ABSTRACT

Islamic syaria law originates from two primary sources of wahyu (revelation); which are the al-Quran and al-Sunnah. Other sources of Islamic law are derived from these two sources. The law of methodology is then created in order to grasp the application of Islamic syaria laws and the legal reasoning behind it. Imām al-Shāfi‘ī was the first to compile and document the knowledge of ʿuṣūl al-fiqh or also known as the procedures for legal reasoning. Furthermore, Imām al-Shāfi‘ī was also known in his madhhab with his two qawl; which are the qawl qadīm in Iraq and the qawl jadīd in Mesir. Not all of his qawl qadīm experience law changes. However, undoubtedly every al-Shāfi‘ī’s qawl is based on his own law of methodology. Therefore, the author is trying to analyze several fiqhiyyah problems through comparison between both of al-Shāfi‘ī’s qawl methodologies. Documentation and library search have been used extensively for gathering research data. This study mainly refers to al-Shāfi‘ī’s main fiqh book of reference, ʿuṣūl al-fiqh book, qawāʿid al-fiqh book, sharh al-hadīth book, al-tārikh book (history), articles and fiqh journals. In general, besides inductive and deductive methods, this study has adopted a number of comparative methods in analyzing the research data. This topic has been selected because there is no specific study focusing on this topic. As far as the author is concerned, no comments were made in prior studies on this topic. According to the results, this study shows that Imām al-Shāfi‘ī adopted different methodology between his two qawl in making judgment (ijtihād). For example, in qawl jadīd, he considered the rule of al-maṣāliḥ al-mursalah, al-istiṣḥāb, and sadd al-dharāʾī’ as the source of his judgment. While in his qawl qadīm, he would hold solely to the apparent strength of the text (nas) and al-qiyās. Therefore, this study demonstrates the importance of the application of juristical methodology and approach in shaping the diversity and accretion of judgment (ijtihād).