



Induction and Its Relevance to the Transformation of Sharia Economic Law in Indonesia: A Study of Four Madhhabs

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Abstract

This research aims to determine the existence and urgency of induction in the methodology of Islamic law of the four schools of jurisprudence and its relevance to the transformation of Sharia economic law in Indonesia. This study falls under the category of normative Islamic legal research using a conceptual and philosophical approach. Primary data is sourced from the foundational books of Islamic jurisprudence of the four schools: "*al-Mahsul*" by Al-Razi (Shafi'i), "*Syarh Tanqih al-Fusul*" and "*al-Furuq*" by Al-Qurafi (Maliki), "*Taqrib al-Usul*" by Ibn Juzay (Hanbali), and "*Al-Muwafaqat*" by Al-Shatibi (Maliki). The data is analyzed comparatively and prescriptively using inductive logic and reasoning. The research demonstrates that the existence of induction in the methodology of Islamic law among the four schools is most prominent as Islamic legal inference (*istidlal*). The urgency of induction as a methodology in Islamic law is relevant to efforts to transform Sharia economic law within Indonesian law. There are four principles of jurisprudence as products of Islamic thought influenced by inductive logic, which legitimize the fatwas of the National Sharia Board of the Indonesian Ulema Council (DSN-MUI), such as Fatwa No. 135/DSN-MUI/V/2020 on Shares, Fatwa No. 116/DSN-MUI/IX/2017 on Sharia Electronic Money, Law No. 41 of 2004 on Endowments, Article 16 paragraph (3) concerning endowed property such as money, and Supreme Court Regulation No. 2 of 2008 on the Compilation of Sharia Economic Law, Articles 112-115 (Book II) regulating *Bai al-Wafa*. This research can enhance understanding of inductive logic in Islamic law within Islamic higher education institutions as well as for Sharia Courts and the fatwas of the DSN-MUI.

Keywords: Induction, Sharia Economic Law, Madhhab.

Abstrak

Penelitian ini bertujuan untuk mengetahui eksistensi dan urgensi induksi dalam metodologi hukum Islam ulama empat mazhab serta relevansinya dengan transformasi hukum ekonomi syariah di Indonesia. Penelitian ini termasuk ke dalam jenis penelitian hukum Islam normatif dengan menggunakan pendekatan konseptual dan filosofis. Data primer dari kitab ushul fikih ulama empat mazhab: "*al-Mahsul*" karya Al-Razi (Ulama Syafiiyah), "*Syarh Tanqih al-Fusul*" dan "*al-Furuq*" karya Al-Qurafi (Malikiah), "*Taqrib al-Usul*" karya Ibnu Juzay (Hanabilah), "*Al-Muwafaqat*" karya Al-Syatibi (Malikiah). Data dianalisis dengan komparatif dan preskriptif dengan logika dan penalaran induktif. Penelitian ini menunjukan eksistensi induksi dalam metodologi hukum Islam ulama empat mazhab yang paling banyak adalah sebagai inferensi hukum Islam (*istidlal*). Adapun urgensi induksi sebagai metodologi hukum Islam ini terdapat relevansinya dengan upaya transformasi hukum ekonomi syariah ke dalam hukum Indonesia. Terdapat empat kaidah fikih sebagai produk Islam bercorak logika induktif yang melegitimasi fatwa DSN-MUI No. 135/DSN-MUI/V/2020 tentang Saham, fatwa DSN-MUI No. 116/DSN-MUI/IX/2017 tentang Uang Elektronik Syariah, UU. No. 41 Tahun 2004 tentang Wakaf Pasal 16 ayat (3) tentang objek harta yang diwakafkan seperti uang, dan Peraturan Mahkamah Agung No. 2 Tahun 2008 tentang Kompilasi Hukum Ekonomi Syariah Pasal 112-115 (Buku II) yang mengatur tentang *Bai al-Wafa*. Penelitian ini dapat meningkatkan pemahaman logika induksi dalam hukum Islam di Perguruan Tinggi Keislaman serta bagi Pengadilan Agama dan fatwa DSN-MUI.

Kata Kunci: Induksi, Hukum Ekonomi Syariah, Madzhab.



Introduction

As a legal theory, the term induction (*istiqra*) was not known during the time of the Prophet Muhammad (peace be upon him). At that time, the use of logic was not necessary because all matters were directly handled by him with the guidance of revelation. Similarly, during the time of his companions, the term induction was not needed because they could resolve all issues without the need for legal theories or specific principles. The same applied during the time of the Tabi'in, as they received direct education from the companions in resolving issues. However, during the time of the Tabi' al-Tabi'in, with the expansion of Islam and the influence of interactions between Arabs and non-Arabs, legal principles became necessary to address issues that had not previously occurred. These principles were needed by the Mujtahids to understand the messages of the Qur'an and Hadith proportionally.¹

The role of principles of Islamic jurisprudence (*usul fiqh*) is crucial in understanding Islamic law. *Usul fiqh* serves as the methodology, while Islamic jurisprudence (*fiqh*) is the substance, and both are integral in the effort to comprehend Islamic law. Scholars have debated the position of induction as a legal argument within *usul al fiqh*. Therefore, through the study of induction, this research aims to address these debates and connect them to the efforts of transforming Islamic law, including issues of Sharia economic law, within the context of national law in Indonesia

Several studies on inductive logic have been conducted by previous researchers. However, most have focused on the integralistic induction (*istiqra maknawi*) of al-Syatibi. Explicitly, induction mentioned in "al-Muwafaqat" by Al-Syatibi is another term for induction in philosophy.² *Istiqra* is found in the books of *usul al fiqh* and there are several examples of its application in Islamic jurisprudence.³ Through the analysis of *istiqra al-maknawi* proposed by al-Syatibi, legislative drafts on issues such as sirri marriage, mut'ah marriage, and polygamy can be strengthened based on public interest (*maslahah*).⁴ The concept of *istiqra maknawi* does not provide specific real-life examples, even though it is explicitly mentioned in the sub-discussion of his writing regarding the relevance of *istiqra maknawi* to the development of contemporary Islamic law.⁵ An example of the application of *istiqra maknawi* relates to legal verses, such as those concerning female leadership and testimony, through historical and sociological analysis.⁶

According to al-Syatibi and Ibn Ashur, the validity of induction can uncover the fundamental principles of evidence based on *maqasid sharia*.⁷ The method of *istiqra* in writing legal maxim used by Tajuddin al-Subki, as seen in his work "*al-Asybah wa al-Nazair*".⁸ *Istiqra*

¹ A. Yasid, "Logika Induktif dan Deduktif dalam Tradisi Pemikiran Usul Fikih," *Jurnal Ilmu Syari'ah dan Hukum* 46, no. 1 (2012): 1–26., p. 4.

² Asmuni M. Th, "Penalaran Induktif dan Perumusan Al-Maqasid Syatibi Menuju Ijtihad yang Dinamis," *Unisia* 26, no. 48 (2003): 166–80, <https://doi.org/10.20885/unisia.vol26.iss48.art6>.

³ Nukman Jugaim, "Al-Istiqra Inda Al-Usuliyin," *Al-Tajdid : Majallah Fikriah*, 2006.

⁴ Amirudin Nurjaman, "Kajian Metodologi Al-Istiqra'asy-Syâaibi dan Relevansinya dengan Perkembangan Hukum Islam di Indonesia" (IAIN Syekh Nurjati Cirebon, 2011), <http://repository.syekhnurjati.ac.id/2517/>.

⁵ Duski, "Metode Penetapan Hukum Islam Menurut Al-Syâhibî (Suatu Kajian tentang Konsep Al-Istiqra Al-Ma'nawi)," *Al-'Adalah* XI, no. 2 (2013): 205–21.

⁶ Moh. Fahimul Fuad, "Asy-Syatibi dan Konsep *Istiqra* Maknawi (Sebuah Upaya Pengembangan Hukum Islam)," *As-Salam* 3, No. 1 (2013): 1–22.

⁷ Muhammad bin Yaminah, "Hujjiyat Al-Istiqra Fi Al-Kasyf an Al-Maqasid Al-Syariah Inda Al-Syatibi Wa Ibn Asyur" (Jamiah Adrar Kuliyat al-Ulum al-Ijtimaiah wa al-Ulum al-Islamiah, 2009).

⁸ Safriadi, "Istiqra dan Penerapannya terhadap Al-Qawaid Al-Fiqhiyyah," *Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 5, No. 2 (2018): 93–108, <https://doi.org/10.29300/mzn.v5i2.1439>.

maknawi is a form of judicial reasoning based on multiculturalism.⁹ Induction is a rational argument. According to al-Syatibi, it is *istiqla maknawi*. A law produced through the method of *istiqla* is definitive (*qat'i*). This means it stands on the basis of transitioning from partial (*zanni*) to universal (*kulli*) definitive law.¹⁰ Complete induction (*istiqla kamil*) is included in analogy (*qiyas*).¹¹ The thoughts of al-Syatibi contain the meaning of induction.¹² In the realm of *usul fiqh*, inductive logic is frequently employed by the Hanafi school, while deductive logic is utilized by scholars of the *mutakallimin* school.¹³ Induction can also be related to the results of empirical arguments that can be obtained through interviews.¹⁴

The existence of induction in several *usul fiqh* references and its urgency as a methodology of Islamic law have sparked debates among scholars of the four schools of thought. However, previous research has not addressed this issue. Moreover, a specific study of induction holds relevance to the ongoing efforts to transform contemporary Sharia economic law in Indonesia. This research aims to respond to the role of induction in the methodology of Islamic law. Therefore, the objective of this study is to determine the existence and urgency of induction in the methodology of Islamic law according to the scholars of the four schools of thought and its relevance to the transformation of contemporary Sharia economic law into Indonesian law.

Method

This research falls under the category of normative Islamic legal research, which pertains to the science of legal maxims (*qawaid fiqh*) and principles of Islamic jurisprudence (*qawaid usul fiqh*).¹⁵ The approach of this research is both conceptual and philosophical. The method used in this study employs inductive analysis.¹⁶

The primary sources of this research refer to the references of *usul fiqh* books from the four schools of thought including "*al-Mahsul*" by Al-Razi (d. 606 H), "*Syarh Tanqih al-Fusul*" and "*al-Furuq*" by Al-Qurafi (d. 684 H), "*Taqrib al-Usul*" by Ibn Juzay (d. 741 H), "*al-Muwafaqat*" by Al-Syatibi (d. 790 H), "*al-Bahr al-Muhit*" by Al-Zarkasyi (d. 794 H), "*al-Tahbir Syarh al-Tahrir*" by al-Mardawi (d. 885 H), "*al-Taqrir wa al-Tahbir*" by al-Halabi (d. 879 H), "*Gayat al-Wusul*" by Al-Sunaiki (d. 926 H), "*Mukhtasar al-Tahrir*" by Ibn al-Najjar (d. 972 H)

The data collection technique for this research is document study of primary sources. Ensuring the validity of data in this research involves carefully examining the authenticity and reliability of the data, primarily through primary sources. Meanwhile, the data analysis uses comparative and prescriptive analysis with inductive logic and reasoning. This includes

⁹ Isman & Yahya, "*Istiqla Al-Maknawi: A Multicultural Judicial Reasoning*," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, No. 1 (2022): 95–116, <https://doi.org/10.18326/ijtihad.v22i1.95-116>.

¹⁰ Yunus Suwalihi, "*Al-Istiqla Fi Manahij Al-Nazr Al-Islami: Numuzuj Al-Muwafaqat Li Al-Imam Al-Syatibi*," *Islamiah Al-Makrifah, Al-Adad Al-Rabi*, n.d.

¹¹ Yahya Muhammad, "*Mauqif Al-Mufakkir Al-Sadr Min Al-Istiqla Al-Arsiti Al-Kamil*," n.d., 1–16.

¹² Rahmawati & Budiman, *Logika Induktif dalam Penemuan Hukum Islam, Kontribusi Pemikiran Asy-Syatibi dalam Ilmu Ushul Fiqh*, ed. Fikri, Cet-1 (Yogyakarta: Trust Media Publishing, 2018), [http://repository.iainpare.ac.id/id/eprint/617%0Ahttp://repository.iainpare.ac.id/617/1/Logika Induktif dalam Penemuan Hukum Islam.Pdf](http://repository.iainpare.ac.id/id/eprint/617%0Ahttp://repository.iainpare.ac.id/617/1/Logika%20Induktif%20dalam%20Penemuan%20Hukum%20Islam.Pdf).

¹³ A. Yasid, "*Logika Induktif dan Deduktif dalam Tradisi Pemikiran Usul Fikih*."

¹⁴ Mashudi Mashudi, "*Kontribusi Metode Istiqla Dalam Program Vasektomi (Mop)*," *Iqtisad* 4, no. 2 (2017): 49–72, <https://doi.org/10.31942/iq.v4i2.2629>.

¹⁵ Faisar Ananda Arfa & Watni Marpaung, *Metode Penelitian Hukum Islam*, Edisi Revi (Jakarta: Jakarta: Prenadamedia Group, 2018). p. 53.

¹⁶ Abdurrahman Misno BP & Ahmad Rifai, *Metode Penelitian Muamalah*, ed. R.A. Hadwitia (Jakarta: Jakarta: Salemba Diniah, 2018). p. 45.

comparing the views of scholars from the four schools of thought regarding induction to derive an inductive theory of Islamic law that can be applied in a diverse society, such as in Indonesia

Definition of induction and its application in the Islamic law

Ibn Manzur explains that, according to the language, the term induction (*istiqra*) derives from the word “*al-Qarwu*” (القرو), which means purpose and tracking (القصد والتتبع).¹⁷ The term induction initially appears in the discussions of logic. However, it has also developed within the field of *usul fiqh*. Below are some examples of definitions of *istiqra* according to various scholars. Imam al-Ghazali defines it as follows: “*You investigate many parts that have a general meaning, so if you find a legal judgment in those parts, you apply that judgment to the whole.*”¹⁸

al-Ghazali provides an example of induction in *fiqh* with the statement, “*If the witr prayer were obligatory, it could not be performed on a vehicle.*” This raises a question: “*How do you know that obligatory prayers cannot be performed on a vehicle?*” This can be answered with *istiqra juz’iat al-fardi* (induction from the parts of obligatory prayers), such as the regular Sunnah prayers, funeral prayers, and make-up prayers (*qadha* prayer). Imam al-Ghazali considers induction to be similar to the type of rational proof found in the discussion of logic.¹⁹

Muhammad Rawas Qalahji defines induction both linguistically and terminologically as follows: Linguistically, induction means searching for a reading or following something and gathering it to understand its specifics. Terminologically, *istiqra* means applying a ruling comprehensively to a matter based on its occurrence in the majority of its parts.²⁰

Ali al-Jurjani defines induction as follows: induction is a comprehensive ruling that applies to most of its parts. It is referred to as applying to most parts because if the ruling were present in all parts, it would not be called induction but rather *qiyas muqassam*.²¹

The term induction originally comes from the field of logic and is known as induction. Aristotle was the first to introduce this term. According to Mahmud Fahmi Zaidan, Aristotle described it as follows: “*induction is the formation of a general proposition not through deduction (istinbat), but by using partial examples where the truth of the general proposition can be established, or by proving that the proposition is believed to be true and can be demonstrated in each partial case empirically.*”²²

Induction is one of the general thinking processes, alongside deduction. Both serve as methods of legal inference (*istidlal*). The difference lies in their direction of reasoning: induction moves from specific facts to general legal principles, whereas deduction moves from general principles to specific conclusions.²³

The mention of inductive reasoning is specifically related to the logic used in *usul fiqh*. Inductive logic is employed to draw conclusions from specific cases, forming general conclusions. This is in contrast to deductive logic, which is used to derive conclusions from general principles to specific cases. In other words, the role of inductive logic is to induce

¹⁷ Ibnu Manzur, *Lisan Al-Arab* (Kairo: Kairo : Dar al-Maarif, n.d.), p. 3616.

¹⁸ Abu Hamid Al-Gazali, *Mi'yar Al-Ilm (Fi Fann Al-Mantiq)*, Cet-1 (Jeddah: Dar al-Minhaj, 2016), p. 184.

¹⁹ Atiq Musa, “*Dalil Al-Istiqra Wa Asaruhu Fi Al-Syariah Al-Islamiah Bab Al-Ibadat*” (Jamiah al-Jazair, 2001), p. 37.

²⁰ Muhammad Rawas Qalahji, *Mu'jam Lughat Al-Fuqaha*, Cet-1 (Beirut-Libanon: Dar al-Nafais, 1996), hlm. 44.

²¹ Ali Al-Jurjani, *Mu'jam Al-Ta'rifat* (Kairo-Mesir: Dar al-Fadilah, 1988), <https://waqfeya.net/book.php?bid=6427>. p.18.

²² Mahmud Fahmi Zaidan, *Al-Istiqra Wa Al-Manhaj Al-Ilmi* (Dar al-Jamiah al-Misriah, 1977), p. 27.

²³ Yaul Mawi, *Al-Mantiq Wa Falsafat Al-Ulum* (Kairo-Mesir: Daru Nahdah, n.d.), p. 346.

specific legal cases into theories and legal principles. Conversely, deductive logic deduces general principles related to the extraction of laws for specific legal cases.²⁴

Nurudin Mukhtar al-Khadimi explains that the objectives of induction are twofold 1) To discover universal *fiqh* principles (*kulliyah*) that are derived from the process of induction, 2) To apply rulings through analogy (*qiyas*) and connect them to principles, laws (*qanun*), and universal rulings that can be concluded through induction.²⁵

From the objectives of induction, it can be concluded that *fiqh* principles utilize inductive reasoning in Islamic legal thought. Additionally, induction can serve as a tool to connect with the method of analogy as a basis for enacting laws in a country. This is relevant to the efforts of integrating Islamic law into national legislation.

The existence of induction in the methodology of Islamic law among the four schools of thought.

Al-Razi (d. 606 H) explained that induction is among the debated legal evidences. Within it includes equity (*istishab al-hal, istihsan*), the opinions (*qaul*) of the companions, establishing a law by taking a more lenient opinion (*isbat al-ahkam ala al-akhzi bi aqalla ma qila*), adopting a more lenient opinion out of two, induction which has a presumptive status (*dzanni*), namely establishing a universal law (*kulli*) because it establishes some of its particulars, consideration of public interest (*maslahah mursalah*), legal inference as there is no evidence indicating its law, establishing evidence that may serve as a guide in solving jurisprudential issues.²⁶

Ibn Qudamah (d. 620 H) explains induction as part of legal inference. Legal inference is an expression concerning the investigation of partial matters to establish similar laws. For example, the witr prayer is not obligatory because it can be performed while riding a vehicle. Whereas, the obligatory prayers cannot be performed while riding a vehicle. If there is a question why the obligatory prayers cannot be performed while riding a vehicle? Then the answer lies in legal inference, because qada prayers, and vows cannot be performed while riding a vehicle either.²⁷ In this regard, Ibn Qudamah does not mention any other than induction as having a position as legal inference. What is mentioned only relates to the debated position of legal evidence, namely revelatory laws before Islam, the consensus of the companions if there is no opposition, equity, and *maslahah mursalah*. This implies the specific legal inference of induction.

Al-Qurafi (d. 684 H) explains that induction *a* is among the legal evidence, totaling 19. Apart from induction, these include the Quran, Hadith, consensus of the community, consensus of the people of Madinah, analogy, the sayings of the companions, *maslahah mursalah*, presumption of continuity, *baraatul asliah*, custom, induction, blocking the means (*sadd al-zarai*), legal inference, equity, adopting the more lenient opinion, infallibility, consensus of the people of Kufah, consensus of the family of the Prophet, consensus of the four caliphs. According to Al-Qurafi, induction involves applying partial laws to situations that contain assumptions.²⁸

²⁴ A. Yasid, "Logika Induktif dan Deduktif dalam Tradisi Pemikiran Usul Fikih.", hlm. 11.

²⁵ Nur al-Din Mukhtar Al-Khadimi, *Al-Istiqra' Wa Dawruh Fi Ma`rifah Al-Maqasid Al-Shar`iyyah*, Cet-1 (Riyad: Maktabah al-Rusyid, 2007), hlm. 29-30.

²⁶ Fakhrudin Al-Razi, *Al-Mahsul Fi Ilm Usul Al-Fiqh (6)* (Muassasah al-Risalah, n.d.), hlm. 161-178.

²⁷ Ibnu Qudamah, *Raudat Al-Nazir Wa Jannat Al-Munazir Fi Usul Al-Fiq (1)*, Cet-1 (Makkah al-Mukarramah: Al-Maktabah al-Makkiah, 1989), hlm. 95.

²⁸ Syihabudin Al-Qurafi, *Syarh Tanqih Al-Fusul Fikhtisar Al-Mahsul Fi Al-Usul* (Beirut-Libanon: Dar al-Fikr, 2004), hlm. 350-352.

Al-Baidawi (d. 685 H) refers to induction as a debatable method in Islamic jurisprudence. He gives an example that the witr prayer can be performed while riding a conveyance, based on the induction of several obligatory prayers. Acting upon this induction becomes a necessity, relying on the hadith: "*we judge something based on clear evidence.*" Besides induction, other debated legal evidences in Islam include legal maxims: "*the original ruling regarding benefits is permissibility and regarding harms is prohibition.*" According to al-Baidawi, this maxim can also be referred to as legal inference. Additionally, other legal evidence in Islam includes presumption of continuity, adopting the most lenient opinion of Imam Shafi'i if no evidence is found, as well as unattested traditions and the absence of evidence.

Ibn Juzay (d. 741 H) explains that induction is considered a type of legal evidence based on reason. Besides induction, there are also analogy and representation. Ibn Juzay defines induction by observing the law in the majority of individual cases, then finding a situation that suggests that this situation applies to all individual cases.²⁹

Al-Asfahani (d. 749 H) mentions induction as one of the debatable methods in Islamic legal evidence. According to him, induction involves establishing a universal law based on its partial application. al-Asfahani refers to it as assumed induction. For example, he states that the prayer of Witr is not obligatory because, according to consensus, it can be performed while riding a vehicle. Based on induction, no obligatory prayer can be performed while riding a vehicle. Therefore, this induction does not have definitive legal strength, as its conclusions are probabilistic.³⁰ According to al-Asfahani, apart from induction, other debatable methods in Islamic legal evidence are similar to those mentioned earlier by al-Baidawi.

According to Al-Syatibi (d. 790 H), universal induction results in definitive legal rulings. He considers universal induction to be certain evidence. According to him, induction is a method of establishing Shariah rulings.³¹ The legal evidence based on induction belongs to the intergalactic induction type (*mutawatir maknawi*).³² Induction yields knowledge. It resembles intergalactic induction.³³ The obligation of the five daily prayers and others is established based solely on induction.³⁴

The universal law in induction is valid, even if some of its partial laws are missing.³⁵ Induction explains that the principles in the Quran and Sunnah are complete.³⁶ Sharia evidence and perfect induction can be considered in the principles of Sharia.³⁷

Al-Zarkasyi (d. 794 H) mentions induction as part of the debated evidence in Islamic law among scholars. He defines induction as the exploration of partial issues to determine their legal status within the scope of those partial issues.³⁸ Al-Zarkasyi also divides induction into two types: perfect induction and imperfect induction. *First*, perfect induction, according to him, is establishing the legal status of partial issues to apply them universally. This perfect induction is known in logic as rational analogy and can serve as evidence without any

²⁹ Ibnu Juzay, *Taqrib Al-Wusul Ila Ilmi Al-Usul*, Cet-2 (Madinah, 2002), p. 114.

³⁰ Syamsudin Al-Asfahani, *Syarh Al-Minhaj Li Al-Baidawi Fi Ilm Al-Usul*, Cet-1 (Riyad: Maktabah al-Rusyd, 1999), p. 759-760.

³¹ Abu Ishak Al-Syatibi, *Al-Muwafaqat (1)* (Daru Ibnu Affan, 1997), p. 18.

³² Al-Syatibi., hlm, 28.

³³ Abu Ishak Al-Syatibi, *Al-Muwafaqat (2)*, Cet-1 (Saudi Arabia: Saudi Arabia : Daru Ibnu Affan, 1997), p 13.

³⁴ Al-Syatibi, *Al-Muwafaqat (1)*., p, 29.

³⁵ Al-Syatibi, *Al-Muwafaqat (2)*., p. 84.

³⁶ Abu Ishak Al-Syatibi, *Al-Muwafaqat (4)*, Cet-1 (Saudi Arabia: Daru Ibnu Affan, 1997), p. 350.

³⁷ Abu Ishak Al-Syatibi, *Al-Muwafaqat (5)*, Cet-1 (Saudi Arabia: Daru Ibnu Affan, 1997), p. 179.

³⁸ Badruidn Al-Zarkasyi, *Al-Bahr Al-Muhit Fi Usul Al-Fiqh (6)*, Cet-2 (Kuwait: Wazarah al-Auqaf wa al-Syuun al-Islamiah wa al-Auqaf wa al-Da'wah wa al-Irsyad, 1992), p. 10.

disagreement among scholars. Al-Zarkasyi provides an example of perfect induction with the obligatory prayers performed five times a day or the voluntary prayers (*salat sunnah*). For both types of prayers, one must perform ablution (*wudu*) beforehand (while in a state of ritual purity). This requirement is established based on conclusive evidence. It is mentioned as such because when a law is established for each detailed part, it is also established for each of those parts globally. *Second*, imperfect induction, according to him, establishes universal laws based on several partial issues without requiring all of them to be gathered.

Al-Zarkasyi mentions that Imam al-Shafi'i considered this type of induction acceptable as evidence. He gave an example regarding the customary menstruation age of a woman at nine years old. Similarly, he discussed the shortest and longest possible durations of menstruation.³⁹

Furthermore, Al-Zarkasyi provides another example related to the outcomes of this induction regarding linguistic issues in the science of Islamic jurisprudence, such as the indication of obligation from the imperative form and the indication of prohibition from the prohibitive form, general expressions, exceptions, and others. All of these are derived based on induction from the statements of the Arabs using a linguistic and grammatical approach.⁴⁰

Al-Mardawi (d. 885 H) mentions induction as legal inference. Al-Mardawi interprets legal inference linguistically as seeking evidence. Meanwhile, according to terminology, it refers to citing evidence, whether found in the Quran, Hadith, consensus, analogy, or others. This represents the general meaning of legal inference. However, what is meant here is a specific meaning, namely applying a law for which evidence is not found in the Quran, Hadith, consensus, or analogy, or the existence of such evidence is debated by scholars, such as equity, and others.⁴¹

Induction according to al-Mardawi is the tracing of universal issues from partial issues in order to establish their rulings with universal laws. Similar to other scholars (such as al-Zarkashi), al-Mardawi divides induction into two types: perfect induction and imperfect induction. This induction can be used as evidence according to the consensus of the scholars.⁴²

Similar to what was stated by al-Zarkashi, al-Mardawi also provides several examples in Arabic produced through the method of induction, such as linguistic issues in the science of *usul fiqh*, including general principles and specific principles, variance and redundancy, literal and metaphorical meanings, explicit and clear texts, as well as implied and expressed meanings.⁴³

Al-Sunaiki (d. 926 H) regarded induction as a legal inference, meaning evidence not found in the Qur'an and Hadith, consensus, and analogy. According to al-Sunaiki, induction is a partial investigation into universal laws to establish their rulings. He divides induction into two types. *Firstly*, perfect induction, meaning all of its partial aspects contain disputes. Nonetheless, it yields definite rulings. *Secondly*, imperfect induction, meaning the majority of its partial aspects lack disputes. Imperfect induction leads to presumptive decisions, as there is a possibility of contradiction with its investigative results. Besides induction, according to al-Sunaiki, this legal inference includes presumption of continuity (*istishab*), not opting for the

³⁹ Al-Zarkasyi., p. 11.

⁴⁰ Badrudin Al-Zarkasyi, *Al-Bahr Al-Muhitfi Usul Al-Fiqh (1)*, Cet-2 (Kuwait: Wazarah al-Auqaf wa al-Syuun al-Islamiah, 1992)., p. 14.

⁴¹ Alaudin Al-Mardawi, *Al-Tahbir Syarh Al-Tahrir Fi Usul Al-Fiqh* (Riyad: Maktabah al-Rusyd, n.d.). p. 3739.

⁴² Al-Mardawi. p. 3788.

⁴³ Al-Mardawi., p. 88.

lighter or heavier ruling, the original ruling in benefits is permissible, and the original ruling in harms is prohibited, equity, the opinions of companions, and inspiration.⁴⁴

Next, Ibn al-Najjar (d. 972 H) regarded induction as a legal inference, but it is encompassed within presumption of continuity. Ibn al-Najjar's discussion of this induction is quite straightforward. According to him, legal inference involves investigating partial laws with universal laws. Like other scholars, he also divides it into two types: perfect induction and imperfect induction. Perfect induction yields definite rulings, while imperfect induction is characterized by presumption. Imperfect induction is also known by the term "equating the ruling of the specific with the ruling of the general."⁴⁵

Sure, here's a concise table outlining the existence of induction in the methodology of Islamic law according to the four major schools of thought:

Table 1. Induction Methodology in Islamic Law

No	Induction in the Methodology of Islamic Law: The Scholars of the Four Schools			
	Hanafiah	Malikiah	Syafiiyah	Hanabilah
1.		Al-Qurafi (d. 684 H): Evidence of legislated law.	Al-Razi (d. 606 H): Evidence of Islamic law subject to debate.	Ibn Qudamah (d. 620 H): Legal inference (<i>Istidlal</i>)
2		Ibn Juzay (d. 741 H): Evidence of rational law.	Al-Baidawi (d. 685 H): Evidence of law subject to debate.	Al-Mardawi (d. 885 H): <i>Istidlal</i>
		Al-Syatibi (d. 790 H): Definite (certain) evidence."	Al-Asfahani (d. 749 H): Evidence of law subject to debate.	Al-Halabi (d. 879 H): Legal inference (<i>Istidlal</i>).
3			Al-Zarkasyi (d. 794 H): Evidence of law subject to debate.	Ibn al-Najjar (d. 972 H): Legal inference (<i>Istidlal</i>)
4			Al-Sunaiki (d. 926 H): Legal inference (<i>Istidlal</i>).	

The philosophical implication of the explanation in the table is that the existence of induction in the references of *usul fiqh* of the four schools of thought is more closely associated with a part of legal inference. Induction in Islamic legal methodology is fundamentally linked to legal inference, making it essential for deriving legal rulings that are comprehensive and applicable to various situations.

Hanafi School acknowledges the existence of induction, particularly in presumption of continuity and analogy. Maliki School accepts induction, especially in presumption of continuity, analogy, and equity. Shafi'i School recognizes induction in presumption of continuity, analogy, and equity, but focuses more on analogy. Hanbali School refers to

⁴⁴ Zainudin Al-Sunaiki, *Gayat Al-Wusul Ila Syarh Lubb Al-Usul* (Kuwait: Dar al-Diya, n.d.), p. 747, 752).

⁴⁵ Ibnu Najjar, *Mukhtasar Al-Tahrir Fi Usul Al-Fiqh*, Cet-1 (Saudi Arabia: Maktabah Dar al-Arqam, 2000), p. 236.

induction as part of presumption of continuity and analogy, although their approach is more conservative.

Hanafis explicitly do not mention induction, but they discuss legal inference. For example, al-Jassas (d. 370 H) defines legal inference as "*the effort to seek evidence and contemplate it to reach the knowledge it indicates.*" Al-Jassas then divides legal inference into two types. *First*, legal inference related to obtaining knowledge through rational evidence. *Second*, the necessity of mastering opinions and the predominance of presumption, without necessarily reaching the true knowledge being sought. This relates to the ruling of an event derived through the method of *ijtihad* (independent legal reasoning).⁴⁶

Urgency of induction in Islamic legal methodology and its relevance to the transformation of contemporary Sharia Economic Law in Indonesia

Induction holds a significant place in the methodology of Islamic jurisprudence various Islamic schools of thought. It involves deriving universal principles from specific instances, thereby allowing scholars to develop broader legal rulings. This methodology not only provides a systematic approach to understanding and applying Islamic law but also ensures that legal principles remain relevant and adaptable to new circumstances.

The urgency of induction in Islamic legal methodology cannot be overstated, particularly in the context of contemporary Sharia economic law in Indonesia. By enabling scholars to derive universal principles from specific instances, induction ensures that Islamic law remains adaptable and relevant to modern economic realities. This methodology supports the development of a robust and dynamic Sharia-compliant economic framework that can meet the challenges and opportunities of the contemporary financial landscape.

The effort to transform Islamic law into national law can enrich national law to be on par with other recognized laws in this country. This endeavor implies an adjustment in accordance with the culture and the spirit of the goals of the Unitary State of the Republic of Indonesia (NKRI).⁴⁷ The effort to transform Islamic law into national law in Indonesia is realized through the issuance of several regulations regarding *zakat*, *hajj*, *waqf*, and *sharia* banking. This is part of an effort to incorporate teachings that align with the spirit of Pancasila.⁴⁸

The effort to transform Islamic law into national law in Indonesia aligns with the integration effort. The Compilation of Islamic Law (KHI) serves as an example of integrating Islamic law into national law. Similarly, the amendment of Law Number 7 of 1987 to Law Number 3 of 2006 grants broader duties and authority to the Religious Courts to examine, decide, and resolve cases involving the Muslim community.⁴⁹

The effort to transform and integrate Islamic law into national law must avoid authoritarian and discriminatory attitudes. This is to ensure that the transformation and integration do not lose their function as a means of spreading compassion. The effort to transform and integrate Islamic law into national law must avoid authoritarian and

⁴⁶ Ahmad Al-Jassas, *Al-Fusul Fi Al-Usul* (4), Cet-2 (Wazarah al-Auqaf wa al-Syuun al-Islamiah, 1994), p. 10.

⁴⁷ Ahmad Yani and Megawati Barthos, "Transforming Islamic Law in Indonesia from a Legal Political Perspective," *Al-Ahkam* 30, No. 2 (2020): 159–78, <https://doi.org/10.21580/ahkam.2020.30.2.6333>, p. 163-164.

⁴⁸ Zainal Arifin Hoesein, "Transformation of Islamic Law on the National Legal System in Indonesian Constitutional Perspective," *UUM Journal of Legal Studies*, n.d., 77–109, <https://doi.org/10.32890/uumjls.3.2012.4550>, p. 106.

⁴⁹ M. Mu'inudinillah Basri Absori, Aidul Fitriaciada Azhari, "Transformation of Maqashid Al-Syar'iah (An Overview of The Development of Islamic Law In Indonesia)," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 11, no. 1 (2016): 1–18, <https://doi.org/10.19105/al-ihkam.v11i1.854>, p. 16.

discriminatory attitudes. This is to ensure that the transformation and integration do not lose their function as a means of spreading compassion.⁵⁰

The transformation within the concept of Ibn Qayyim al-Jawziyyah must consider the principles of time, space, circumstances, motivation, and tradition. However, this transformation must adhere to established, factual, and consistent fundamental principles.⁵¹

There has been a transformation throughout history, namely before the 20th century and thereafter. During the period before that century, Indonesian scholars' transformations took two approaches. *First*, they allowed customary law to prevail as long as it did not contradict Islamic law. *Second*, they replaced customary law that was in line with Islamic law with Islamic legal institutions. Meanwhile, in the 20th century, Indonesian scholars sought to transform Islamic law into national law through methods such as specifying legal rulings, selective adaptation, reinterpretation, shariah policy, and court decisions.⁵²

In Indonesia, efforts towards transformation have been spearheaded by Hasbi As-Shiddiqy and Hazairin. Both are proponents of Indonesian national character jurisprudence. Hasbi offers a comprehensive transformation that encompasses its principles and methods. Meanwhile, Hazairin offers interpretations related to a new inheritance system that aligns with the scriptural sources of the Qur'an and Hadith through a bilateral system, rather than patrilineal. This Indonesian version of jurisprudence has led to the creation of regulations such as the Marriage Law, Government Regulations, Presidential Instructions, Supreme Court Regulations, Compilation of Islamic Law, and Compilation of Sharia Economic Law.⁵³

Furthermore, the development of Islamic legal methodology, including in Indonesia, is also famously known as "Indigenization of Islam." This is due to the pluralistic legal system in Indonesia, which provides opportunities for changing theoretical and non-juridical discussions about Islamic jurisprudence and enables new explorations of Islamic law. These efforts aim to balance it with the demands of Indonesian culture.⁵⁴

This passage discusses the relationship between induction and the methodology of Islamic law, which has been developed by scholars through inductive reasoning. The process involves investigating scattered cases of jurisprudence found in various legal texts, then gathering and synthesizing them into legal maxims. This process is referred to as inductive reasoning, where specific cases or events are used to determine general legal principles or draw conclusions applicable to broader situations. These specific events are also related to various practices in society that require resolution and application through contemporary Shariah economic legal methodologies.

Although discussions on induction are generally found in several references of Islamic legal theory, such as those related to language produced through inductive reasoning as

⁵⁰ Nurrohman Syarif, "Transformation of Islamic Law into National Criminal Law (Models, Problems and Alternative Solution of Practicing Sharia in Indonesia)," n.d.

⁵¹ Fathur Rahman, "Transformasi Hukum Islam Dalam Kerangka Pikir Ibnul Qayyim Al-Jauziyah," *TASAMUH: Jurnal Studi Islam* 11, no. 2 (2019): 365–80, <https://doi.org/10.47945/tasamuh.v11i2.167>, p. 370.

⁵² Hajani, "Paradigma Penalaran Fiqh Berorientasi Logika Undang-Undang (Transformasi Hukum Islam Ke Legislasi Nasional)," *Al Qisthas Jurnal Hukum Dan Politik* 12, no. 1 (2021): 99–117, <https://doi.org/10.37035/alqisthas.v12i1.4882>, p. 115.

⁵³ Ahmad Edwar, "Indonesian Jurisprudence: Islamic Law Transformation In Law System of Indonesia," *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam* 19, no. 2 (2020): 303–18, <https://doi.org/10.15408/kordinat.v19i2.18994>.

⁵⁴ Rüdiger Lohlker, "Fiqh Reconsidered: Indigenization and Universalization of Islamic Law in Indonesia," *Interdisciplinary Journal for Religion and Transformation in Contemporary Society* 7, no. 1 (2021): 188–208, <https://doi.org/10.30965/23642807-bja10011>.

exemplified by al-Zarkasyi and al-Mardawi before, this induction is more dominantly associated with *usul fiqh* derived through this logic. Al-Qurafi (d. 684 H) mentions that both the principles of jurisprudence and *qawaid fiqh* are included in fundamental issues. This means that both of them play important roles in attempting to solve issues of Islamic law.⁵⁵

The statement by Al-Qurafi (d. 684 H) is complemented by Al-Syatibi (d. 790 H), who asserts even more firmly that the principles of jurisprudence have a definite position and are equivalent to the fundamentals of religion. However, Al-Syatibi's certainty pertains to the comprehensive principles of Sharia or the *maqasid sharia*. His certainty also relates to the three rational laws: obligation, permissibility, and impossibility. Although Al-Syatibi does not explicitly mention legal maxims, considering his statements about induction, it can be understood that legal maxims are certain like the principles of jurisprudence. This is because both of them synergize in the methodology of Islamic law.

The urgency of legal maxims consists of nine points : 1) Explaining the method of independent legal reasoning (*ijtihad*) within the school of thought and binding subsidiary issues, 2) Developing jurisprudence as a means of deducing laws, extracting laws, and selecting the strongest opinion within the school of thought, as well as distinguishing subsidiary issues from universal principles, 3) Facilitating the study of comparisons between jurisprudential schools regarding universal principles, 4) Organizing jurisprudential issues and their subsidiaries that are similar into a legal maxim,⁵⁶ 5) If there were no legal maxims, many branches of jurisprudence would appear scattered and apparently conflicting with each other, because of the absence of fundamental principles that could serve as guidance in reasoning.⁵⁷ 6) Legal maxims can help in understanding equivalent jurisprudential issues, establish general laws as evidence in jurisprudential matters, assist in examining certain principles of jurisprudence, and facilitate understanding the essence and fundamentals of Islamic jurisprudence.⁵⁸

Legal maxims as a methodology of Islamic law derived through inductive reasoning can solve several evolving issues in Islamic jurisprudence, especially those related to financial transactions. Moreover, in the effort to transform Shariah economic law into national law, as in Indonesia, legal maxims are inherent. For example, with the issuance of Fatwa DSN-MUI No. 135/DSN-MUI/V/2020 regarding Stocks. The decision of this fatwa by DSN-MUI is based on inductive reasoning considering the development of transactions in society. Thus, legal maxims emerge as an inductive logic by drawing conclusions from specific cases which are then generalized. The legal maxim is:

إِنَّ الْأَصْلَ فِي الْمَعَامَلَاتِ الْحَلَالُ فَإِنَّ تَأْسِيسَ شَرَكَةٍ مُسَاهِمَةٍ ذَاتِ أَعْرَاضٍ وَأَنْشِطَةٍ مَشْرُوعَةٌ أَمْرٌ
جَائِزٌ.

Indeed, the original ruling in financial transactions is permissibility (halal). And verily, the foundation of partnership with an objective and activities is permissible.^{59, 60}

⁵⁵ Syihabudin Al-Qurafi, *Al-Furuq* (1), Cet-1 (Beirut-Libanon: Beirut, Libanon : Muassasah al-Risalah, 2003), p. 62.

⁵⁶ Muhammad Al-Walaili, *Al-Qawaid Al-Fiqhiah Tarikhuha Wa Asaruha Fi Al-Fiqh* (t.tp.: t.tp.: t.p, 1987), p. 29.

⁵⁷ Syekh Ahmad Al-Zarqa, *Syarh Al-Qawaid Al-Fiqhiah*, Cet-2 (Damaskus: Dar al-Qalam, 1989), hlm. 35.

⁵⁸ Saleh bin Ganim Al-Sadlan, *Al-Qawaid Al-Fiqhiyyah Al-Kubra Wama Tafarra'a 'Anha* (Riyad: Daru Bilansiah, 1417), p. 33.

⁵⁹ Mubarak bin Sulaiman, *Ahkam Al-Taamul Fi Al-Aswaq Al-Maliyyah Al-Muassirah*, Cet-1 (Saudi Arabia: Daru Ihya al-Kutub al-Arabiah, 2005), p. 128.

⁶⁰ Jalaludin Al-Suyuti, *Al-Asybah Wa Al-Nazair Fi Qawaid Wa Furuq Al-Fiqh Al-Syafiiah* (1), Cet-2 (Riya: Riyad : Maktabah Nazar Mustafa al-Baz, 1997), p. 102.

The legal maxim implicitly explains the flexibility in issues of financial transactions, including the permissibility of trading stocks, except if there are indications of prohibited elements such as potential involvement in usury, gambling, bribery, uncertainty and others. The legal conclusion is drawn through induction. This legal maxim is popular among the Shafi'i and Hanbali schools of thought.

Similarly, Fatwa No. 116/DSN-MUI/IX/2017 concerning Sharia Electronic Money responds to developments in society's transactions in line with the changing times. The legal maxim as an inductive logic also responds to it:

الْعِبْرَةُ فِي الْعُقُودِ لِلْمَعَانِي وَالْمَقَاصِدِ لَا لِلْأَلْفَاظِ

What matters in a contract is its meaning and intention, not merely its wording.^{61, 62, 63}

The legal maxim relates to the implicit meaning of a contract and can be considered to assess its validity, regardless of its form, including through electronic systems. For instance, when entering a toll road, simply bringing an e-toll card suffices. Similarly, when purchasing an item, online transactions via applications like Tokopedia are adequate. All of these demonstrate the flexibility in financial transactions. The legal conclusions drawn through this legal maxim are based on induction. This legal maxim is popular among the Shafi'i and Hanbali schools of thought.

Law No. 41 of 2004 concerning Waqf in Article 16 paragraph (3) regulates the object of endowed property, such as money. This regulation arises because the use of money endowments is more practical in society. This regulation is a result of inductive reasoning. Thus, a legal maxim is also derived from the inductive thinking of Islamic law:

كُلُّ عَيْنٍ يَصِحُّ الْإِنْتِفَاعُ بِهَا مَعَ بَقَاءِ عَيْنِهَا صَحَّ وَفُفَّهَا.

Indeed, every permissible and enduring entity can be endowed (waqf).⁶⁴

The legal maxim implicitly explains the validity of endowed assets, which must be durable and usable. Money is one such example. In fact, in today's context, endowing with money is more practical. This legal maxim is popular among the Maliki and Shafi'i schools of thought.

Supreme Court Regulation No. 2 of 2008 concerning the Compilation of Sharia Economic Law, Articles 112-115 (Book II), which regulates *Bai al-Wafa* transactions. This regulation was established in response to pawn contract practices in society that contain potential usury. Thus, as a solution, the *Bai al-Wafa* contract is regulated to avoid usury. This is also in accordance with the legal maxim:

⁶¹ Al-Suyuti, *Al-Asybah Wa Al-Nazair Fi Qawaid Wa Furu Fiqh Al-Syafiiah* (1), p. 264.

⁶² Ibnu Qayyim Al-Jauziah, *I'lam Al-Muwaqqiin an Rabb Al-Alamin* (2), Cet1 ed. (Saudi Arabia: Daru Ibn al-Jauzi, 1423), p. 385.

⁶³ Taimiah, *Al-Qawaid Al-Nuraniah Al-Fiqhiyah*, p. 155.

⁶⁴ Syihabudin Al-Qurafi, *Al-Zakhirah* (6), Cet-1 (Beirut: Beirut : Dar al-Garb al-Islami, 1994), p. 313.

أَنَّ مَا تَبَتَّ بِهِ عُرْفٌ عَامٌّ لَا خَاصٌّ فَيَكُونُ هَذَا الْعُرْفُ مُخَصَّصًا لِنَهْيِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ
بَيْعٍ وَشَرْطٍ.

Something that has been established by common custom (*urf umum*) thus specifies the prohibition of the Prophet Muhammad regarding buying and selling conditions.⁶⁵

The legal maxim implicitly explains the validity of customs (*urf*), which can serve as a basis for establishing law, provided that the custom does not contradict Islamic jurisprudence. Alternatively, it can be applied with the intention of specifying or exempting a prohibition indicated by textual evidence. This legal maxim is popular among scholars of the four major schools of thought (Hanafi, Maliki, Shafi'i, and Hanbali).

With the efforts to transform Shariah economic law into national law through the issuance of the two fatwas by DSN-MUI, Law No. 41 of 2004 concerning Waqf, and Supreme Court Regulation No. 2 of 2008 concerning Sharia Economic Law, it indicates that Indonesia has endeavored to apply inductive reasoning. Alongside the concept of transformation, changes in form or appearance do not alter the essence of a contract in terms of its legal implications. In this regard, the thoughts of Yusuf al-Qardawi are worth considering in the context of transformation related to fatwas. According to him, there are ten factors that can influence fatwas: changes in place, time, conditions, tradition, knowledge, human needs, human capabilities, social, political, and economic aspects, opinions, and thoughts.⁶⁶

Fatwas, being responsive in nature, are greatly influenced by social and cultural factors, making the law contained within them flexible. Although fatwas are subordinate to laws in terms of their binding nature, the role of fatwas can influence the consideration of the issuance of other legal products. Nevertheless, a mufti (issuer of fatwas) must avoid being swayed by personal desires and must not deviate from the law when issuing a fatwa.⁶⁷

Fatwas issued by DSN-MUI contribute positively to the transformation of contemporary Islamic law, whether related to social, cultural, food, medical, scientific and technological fields, as well as worship. This includes issues related to Shariah economics as well.⁶⁸ The fatwas formulated by DSN-MUI integrate the pattern of idealism and realism in Islamic law. Thus, the fatwas issued, including those concerning economics, are responsive, adaptive, contextual, and dynamic in line with the development of economic issues.⁶⁹ However, based on the application of legal maxims related to fatwa decisions, the DSN MUI still needs to maximize this further by introducing legal maxims that have not yet been used, instead of repeatedly using the principle "*al-aslu fi al-muamalah al-ibahah illa an yadulla dalilun ala tahrimiha*" (the basic principle in transactions is permissibility unless there is evidence

⁶⁵ Abdul Aziz Al-Khayyat, *Nazariyyat Al-Urf* (Amman-Yordania: Amman, Yordania : Maktabah Aqsa, 1977)., p. 119-120.

⁶⁶ Faridatus Syuhadak, "Urgensi Fatwa dalam Perkembangan Hukum Islam," *De Jure: Jurnal Hukum Dan Syar'iah* 5, no. 2 (2013): 189–96, <https://doi.org/10.18860/j-fsh.v5i2.3010>.

⁶⁷ Omar Mahmoud Hassan, "The Change of Time and Place and Its Impact on the Change of Fatwa," *Russian Law Journal* 11, no. 85 (2023): 77–92, <https://doi.org/10.52783/rj.v11i8s.1252>.

⁶⁸ La Jamaa, "Fatwas of the Indonesian Council of Ulama and Its Contributions to the Development of Contemporary Islamic Law in Indonesia," *Indonesian Journal of Islam and Muslim Societies* 8, no. 1 (2018): 29–56, <https://doi.org/10.18326/ijims.v8i1.29-56>.

⁶⁹ Dwi Novaria Misdawati and Athoillah Islamy, "Idealisme Dan Realisme dalam Paradigma Fatwa Ekonomi Syariah di Indonesia," *Jurnal Asy-Syukriyyah* 23, no. 2 (2022): 128–42, <https://doi.org/10.36769/asy.v23i2.209>.

indicating its prohibition).⁷⁰ Therefore, it can be said that there is an impression that the DSN-MUI is having difficulty in coming up with new, accurate legal maxims.⁷¹ Or it appears monotonous and lacks variety, as it tends to rely more on general principles.⁷² Similarly, there is a significant need for the Compilation of Sharia Economic Law to absorb the legal maxims found in *Majallah al-Ahkam al-Adliyyah* or other fiqh principle books.⁷³

Nevertheless, the effort to transform Islamic legal products related to economic issues into Sharia economic law in the form of Government Regulations, Supreme Court Regulations, Laws, and existing Fatwas is inseparable from the attempt to consider the results of inductive reasoning, which predominantly serves as a tool for legal inference as developed by scholars of the four madhabs. However, this needs to be further legitimized by new legal maxims that have not yet been introduced or absorbed from various legal maxims found in the references of scholars of the four madhabs.

Conclusion

The existence of induction in the methodology of Islamic law among scholars of the four major schools of thought serves as legal inference, debated Islamic legal evidence, legislated Islamic legal evidence, rational legal evidence, and definitive evidence. However, its most prevalent existence is as legal inference in Islamic law. The urgency of induction in the methodology of Islamic law is beneficial for solving issues of Shariah economics, resulting in wise, flexible, and culturally appropriate legal decisions. This induction is relevant to the efforts to transform Islamic law into contemporary Shariah economic law. Examples include Fatwa DSN-MUI No. 135/DSN-MUI/V/2020 regarding Stocks, Fatwa DSN-MUI No. 116/DSN-MUI/IX/2017 concerning Sharia Electronic Money, Law No. 41 of 2004 concerning Waqf Article 16 paragraph (3) regarding the object of endowed property such as money, and Supreme Court Regulation No. 2 of 2008 concerning the Compilation of Sharia Economic Law, Articles 112-115 (Book II) regulating *Bai al-Wafa*. Four legal maxims legitimize the efforts to transform Shariah economic law into national law, which cannot be separated from the consideration of inductive reasoning. Legal maxims as products of Islamic law with an inductive nature contribute scientifically to Islamic law, especially in solving various issues within the domain of *ijtihad*, including Shariah economic law issues.

This research recommends the need to enhance the socialization of understanding induction logic through deepening the study of legal maxims in Islamic Higher Education Institutions that offer faculties of Shariah and Law, particularly in Shariah Economic Law programs. Additionally, there is a need for judges in Religious Courts and Fatwa DSN-MUI decisions to consider the induction logic of Islamic law, thereby generating wise decisions that align with Indonesian societal culture without contradicting the principles of Islamic law.

⁷⁰ Aidil Novia, "Kontribusi Fiqh Legal Maxim Dalam Fatwa-Fatwa Ekonomi Syariah Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI)," *TSAQAFAH: Jurnal Peradaban Islam* 12, no. 1 (May 14, 2016): 79–103, <https://doi.org/10.21111/tsaqafah.v12i1.369>.

⁷¹ Muhammad Ikpi Zayadi, "Penerapan Kaidah Fiqh Dalam Fatwa Dewan Syariah Nasional (Dsn) Tentang Perbankan Syariah Application of Fiqh Rules in the Fatwa of the National Sharia Council (Dsn) on Sharia Banking," *JESKaPE: Jurnal Ekonomi Syariah, Akuntansi Dan Perbankan* 7, no. 2 (2023): 245–58.

⁷² Hammam, "Urgensi Kaidah Fiqhiyyah Dalam Perumusan Hukum Dan Implemetasinya Dalam Fatwa Dsn-Mui," *Et-Tijarie: Jurnal Hukum Dan Bisnis Syariah* 4, no. 1 (2017): 49–75, <https://doi.org/10.21107/ete.v4i1.3900>.

⁷³ Abbas Arfan, "Optimalisasi Serapan Kaidah-Kaidah Fikih Muamalah Dalam Kompilasi Hukum Ekonomi Syariah," n.d.

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