are similar to it, *ṣīghat al-nahy*, demands to stay away from an act, word *lā yaḥillu*, an act accompanied by the threat of punishment both in the world and in the hereafter and every word that shows a denial that is fit to a job (Zuḥailī 2004).

In *uṣūl al-fiqh*, the functions of *sunnah* towards the al-Qurān are grouped into three, namely, the *sunnah* which serves to strengthen what has been stipulated by the al-Qurān, clarifies or details what has been outlined in the al-Qurān and establishes laws that have not been regulated explicitly in the al-Qurān (Khallāf 1978).

At this level, it seems that Shaḥrūr does not pay attention to the main problem which is the standard of the *Sunnah*, namely *sanad*. Shaḥrūr only saw the *sunnah* from the side of its content as a product of the *ijtihād* of a (Prophet) Muhammad PBUH in practising the al-Qurān in his time. If care is not taken, this will lead to desacralisation of the entire *sunnah*, so it becomes relative and temporary.

Contemporary *Ijmā'* formulations

Shaḥrūr explained that *ijmā'* is the consensus of a majority of people who approve the law relating to their interests and they comply with the results of this consensus by implementing it (Shaḥrūr 2000). Therefore, the people's representative council, independent legal institutions and freedom of expression are inseparable parts of the Islamic political system which cannot be implemented without the support of the *ijmā'* democratic concept. This concept needs to be understood as the true concept of legal democracy *ijmā'* and freedom of opinion within the limits of God's law (Shaḥrūr 2000).

Ijmā' is, thus, an agreement of people who are still living under the legislation in the form of orders (*amr*), prohibitions (*nahy*), acquisition (*simāḥ*) and prevention (*man'u*), and has nothing to do with things that are clearly forbidden by Allah. The things that are clearly forbidden are as follows: associating partners with Allah, disobeying parents, killing children, committing heinous acts (*al-fawāhish*), adultery, homosexual acts, killing someone without justified reasons, wrongdoing with orphans, cheating in scales, not acting fairly, breaking a promise to Allah, marry *muḥrim* (which is prohibited to marry), practicing usury, and eating food that is forbidden. *Ijmā'* like this can be performed, for example, in situations such as banning cigarettes after it is known that these are poisonous. This can be carried out by giving *fatwās*, by state assembly and parliament. Likewise, polygamy,

which may be banned if consciously decided on by a person or a society by holding a referendum or through parliament, but it is not *taḥrīm* (Shahrur 2001).

In the history of Islam, the formation of this law has been known since the beginning, namely, the existence of the Medina Charter which was made by the Prophet Muhammad. If we look closely at the Medina Charter, it actually uses the language of laws as it is known in modern times (Zahrah 1997).

On this basis, Shaḥrūr emphasised that what was performed by the Prophet must be carried out again by the people's representative assembly in maintaining the boundaries of Allah's law regarding *ḥarām*, limiting things that are *mubah* then absolutes it again and in the case of a change from one legal provision to another within the scope of the legal limits established by Allah. All of these things can be realised in the hands of the assembly members, in addition to the advisory board consisting of scholars from all fields who attend the assembly by prioritising statistics, data and evidence.

Ijmā' is defined by Muslim scholars as a consensus between all Muslim *mujtahid* at a time after the Prophet died on a sharia law regarding a case (Khallāf 1978).

Shaḥrūr seems to have narrowed the meaning of *ijmā'* further from the meaning of *ijmā'* put forward by a majority of Muslim scholars. Shaḥrūr's understanding of *ijmā'* leaned more towards a *qānūn* understanding. Because of this, the harshness of *ijmā'* as understood by Shaḥrūr is not as strong as the *ijmā'* defined by Muslim scholars. *Ijmā'* defined by Shaḥrūr is more relative and temporary.

Contemporary *Qiyās* formulations

Shaḥrūr argues that defining *qiyās* by analogising things that occur in the present (*al-shāhid*) with events that occurred in the past (*al-ghayb*) is wrong and unfair. The analogy of the problems of modern society with the problems faced by society at the time of the Prophet (PBUH) cannot be justified because this would only lead to dubious and vague conclusions. Shaḥrūr stated that the definition of *qiyās* is a measure of something or a party that is present now with something else that is also present at the present time within the boundaries of God's law (Shaḥrūr 2000).

The first evidence consists of material evidence that is objective in nature, while the second evidence is a human society with an interest in being analogous to that which is alive today. For example, in the smoking prohibition law, the position of the first evidence is medical data and statistical survey results on the problem of smoking, while the second evidence is the human society that will accept the application of the prohibition law. In this case, what must be considered is that the events that occur in humans can have similarities; however, the laws that are applied to

them are not always suitable to be applied, in general (Shaḥrūr 2000).

Thus, *qiyās* is an analogy based on material and scientific evidence put forward by natural scientists, sociologists, statisticians and economists. So, they are the authentic advisors to the legislative and political authorities, not religious scholars and *fatwā* institutions. Based on these evidence, permitting (*simāḥ*) or prohibition (*man'*) of something can be determined, but this is not prohibition (*taḥlīl*) or prohibition (*taḥrīm*) (Shaḥrūr 2001).

According to the author, Shaḥrūr misunderstood the *qiyās* explained by the Muslim scholars. Muslim scholars explained that *qiyās* analogise the law, which is not mentioned in the text with the law mentioned in the text (Zuḥailī 2004). *Qiyās* is not analogising something that is happening now with something that happened in the Prophet's time, as understood by Shaḥrūr. The object of analogy in *qiyās* can be something that is happening right now. So, the measure is not the time of occurrence, but whether there is a legal appointment of the text to the matter in question.

Conclusion

From the above discussion, the authors concluded that firstly, there are no synonyms in the al-Qurān. Each word has its own meaning. In establishing the law, the al-Qurān established boundaries that should not be violated. Sunnah is a method of applying the laws of *umm al-Kitab* easily without going outside the boundaries of Allah's law in matters related to the *hadd* or to set local temporal boundaries in matters outside the *hadd*. This effort is carried out by taking into account the real reality, space, time and objective conditions that become the territory and space for the application of the law. *Ijmā'* is consensus of a majority of people who agree on a draft law related to their interests, and they comply with the results of this consensus by implementing the law. *Qiyās* is an analogy based on material and scientific evidence proposed by natural scientists, sociologists, statisticians and economists. They are authentic advisors for the legislative and political authorities, not religious scholars and fatwa institutions.

Secondly, the concept of *ijtihād* offered by Shaḥrūr still does not appear to be comprehensive, and there are misunderstandings regarding some concepts explained by Muslim scholars in Islamic law, namely, the definition of *al-Qurān*, *sunnah*, *ijmā'* and *qiyās*. The basic concepts related to Islamic law are not given definite explanations or measurements so that they are easy to understand. Therefore, the author recommends that there is a need for a continuous study of *ijtihād* so that Islamic *fiqh* is always felt to be actual and not out of date. This study needs to be carried out in a comprehensive and in-depth manner, without neglecting the corridors established by Muslim scholars. The opinions of previous Muslim scholars are still used as a source of reference.

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