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. Imam al-Shafi’i was the first to compile and document the knowledge of usul fiqh or also known as the procedures for legal reasoning. Furthermore, Imam al-Shafi’i was also known in his madhab with his two qawwals; which are the qawwal qadim in Iraq and the qawwal jadid in Mesir. Not all of his qawwals experience law changes. However, undoubtedly every al-Shafi’i’s qawwal is based on his own law of methodology. Therefore, the author is trying to analyze several fiqhiyyah problems through comparison between both of al-Shafi’i’s qawwals methodologies. Documentation and library search have been used extensively for gathering research data. This study mainly refers to al-Shafi’i’s main fiqh book of reference, usul al-fiqh book, qawaid al-fiqh book, sharh al-hadith book, al-tarikh 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 Imam al-Shafi’i adopted different methodology between his two qawwals in making judgment (ijtihad). For example, in qawwal jadid, he considered the rule of al-masalih al-mursalah, al-istihsab, and sadd al-dharai as the source of his judgment. While in his qawwal qadim, he would hold solely to the apparent strength of the text (nas) and al-qiyas. Therefore, this study demonstrates the importance of the application of juristical methodology and approach in shaping the diversity and accretion of judgment (ijtihad).