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

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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-Satibi (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


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

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⁷ Muhammad bin Yaminah, “Huijijat Al-Istiqra’ Fi Al-Kasyf an Al-Ma’qasid Al-Syariah Inda Al-Syatibi Wa Ibn Assyur” (Jamiah Adrar Kuliyyat al-Ulum al-Ijtimaiah wa al-Ulum al-Islamiyah, 2009).
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maknawi is a form of judicial reasoning based on multiculturalism. Induction is a rational argument. According to al-Syatibi, it is *istiqra maknawi*. A law produced through the method of *istiqra* is definitive (*qa’i’*) which means it stands on the basis of transitioning from partial (zanni) to universal (kulli) definitive law. Complete induction (*istiqra kamil*) is included in analogy (qiyaṣ). The thoughts of al-Syatibi contain the meaning of induction. 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. Induction can also be related to the results of empirical arguments that can be obtained through interviews.

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 *usul fiqh*) and principles of Islamic jurisprudence (qawaid *usul fiqh*). The approach of this research is both conceptual and philosophical. The method used in this study employs inductive analysis.


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

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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-Qarūw” (القروى), which means purpose and tracking (القصد والاتبع). 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.”

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’i’at 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.

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.

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 qiyaq muqassam.

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.”

Induction is one of the general thinking processes, alongside deduction. Both serve as methods of legal inference (istidhal). 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.

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

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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-akhl 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, baraathul asliyah, 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

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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 (mutawahit makanawi).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

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32 Al-Syatibi, him, 28.
34 Al-Syatibi, Al-Muwafaqat (1), p. 29.
35 Al-Syatibi, Al-Muwafaqat (2), p. 84.
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.
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>
<thead>
<tr>
<th>No</th>
<th>Hanafiah</th>
<th>Maliki</th>
<th>Syafi`ah</th>
<th>Hanabilah</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td></td>
<td>Al-Zarkasyi (d. 794 H): Evidence of law subject to debate.</td>
<td>Ibn al-Najjar (d. 972 H): Legal inference (Istdial)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Al-Sunaiki (d. 926 H): Legal inference (Istidlal).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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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).

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). 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.

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.

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 discriminatory attitudes.

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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

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:

إن الأصل في المعاملات المالية فإن تأسيس شكل مسند ذات أعراب وأشباه مسند معلوم أمر جائز.

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

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:

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:

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.
63 Taimiah, Al-Qawaid Al-Nuraniah Al-Fiqihiah, p. 155.
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.

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.

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. 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. 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 tahirimiha” (the basic principle in transactions is permissibility unless there is evidence

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indicating its prohibition). 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. Or it appears monotonous and lacks variety, as it tends to rely more on general principles. 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.

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.

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