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Authority *Vis-à-vis* Scientific Logic: A Critique of the Epistemological Foundations of *Fiqh*

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Abstract
This paper explores the epistemological problem of Islamic jurisprudence (*fiqh*), which is often celebrated for its flexibility. The main question addressed is why fiqh continues to survive despite its weak logical structure when measured against the standards of formal logic. Positioned within the framework of philosophy of science and *mantiq* (logic), this study argues that the resilience of *fiqh* does not stem from logical consistency but rather from its role as an authoritative system. The analysis focuses on three critical aspects: the definitional ambiguity of key concepts that fail to fulfill the criterion of *jāmi' wa māni',* the analogical reasoning (*qiyās*) that frequently relies on assumed causality instead of demonstrative proofs (*burhān*), and the legal maxims (*qawā'id al-fiqhiyyah*) that tend to operate as post-decision justifications rather than guiding principles of reasoning. These weaknesses indicate that *fiqh* is closer to a system of authority than to a discipline of science in the strict sense. Nevertheless, the same weaknesses paradoxically contribute to its adaptability and persistence across different eras. The paper concludes that fiqh is strong in praxis but fragile in theory, and it recommends an epistemological reconstruction through precise definitional work, strengthening *qiyās* with demonstrative causality, and reformulating legal maxims with objective parameters. Such reconstruction would enable *fiqh* to transform from a primarily authoritative tradition into a rational, systematic, and contextually relevant body of knowledge.
Keywords: *Fiqh*, epistemology, *qiyās*, legal maxims, *burhāni* logic.

Introduction

In its long history, Islamic jurisprudence (*fiqh*) has consistently been praised for its flexibility in the face of changing times (Taufiq & Syarkawi, 2022). From the classical to the modern era, it has provided answers to community problems in ways deemed appropriate to the socio-historical context. For example, laws regarding trade transactions, once limited to barter and straightforward buying and selling, have now been expanded to encompass modern economic instruments such as Islamic banking (Fasya, 2021; Junaedi, 2018). Wael Hallaq notes that this flexibility has enabled fiqh to remain a "living law" amid drastic social change (Fauzi, 2025; Hallaq, 2004). However, a more fundamental epistemological question is: does this flexibility stem from the strength of *fiqh's* methodological logic, or is it simply the social authority that supports it?

From a philosophical perspective, the resilience of a discipline depends on the strength of its logical or social foundations, which should inspire respect and appreciation for their enduring nature (Bakhtiar, 2013; Zaharudin et al., 2021). Modern science, for example, endures because it relies on empirical methods and falsification, which provide clarity and confidence (Popper, 2008; Yuwono, 2024). Similarly, mathematics is robust because it is based on a clearly defined axiomatic system. In Islamic jurisprudence (*fiqh*), its flexibility stems not from the robustness of formal logic but from its fluidity and openness to the authority of scholars and the surrounding socio-political context (Yusran et al., 2025). Fazlur Rahman even emphasized that many *fiqh* products are more practical responses to social needs than the result of logical deductions from universal principles (Majdi, 2019; Rusli, 2021).

The definition aspect reveals a significant weakness in the logical discipline of Islamic jurisprudence (*fiqh*), as it highlights core issues in how concepts are understood and articulated. In the rules of *mantiq*, a definition must fulfill the requirements of *jāmi' wa māni'*; it must encompass everything that is included in the concept and reject everything that is not included (Mundofi, 2024; Roy, 2004; Sambas, 2012). However, many definitions in Islamic jurisprudence do not meet this standard. The definition of prayer formulated by *al-Nawawī* in *al-Majmū'* (2010) as *af'āl wa aqwāl makhshūshah muftatahat bi al-takbīr wa mukhtatamat bi al-taslīm* (Hasibuan, 2020) is often used as a standard reference in *Fiqh Shafi'i*. However, this definition is logically problematic when tested against the various forms of prayer recognized within the Islamic jurisprudence tradition itself. For example, the funeral prayer, which in the view of the majority of fuqaha does not include *ruku'* and *sujud*, is even categorized by *al-Nawawī* himself as *shalāt lā rukū' fihā wa lā sujud* (2010). The absence of the element of physical movement (*af'āl*) shows that this definition is not *jami'*, because it fails to cover the types of prayer that are valid according to sharia but do not conform to the general structure of the "actions" that are commonly mentioned.

Conversely, this definition is also too *mani'* because it has the potential to accommodate other ritual activities that begin with takbir and end with a greeting, but are not categorized as prayer according to the consensus of scholars. Clarifying these boundaries is essential to ensure the audience feels assured in the critique's precision, as the takbir during the slaughter of sacrificial animals, which is also concluded with a greeting by some local communities, or some forms of congregational *dhikr* that have similar opening and closing patterns, blur these distinctions. These data indicate that the boundaries of *al-*

Nawawī's definition are unable to provide adequate distinguishing criteria (*fasl*) to separate prayer from rituals that are not prayer.

This descriptive weakness confirms that the practice of *fiqh* relies more on the authority of tradition and the customs of the madhhab (school of thought) than on the consistency of formal definitions based on logic. Highlighting this reliance helps the audience feel reassured about the practical basis of *fiqh*, emphasizing that 'prayer' is understood through examples of traditional practices rather than through a definition that meets the standards of *jami' wa māni'*.

A similar problem is apparent in the application of *qiyās*. In theory, *qiyās* is a rational instrument that allows the development of law by analogy from texts to new cases (Purwanto et al., 2024). Imam al-Syafi'i, in al-Risalah (1990), emphasized *qiyās* as an important method of istinbāth after texts and ijma'. However, in practice, *qiyās* often begins with a conclusion first, then seeks a reason (*'illah*) to support it (Jamal, 2024). For example, narcotics are forbidden because they are analogous to intoxicating alcohol. However, not all narcotics are intoxicating; some are stimulants or even used medically. Fakhruddin al-Razi in *al-Mahshūl fī 'Ilm al-Ushūl* (1997) calls this form of *qiyās mu'tal min jihhat al-'illah*, because the '*illah* used is not *burhāni* (demonstrative), but is only based on apparent similarity (Khalil, 2022).

Furthermore, epistemological weaknesses are also evident in the principles of Islamic jurisprudence (*fiqh*). Principles such as *al-dharar yuzālu* (harm must be removed), *al-dharūrāt tubīh al-mahdzhurāt* (emergency permits the forbidden), and *irtikāb akhaff al-dhararayn* (taking the lesser harm) are often praised for their perceived universality and wisdom. However, when examined methodologically, these principles do not arise from systematic deduction, but from post-decisional rationalization. Al-Syatibi, in *al-Muwāfaqāt* (2012), emphasized that these principles arise from highly contextual *tahqīq al-manāt* (the search for legal reasons), rather than axiomatic universal principles. The absence of clear, logical parameters for what constitutes an "emergency," a "minor danger," or a "major danger" undermines their epistemological robustness. As a result, this rule can be interpreted very flexibly in line with the interests of the prevailing religious power or authority.

This situation raises an important epistemological question: can *fiqh* be categorized as a science in the formal sense? If the minimum requirements for a science are conceptual clarity, logical order, and methodological consistency, then *fiqh* appears closer to an authoritative system than a scientific one.

Muhammad Abed al-Jabiri (1989), in his analysis of Islamic epistemology, describes *fiqh* as part of the *bayānī* tradition, namely, knowledge based on the authority of texts, which contrasts with the *burhāni* tradition rooted in demonstrative logic (Nazar & Abdul Hamid, 2022). While *fiqh* functions as a socio-religious authority, its logical epistemological foundation remains fragile, emphasizing its non-scientific nature.

Nevertheless, the resilience of *fiqh* as an authoritative system cannot be underestimated. It is precisely this strength that enables *fiqh* to function as a social guide in Muslim societies. Wael Hallaq (2004) emphasizes that *fiqh* has survived because it is "communal and discursive," that is, maintained through a network of ulama authority and social practices (Hallaq, 2004). However, if *fiqh* is to be recognized as a discipline on par with science or philosophy, reforming its methodology through a formal logical framework is essential. This step is vital to strengthen its academic claims and to support its future development in addressing complex Islamic law issues.

Understanding the dual nature of *fiqh*-its role as a solid, authoritative tradition and its fragility under scientific scrutiny-highlights its significance for scholars. An analysis of the definitions, *qiyās*, and *al-qawā'id al-fiqhiyyah* (principles of *fiqh*) from a *mantiq* perspective will open new avenues for understanding the epistemological status of *fiqh*. From this, it will be seen whether *fiqh* can be categorized as a science or whether it should be accepted as a living system of authority grounded in social legitimacy rather than its formal logic.

Recognizing the importance of re-evaluating *fiqh's* epistemological foundations, this research aims to deepen understanding and foster trust in its scholarly analysis. The discussion begins by examining the character of definitions in *fiqh* through the rules of *mantiq*, specifically the principle of jāmi' wa *māni'*, to see the extent to which key *fiqh* concepts meet the standards of logical clarity. Next, the research examines the structure of *qiyās* reasoning, particularly how the identification of '*illah* is often more assumptive than demonstrative (*burhāni*).

The analysis also focuses on the *al-qawā'id al-fiqhiyyah* (principles of *fiqh*) to assess whether they serve as deductive principles guiding legal determination or serve as post-decisional justification. From this overall analysis, this study attempts to determine the epistemological position of *fiqh*: whether it is worthy of being categorized as a scientific discipline within the framework of Islamic epistemology that relies on scientific logic—deductive *burhānīyyah*, or whether it

is more appropriately understood as a system of socio-religious authority that regulates legal practice. Ultimately, this analysis also provides a conceptual basis for efforts to reconstruct the methodology of fiqh to align with scientific standards within the framework of *burhānīyyah*, the scientific epistemology.

Results and Discussion

Definitions in *Fiqh*

One of the epistemological foundations of any discipline is conceptual clarity: key terms must be defined so that every reader or practitioner knows precisely what is and what is not included. In the classical logic tradition, this requirement is formulated through the principle of *jāmi' wa māni'*—a definition must be both inclusive (covering all members of the concept) and exclusive (rejecting all non-members) (Mundofi, 2024). Without meeting these two requirements, terms become a source of ambiguity and allow for inconsistent reasoning. For a legal discipline like *fiqh*, the lack of clarity in definition is not merely a theoretical issue; it directly impacts the validity of the law and the fairness of its practice.

Definitional practices in traditional *fiqh* literature often take the form of performative descriptions: formulations that emphasize the outward elements (speech and deed) that characterize an action. A frequently cited example is the definition of prayer as *af'āl wa aqwāl makhshūshah muftatahat bi al-takbīr wa mukhtatamat bi al-taslīm*—specific actions and words that begin with *takbir* and end with *salam*. Such a formulation is practically proper as a guide to ritual. However, it quickly shows its weaknesses when tested against the requirements of *mantiq*: it tends not to cover the whole variety of what is truly called prayer, and at the same time can over-include many non-worshipful acts that merely imitate the outward pattern.

The first ambiguity is the failure of the inclusive element (*jami'*). There are forms of prayer that do not include all the commonly mentioned pillars (e.g., bowing and prostration)—a prime example is the funeral prayer—so a definition that emphasizes specific physical pillars would exclude cases that are traditionally recognized as prayer. This demonstrates that a definition of *fiqh* that focuses solely on external components, without reference to functional or intentional criteria, is prone to ignoring historical and institutional variations in worship practices.

The second ambiguity is the failure of the exclusive element (*māni'*). A definition that is too loose can encompass activities other than worship. For example, a religious speech that deliberately opens with takbir and closes with a

greeting would literally fulfill the formula "opened with *takbir* and closed with a *salam*." If the definition fails to emphasize the intentional requirements (*niyyah*) or objectives (*maqāshid*), the line between worship rituals and social practices blurs. This opens the possibility of "erroneous" legal categorizations and weakens claims that fiqh definitions are normative and scientific.

Efforts to refine the definition must consider three dimensions: (1) the formal dimension (genus-differentia structure), (2) the material dimension (required external components), and (3) the functional/intentional dimension (*niyyah*, *maqāshid*) (Djalil, 2009; Muqaddam, 2014). For example, a definition of prayer (*salat*) that more closely adheres to the principles of logic might formulate the genus as "worship ritual" and the differentia as "a series of words and movements intended to worship Allah at a specific time according to Islamic law." However, even such a formulation requires additional detail: what is meant by "worship ritual" and how to distinguish it from non-worship rituals that appear similar externally.

Another practical challenge is the issue of context and exceptions. *Fiqh* contains many specialized categories (*salat al-khawf, salat al-jama'ah, salat al-janazah, salat al-nawm in hypothetical debates*) that force definitions to be taxonomic: a general definition must explain the relationship between different types. Taxonomic models (multilevel definitions) and operational definitions (criteria that can be tested in practice) can help meet the requirements of *jami' wa mani'*, but their application requires systematic work that has so far been less focused on because the tradition of *fiqh* reasoning emphasizes *fatwa* and precedents rather than standardizing terminology.

Argumentatively, the failure to standardize definitions is not merely a technical weakness, but an epistemological weakness that allows *fiqh* to function more as a "repository of *fatwa*" than a structured science. When basic terms are elastic, authorities can reinterpret categories for practical or political interests rather than for logical necessity. Therefore, the initial step in placing fiqh within the framework of science is to develop a definitive work program: an inventory of key terms, standardization of definitions through the "genus-differentia" template, establishment of intensional criteria, and the development of a taxonomy of case types—all carried out transparently and systematically so that legal claims are based on premises that can be tested and criticized rationally.

Qiyās and the Problem of '*Illah* (Legal Reasoning)

Qiyās is the most important reasoning tool in *ushul fiqh* after the Qur'an, Sunnah, and *ijma'* (Anam, 2022; Roy, 2004). With *qiyās*, *Fuqaha'* attempt to

expand the scope of islamic law from limited texts to new and evolving cases (Amin, 2022). Formally, *qiyās* is imagined as having a syllogistic structure: *muqaddimah kubrā* (major premise), *muqaddimah sughrā* (minor premise), and *nātijah* (conclusion). For example: "Every intoxicant is *haram* (major premise). *Khamr* is something that intoxicates (minor premise). Therefore, *khamr* is *haram* (conclusion)" (Purwanto et al., 2024). This form appears very logical. However, despite its formal logic, many scholars of *usul* acknowledge that the practice of *qiyās* in *fiqh* does not always follow the strict syllogistic structure of Aristotelian logic. Al-Amidi (1984), for example, asserts that *qiyās* is not a definitive proof, but rather a *dzhannī*, because it relies on the determination of a divine being, which is not always certain. In other words, the "logical" appearance of *qiyās* often masks more complex epistemological problems. Sometimes, *qiyās* proceeds with leaps and bounds, often starting from predetermined conclusions.

One of the main problems is the location of the '*illah* (legal reasoning). In the philosophy of logic, the *mantiq* framework, the main requirement for valid reasoning, is *burhāniyyah*—*'illah* must be determined by definite and consistent evidence (F. Firdaus et al., 2024; Roziqi & Ni'am, 2025). However, in the practice of *fiqh*, '*illah* is often assumptive, determined based on the similarity of phenomena, rather than a demonstrative cause-and-effect analysis. For example, the prohibition of alcohol is associated with its nature of *yudhhibu al-'aql* (eliminating reason). From this, narcotics are equated with alcohol because they are considered to have similar effects. In fact, the spectrum of narcotic substances is very diverse: some reduce consciousness, while others increase alertness. Generalizing all of them as "eliminating reason" is clearly reductive and not *burhāniyyah*.

Al-Razi, in his book *Al-Mahshul fi 'Ilm al-Usul* (1997), criticized this type of *qiyās* as *qiyās mu'tal min jihhat al-'illah*—*qiyās* that is flawed in terms of '*illah*. This is because '*illah'* is not determined by a strong causal analysis, but rather based solely on the similarity of symptoms. In the language of contemporary philosophy of science, this resembles analogical reasoning, not causal reasoning (Noor, 2019; Rofiq & Hasbi, 2021). An analogy shows only superficial similarities but does not explain the underlying causal relationship. Consequently, this type of qiyās does not guarantee legal certainty but is merely a "guess" that can change depending on perspective or interests, underscoring the importance of rigorous reasoning for legal stability and confidence in Islamic jurisprudence.

Another problem arises when *qiyās* is practiced, *ta'lil ba'da al-fi'l*—*'illah* is determined after a legal decision has been made. Al-Syatibi in *al-Muwāfaqāt* alludes to the dangers of forcing *maqāshid* or *'illah* to justify socially established Islamic laws (As-Syatibi, 2012). In the case of usury, for example, the *Fuqaha'* started from the belief that the practice of usury during the Jahiliyah era was forbidden, then sought *'illah* in the form of "addition without reward" (*kullu ziyādah lā muqābil lahā*) (Fahriana & Muslimin, 2020; R. Firdaus, 2019). However, this formulation of *'illah* itself can give rise to problematic aspects. So what is meant by "*muqābil*"? Are time, services, or risk considered *muqābil*? What about inflation compensation? Because there is no clear *burhāniyyah*, the *'illah* functions more as a "justification" than a deductive premise.

We see the difference between the logical structure of *mantiq* and the practice of *qiyās* in *fiqh* (Islamic jurisprudence). In *mantiq*, the syllogism is "prescriptive-scientific": if the major and minor premises are valid, then the conclusion must be proper. In *qiyās*, the conclusion is often "prescriptive-authoritative," while the premises and *'illah'* are later constructed to support it. Thus, *qiyās* resembles backward reasoning rather than forward reasoning. Epistemologically, this weakens *fiqh's* claim to be a deductive science.

However, Fazlur Rahman, for example, points out that the practice of *qiyās* cannot be entirely blamed, as it is a mechanism for islamic law adaptation to new contexts (Majdi, 2019; Rahman, 1994). However, from a scientific perspective, the lack of objective criteria in determining *'illah* opens up room for "ideological bias." Legal authorities can attribute 'illah to socio-political interests. For example, a substance can be prohibited because it is "intoxicating" even though medically it does not cause loss of consciousness, but only violates certain social norms.

The epistemological problem of *qiyās*, therefore, lies in its dual function: it seeks to appear as deductive logic, but instead functions as "authoritative rhetoric." When the *'illah* (the divine source) is not established through the burhāni method, *qiyās* loses its status as a scientific argument. It becomes an instrument of legitimacy, a way to justify decisions already made by *fiqh* authorities.

The solution to this problem is to reconstruct the concept of *'illah* using the *burhāni* approach (Roziqi & Ni'am, 2025). *'Illah* cannot be established by analogy alone; it must be tested with causal evidence, both textual and empirical, using modern scientific tools. For example, the prohibition of alcohol because it impairs the mind must be refined with medical-physiological data: which

substances cause loss of consciousness, in what amounts, and are the effects always uniform? In this way, *qiyās* can move closer to a valid syllogistic model, rather than merely superficial similarities.

However, as long as *fiqh* is positioned more as a system of authority than a system of knowledge, this reconstruction is complex. This is because *'illah* in *fiqh* practice functions not only logically but also politically—it maintains consensus, social stability, and the legitimacy of power (Karmawan, 2025). Therefore, *qiyās* will continue to exist as a legal mechanism, but it will never fully fulfill the requirements of *burhāniyyah* in epistemology.

al-Qawā'id al-Fiqhiyyah and the Rationalization of Practice

al-Qawā'id al-fiqhiyyah (principles of *fiqh*) are often praised as the pinnacle of rational reflection in Islamic law. Their formulations are concise, elegant, and seemingly universal, such as *al-dharār yuzālu* (harm must be eliminated), *al-masyaqqah tajlib al-taysīr* (difficulty brings ease), *al-dharūrāt tubīh al-mahdzhurāt* (necessity permits the forbidden), or *irtikāb akhaff al-dhararayn* (choosing the lesser of two harms) (Djazuli, 2006, 2019; Yusran et al., 2025). These *al-qawāid* (principles) constitute a kind of "Islamic legal ethics" that is often taught in various *pesantren* through books on *al-qawā'id al-fiqhiyyah*, as well as in Islamic universities. However, the question is: do these *al-qawāid* really function as epistemological principles that guide legal reasoning from the outset, or are they merely post-decision rationalizations (*ta'lil ba'da al-fi'l*)?

Upon closer examination, the majority of *al-qawā'id al-fiqhiyyah* emerged not from a systematic process of logical deduction, but rather from a compilation of established fatwa practices. *Al-qawāid* were often formulated "after" the *fuqaha'* had already made decisions in concrete cases. In other words, *al-qawāid* were generalizations of practice, not principles that shaped practice. This differs from modern legal philosophy, where legal principles (e.g., justice, certainty, utility) are placed as the normative foundation that must guide reasoning from the outset (Afriyanto et al., 2024; Nazar, 2021). In *fiqh*, *fatwa* come first, and *qawāid* come later as intellectual legitimacy.

Methodological ambiguity is evident in the principle of *irtikāb akhaff al-dhararayn* (Djazuli, 2019). In its wording, this *al-qāidah* seems wise: when faced with two dangers, choose the lesser. But how do we determine what is "lesser" and "more serious"? There are no standard, objective parameters in the *fiqh* tradition. *Ulama* might consider cooperation with an oppressive ruler to be less harmful than social chaos, while another might consider the opposite. This "relativity" of measurement makes the principle closer to "moral rhetoric" than

to a legal norm that can be rationally tested.

A similar problem exists with the principle of *al-dharūrāt tubīh al-mahdzhurāt*. What specific criteria or thresholds define an emergency? Are hunger, economic hardship, or political threats universally recognized as emergencies? In some cases, a poor person may steal food due to an emergency. In other cases, the government legitimizes usury (*riba*) in banking under the pretext of a national economic crisis. Because there are no clear boundaries for *mani'*, the concept of emergency becomes elastic and vulnerable to being used for justifications that contradict the spirit of Islamic law itself.

The principle of *al-mashlahah mu'tabarah* also poses an epistemological problem. In theory, the benefits recognized by sharia (*mu'tabarah*) are those that align with the objectives of Islamic law (*maqāshid al-shari'ah*) (Nazar, 2021; Yusran et al., 2025). However, in practice, the parameters of benefits are often determined subjectively. Benefits can be used to legitimize infrastructure projects, political policies, and even the exploitation of natural resources for capitalization. Without strict epistemological standards or safeguards, maslahat becomes an "elastic argument" that can be manipulated to serve the interests of policymakers.

Structurally, the main weakness of *al-qawā'id al-fiqhiyyah* is the absence of a *burhāni* mechanism in their establishment. *Al-Qawāid* are more inductive-descriptive than deductive-prescriptive. As a result, they cannot function as a consistent compass for legal reasoning (*'illah*), but rather serve only as ornaments to embellish the justification of decisions. In al-Jabiri's language, this is the dominant characteristic of *bayānī* epistemology: text and authority precede *burhāni* logic (Al-Jabiri, 1989; Praja, 1988).

However, it must be acknowledged that the flexibility of *al-qawā'id al-fiqhiyyah* is precisely the main factor in their resilience throughout history. Because *mani's* definitions and objective parameters do not constrain them, they can easily adapt to socio-political changes. *Fiqh* remains alive precisely because it is flexible and not rigid. However, this flexibility comes at an epistemological cost: *fiqh* is strong in practice, but weak in theory. It lives, but is unable to explain why and how it lives and continues to exist to this day.

From a philosophical perspective, the position of *al-qawā'id al-fiqhiyyah* is more akin to "post-factum rationalization" than a priori principles (Dedi, 2020). *Al-qawāid* do not guide reasoning from the outset; instead, they summarize practice after a decision has been made. Therefore, if *fiqh* is to be recognized as a methodologically consistent science in the *burhāni* sense, then *al-qawā'id al-*

fiqhiyyah must be reformulated: not merely generalizations of cases, but principles formulated through a clear deductive logical framework, with objective parameters that can be tested across cases. Recognizing this highlights the importance of reformulating *al-qawā'id al-fiqhiyyah* (principles of *fiqh*) to empower scholars and researchers to shape a more consistent and objective framework.

The Epistemology of *Fiqh*: A System of Knowledge or a System of Authority?

The fundamental question that arises after examining the problems of definition, *qiyās*, and the *al-qawā'id al-fiqhiyyah* (principles of *fiqh*) is: can *fiqh* truly be called a "science" in the epistemological sense, or is it more accurately understood as a system of authority? Science, within the framework of the philosophy of knowledge, requires clarity of concepts, consistency of methods, and the ability to explain phenomena rationally—*burhāni*. Authority, on the other hand, functions as a legitimizing device that is not always subject to the requirements of formal logic, but rather to social acceptance, tradition, or authority (El-Fadl, 2014).

In practice, many *ulama' ushul* (scholars of ushul) acknowledge that *qiyās* does not operate continuously according to a strict *burhāni* structure, but instead operates through analogies of a *dẓannī* nature. Al-Amidi, for example, in *al-Ihkam fi Usul al-Ahkam* (1984), explicitly states that *qiyās* does not produce definitive knowledge, because the determination of '*illah* depends on *ijtihad* and rational conjecture (Al-Amidi, 1984). This view, also put forward by al-Ghazali in *al-Mustashfa* (2000), is that the majority of *qiyās* do not reach the level of *burhānīyyah*, but rather are in the probabilistic realm (Al-Ghazali, 2000).

Within the same framework, the *al-qawā'id al-fiqhiyyah* (principles of *fiqh*) are often formulated inductively from established legal practices because this clarifies their epistemological foundation, rather than as prescriptive normative principles from the outset. Al-Suyuthi, for example, asserted that the *al-qawā'id al-fiqhiyyah* are the result of *istiqra'* (consideration of legal cases); thus, their function is more closely related to the rationalization and structuring of legal practices than as a primary source of normativity (As-Suyuthi, 1983).

If the *dhanni-qiyās* and inductive nature of the *al-qawā'id al-fiqhiyyah* (principles of *fiqh*) are combined, epistemologically, it is challenging to position *fiqh* as a fully systematic, deductive system of knowledge, similar to the burhānī sciences. As recognized within the tradition itself, *fiqh* is more accurately understood as a "normative-practical" discipline that operates through the

authority of *ijtihad* and consensus, rather than as a system of knowledge built on rigorous logical deduction. This statement certainly does not deny the internal "coherence" of *fiqh* as a normative system, but highlights its limitations when measured by the standards of deductive *burhānī* science.

As Wael Hallaq argues in "Authority, Continuity, and Change in Islamic Law" (2004), the resilience of *fiqh* lies precisely in the flexibility of its authority. *Fiqh* can adapt to social contexts because formal definitions do not rigidly bind it and is not bound by demonstrative, *burhāni* logic. Thus, fiqh endures not because it is methodologically sound, but because "it can provide the legitimacy needed by society and rulers in various eras" (Hallaq, 2004).

In Islamic epistemology, al-Jabiri distinguishes between *bayānī, irfani*, and *burhāni* reasoning (Al-Jabiri, 1989). *Fiqh* is clearly rooted in *bayānī* reasoning: reasoning that relies on texts, authority, and analogy, rather than *burhāni* evidence. Therefore, it is difficult to demand that *fiqh* operate entirely by the standards of Aristotelian *mantiq* or modern philosophy of science. It was born not to explain natural phenomena or build deductive systems, but to maintain social order and religious legitimacy within the framework of sharia.

However, this does not mean that *fiqh* cannot move towards the *burhāni*. Contemporary challenges—from artificial intelligence to bioethics to the digital economy—demand that *fiqh* possess analytical tools that are more logically and empirically consistent. In this context, *fiqh* must transform: from a mere repository of *fatwa* to a discipline with clear definitions, *qiyās* grounded in '*illah* (legal/causal reasoning), and *al-qawāid* formulated as epistemological principles rather than mere post-decisional narratives.

If this transformation fails, *fiqh* will remain within the orbit of authority, not within the orbit of science. It will survive because authority has strong social reproductive power, but it will be unable to explain its existence epistemologically. In other words, *fiqh* will continue to function as law in Muslim society. However, its status as a science will continue to be questioned, and it is very likely to fall into the category of forced terminology.

It is at this point that the epistemological ambiguity of *fiqh* becomes apparent. On the one hand, it possesses high adaptability thanks to the flexibility of its definitions, *qiyās*, and *al-qawā'id al-fiqhiyyah* (principles of *fiqh*). On the other hand, this flexibility makes it difficult to standardize as a logical-deductive scientific framework. This paradox explains why *fiqh* remains practically relevant but theoretically fragile.

The way forward may not be to transform *fiqh* into a completely *burhāni*

system, but rather to acknowledge its duality: *fiqh* as a system of authority with a social function, and fiqh as a scientific discourse that still requires epistemological reformulation. With this dual approach, *fiqh* must neither lose its flexibility nor ignore the demands of modern scholarship.

Certainly, *fiqh* is more accurately understood today as a system of authority rather than a system of science. However, with a methodological reconstruction based on *burhāni* logic, fiqh has the potential to establish itself as a scientific discipline on a par with modern legal science and legal philosophy. The question is not whether fiqh can live without formal logic, but whether it is ready to live "as a science" by submitting to the disciplines of logic and epistemology.

Conclusion

This study finds that *fiqh*, when viewed from an epistemological perspective, does not operate entirely as a deductive-*burhānī* system of knowledge, but rather as a flexible system of normative authority. Weaknesses in definitions that do not always meet the requirements of *jami' wa māni'* (justification), the determination of *'illah* in *qiyās* that tends to be analogical-*dzhannīyah*, and the more inductive-justificatory character of *al-qawā'id al-fiqhiyyah* (principles of *fiqh*) indicate that logical consistency is not the primary source of *fiqh's* strength. It is precisely this methodological flexibility that allows fiqh to survive and adapt in various socio-historical contexts. These findings emphasize that the strength of *fiqh* lies in its practical effectiveness and authoritative legitimacy, not in pure theoretical coherence. However, this study also opens up the possibility of rereading and reconstructing *fiqh* as a more scientific discipline by strengthening definitions, sharpening the methodology of *qiyās*, and formulating *al-qawā'id* (principles/rules) within a more rigorous *burhānī* epistemological framework. As a result, *fiqh* has the potential to move from being a mere system of authority to a rational, consistent, and relevant discipline to the challenges of the modern era, instead of being associated with certain words such as: environmental *fiqh* (*fiqh al-bi'ah*), mining *fiqh*, labor *fiqh*, women's *fiqh* (*fiqh an-nisa'*), and so on.

Bibliography

Afriyanto, R., Gufron, A., Bawashir, A. S., & Kurniawan, R. R. (2024). Eksistensi Asas Kepastian Hukum, Kemanfaatan Hukum Dan Keadilan Hukum Sebagai Tujuan Hukum Di Indonesia Dalam Perspektif Para Filsuf. *Unizar Law Review*, *7*(2), 203–211. https://doi.org/10.36679/ulr.v7i2.80

Al-Amidi, A. ibn M. (1984). *Al-Ihkām fī Ushūl al-Ahkām (Juz I)*. Dar al-Kitab al-'Arabi.

Al-Ghazali, A. H. (2000). *Al-Mustashfā fī Ilmi al-Ushūl*. Dar al-Kutub al-'Ilmiyyah.

Al-Jabiri, M. A. (1989). *Takwin al-'Aql al-'Arabiy*. Markaz Dirasat al-Wahdah al-'Arabiyah.

Amin, M. A. (2022). Qiyas Sebagai Sumber Hukum Islam. *Syariah: Journal of Islamic Law*, *4*(2), 63. https://doi.org/10.22373/sy.v4i2.622

Anam, M. K. (2022). Dasar-Dasar Istinbath Hukum Imam Syafi'i. *Al-Ihda': Jurnal Pendidikan Dan Pemikiran*, *14*(1), 316–342. https://doi.org/10.55558/alihda.v14i1.25

As-Suyuthi, J. A. (1983). *al-Asybah wa al-Nadzhair*. Dar al-Kutub al-'Ilmiyyah.

As-Syatibi, A. I. (2012). *Al-Muwafaqot fi Ushul as-Syariah*. Al-Maktabah At-Taufiqiyah.

Bakhtiar, A. (2013). *Filsafat Ilmu*. Rajawali Press.

Dedi, S. (2020). Ushul Fiqih Menurut Paradigma Filsafat Ilmu (Kajian Ontologi, Epistemologi, dan Aksiologi). *Al-Istinbath: Jurnal Hukum Islam*, *5*(2), 289. https://doi.org/10.29240/jhi.v5i2.1829

Djalil, A. B. (2009). *Logika (Ilmu Mantiq)*. Kencana.

Djazuli, A. (2006). *Ilmu Fiqh: Penggalian, Perkembangan dan Penerapan Hukum Islam*. Kencana.

Djazuli, A. (2019). *Kaidah-Kaidah Fikih: Kaidah-Kaidah Hukum Islam dalam Menyelesaikan Masalah-Masalah yang Praktis*. Kencana.

El-Fadl, K. A. (2014). *Reasoning With God: Reclaiming Shari'ah in the Modern Age*. Rowman and Littlefield.

Fahriana, L., & Muslimin, J. (2020). Penerapan al-Qawā'id al-Uṣuliyyah dan al-Qawā'id al-Fiqhiyah dalam Kasus Riba dan Bank Syari'ah. *Jurnal Indo-Islamika*, *10*(2), 92–106. https://doi.org/10.15408/idi.v10i2.17527

Fasya, G. (2021). Prinsip Dan Aplikasi Hukum Ekonomi Syariah Dalam Bisnis Modern. *Jurnal Ekonomi Dan Bisnis*, *1*(1), 73–76. https://doi.org/10.56145/jurnalekonomidanbisnis.v1i1.90

Fauzi, I. (2025). Mengungkap Dinamika Hukum Islam: Telaah Kritis terhadap An Introduction to Islamic Law Karya Wael B. Hallaq. *Al-Mazaahib: Jurnal Perbandingan Hukum*, *12*(2), 248–263. https://doi.org/10.14421/al-mazaahib.v12i2.4082

Firdaus, F., Qomaruddin, M., Nengsih, W., & Hajam, H. (2024). Pendekatan

Kalam Ibnu Rusyd (Analisis Studi Islam Pendekatan Teologis Nalar Burhani). *Sharia: Jurnal Kajian Islam*, *1*(2), 88–98. https://doi.org/10.59757/sharia.v1i2.53

Firdaus, R. (2019). Perbedaan Pandangan Fuqaha Ihwal Bunga Bank dan Riba. *EKONOMIKA SYARIAH: Journal of Economic Studies*, *3*(2), 47. https://doi.org/10.30983/es.v3i2.2150

Hallaq, W. B. (2004). *Authority, Continuity and Change in Islamic Law*. Cambridge University Press.

Hasibuan, M. A. S. (2020). Telaah Ta'arud al-Adillah atas Hadis-Hadis tentang Pembacaan Salam dalam Salat yang Memakai Wabarakatuh dan Tanpa Wabarakatuh. *Al-Mazaahib: Jurnal Perbandingan Hukum*, *8*(2), 133. https://doi.org/10.14421/al-mazaahib.v8i2.2218

Jamal, A. (2024). Ijtihad dan Qiyas Menurut Imam Syafi'i: Hubungan Qiyas dengan Berbagai Metode Ijtihad dalam Ushul Fiqh. *MAQASIDI: Jurnal Syariah Dan Hukum*, *4*(1), 1–10. https://doi.org/10.47498/maqasidi.v4i1.3125

Junaedi, M. (2018). *Fikih Indonesia: Epistemologi Sosio-Kultural*. *9*(2), 291.

Karmawan, K. (2025). Fiqh dan Konstruksi Pemikirannya: Upaya Menjawab Isu-Isu Kontemporer di Masyarakat. *ISLAMIKA*, *17*(2), 53–65. https://doi.org/10.33592/islamika.v17i2.4339

Khalil, W. A. (2022). القياس عند المعتزلة دراسة وتقويما. *Mahakim: Journal of Islamic Family Law*, *2*(1), 45–54. https://doi.org/10.30762/mahakim.v2i1.108

Majdi, A. L. (2019). Metodologi Pembaruan Neomodernisme dan Rekonstruksi Pemikiran Islam Fazlur Rahman. *NALAR: Jurnal Peradaban Dan Pemikiran Islam*, *3*(1), 27–42. https://doi.org/10.23971/njppi.v3i1.1196

Mundofi, A. A. (2024). Pengaruh Mantiq (logika) Dalam Perkembangan Ilmu Keislaman di Era Modern. *Educatia: Jurnal Pendidikan Dan Agama Islam*, *14*(1), 38–58. https://doi.org/10.69879/8sasz291

Muqaddam, M. M. (2014). *Pelajaran Mantiq: Perkenalan Dasar-Dasar Logika Muslim*. Rausyanfikr Institute.

Nazar, R. F. (2021). Corak Pembaruan Pemikiran Hukum Islam dalam Konsep Fiqh Sosial K.H Sahal Mahfudh. *Asy-Syari'ah*, *23*(1). https://doi.org/10.15575/as.v23i1.9262

Nazar, R. F., & Abdul Hamid, M. F. (2022). Tracking the Genealogical Reasoning Reconstruction of Nahdlatul Ulama Fiqh: From Social Fiqh to Civilization Fiqh. *Tashwirul Afkar*, *41*(2). https://doi.org/10.51716/ta.v41i2.74

Noor, F. A. (2019). Karakteristik Sains dalam Pemikiran Filosofis Kontemporer (Tinjauan Filsafat Ilmu-Ilmu Keislaman). *AL-MURABBI: Jurnal Studi Kependidikan Dan Keislaman*, *6*(1), 1–12. https://doi.org/10.53627/jam.v6i1.3630

Popper, K. R. (2008). *Logika Penemuan Ilmiah*. Pustaka Pelajar.

Praja, J. S. (1988). *Epistemologi Hukum Islam*. IAIN Jakarta.

Purwanto, M. R., Marazi, H., & Nafid, A. A. (2024). Application Impact of Imam al-Shafi'i's Qiyas on the Development of Islamic Legal Thought. *MADANIA: Jurnal Kajian Keislaman*, *28*(1), 125. https://doi.org/10.29300/madania.v28i1.4219

Rahman, F. (1994). *Islam dan Modernitas: Tentang Transformasi Intelektual*. Pustaka.

Rofiq, N., & Hasbi, M. Z. N. (2021). Mendamaikan Tradisi Muslim dan Ilmu Pengetahuan Modern. *The International Journal of Pegon: Islam Nusantara Civilization*, *6*(02), 1–16. https://doi.org/10.51925/inc.v6i02.51

Roy, M. (2004). *Ushul Fiqih Madzhab Aristoteles: Pelacakan Logika Aristoteles dalam Qiyas Ushul Fiqh*. Safiria Insania Press.

Roziqi, A. K., & Ni'am, S. (2025). Metodologi Kajian Islam: Studi Analisis Hukum Fiqh dalam Pendekatan Rasional Argumentatif (Metode Burhani). *Mahad Aly Journal of Islamic Studies*, *1*(1), 100–115. https://doi.org/10.63398/jsimahadaly.v1i1.40

Sambas, S. (2012). *Mantik: Kaidah Berpikir Islami*. Remaja Rosdakarya.

Taufiq, M., & Syarkawi, T. (2022). Fleksibilitas Hukum Fiqh dalam Merespons Perubahan Zaman. *Jurnal Al-Nadhair*, *1*(01), 45–66. https://doi.org/10.61433/alnadhair.v1i01.7

Yusran, Musyahid, A., & Akmal, A. (2025). Kaidah-Kaidah Fikih dalam Kondisi Menyulitkan: Kajian atas Kaidah Pokok, Cabang, dan Penerapannya. *JIMU: Jurnal Ilmiah Multidisipliner*, *3*(03), 2200–2211. https://doi.org/10.70294/jimu.v3i03.1003

Yuwono, A. A. Y. (2024). Epistemologi Falsifikasi; Implikasi Pemikiran Karl Raimund Popper terhadap Kajian Keilmuan Islam. *Jurnal Ilmiah Spiritualis: Jurnal Pemikiran Islam Dan Tasawuf*, *10*(2), 365–381. https://doi.org/10.53429/spiritualis.v10i2.1017

Zaharudin, Suhada, Aribathi, A. H., & Devana, V. T. (2021). Filsafat Ilmu Pengetahuan Islam Berbasis Teknologi Dalam Perspektif Epistemologi. *Alfabet Jurnal Wawasan Agama Risalah Islamiah, Teknologi Dan Sosial*, *1*(1), 1–15. https://doi.org/10.34306/alwaarits.v1i1.23