

# Revitalizing *Ijtihād* and *Ittibā'* in Abdul Hamid Hakim's Works: A Study of Intellectual Reforms within Islamic Legal Theory

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## Abstract

*Uṣūl fiqh* played an important role in the discussion of *fiqh*, but it is no longer applied for legal deduction due to the prevalent idea of *taqlīd* (imitation). The *taqlīd* hinders Islamic the scholars from referring to the Quran and sunnah directly. Abdul Hamid Hakim's efforts to revitalize *ijtihād* (independent reasoning) and *ittibā'* (evidence based acceptance) have brought new nuances to *uṣūl fiqh*. This paper aims to describe the thoughts of *ijtihād* and *ittibā'* in the works of Hakim and to reveal the influence of Islamic renewal. This paper is based on literature research using qualitative methods with a historical approach. This research shows that the *uṣūl fiqh* works of Hakim are written with an applicative approach. He arranges his works as teaching materials for beginners to advanced students. The idea of revitalizing *ijtihād* and encouraging *ittibā'* in Hakim's works resonated Islamic renewal idea in the early 20th century, marked by the creed of returning to the Quran and sunnah and the opening the *ijtihād* door. Hakim's works have contributed to the development of Islamic legal thought in Indonesia, which influenced subsequent efforts to reform Islamic law in the country.

Keywords: *Ijtihād*, *Ittibā'*, Islamic Renewal, *Usul Fiqh*, Abdul Hamid Hakim.

## Introduction

Among the prolific writers of *uṣūl fiqh* in Islamic reform circles in Indonesia, but often underrated in scientific studies, is Abdul Hamid Hakim. Hakim is the author of three *uṣūl fiqh* works that are popular in society, namely *Mabādi' Awwaliyah*, *al-Sullam*, and *al-Bayān*. All three are structured as teaching materials from basic to advanced levels. Hakim did not only write *uṣūl fiqh* works but also believed in its importance for Islamic law reformation.<sup>1</sup> The spirit of renewal in Hakim's *uṣūl fiqh* works has received little attention, though these works are widely used in Islamic boarding schools.

There are a few studies on Abdul Hamid Hakim that do not specifically focus on renewal ideas in his works. Miswanto<sup>2</sup> acknowledges the productivity of Hakims in writing *uṣūl* works and puts him as an example of a Muslim reformer who is affiliated with the Shafi'ite school of law. He is a portrait of unique Shafi'ite scholars who mainly embrace the closed *ijtihād* door. Putra<sup>3</sup> shortly alludes to Hakim's relationship with Haji Rasul, the founder of Thawalib School and an outstanding Islamic reformer in West Sumatera, and figures out the influence of Hakim's works among Minangkabau scholars. A shorter study is put forward by Bustaman,<sup>4</sup> who mentions five works by Hakim in his note of works by young scholars. Meanwhile, Rahmawati<sup>5</sup> mentions Hakim, along with Muhammad Hasbi Ash Shiddieqy, Syekh Abdul Karim Amrullah, and Ahmad Hasan, as the pioneer of the entry of *uṣūl fiqh* study to Indonesia, but she does not provide adequate reviews regarding Hakim's works.

Hakim's thinking was studied, among others. Nasrullah<sup>6</sup> examines Hakim's thoughts regarding *ahl al-kitāb* by using the hermeneutics approach, and Muntaqo<sup>7</sup> connects Hakim's opinion to Rashīd Riḍā. Nasrullah concluded that Hakim's concept of *ahl al-kitāb* was not limited to Judaism and Christianity, as is generally the case in classical Islamic works, but also included adherents of other religions.<sup>8</sup> This view was accepted and used by Nurcholish Madjid. Madjid employed Hakim's classification of the *ahl al-kitāb* and their obligation as citizens in the Islamic state as the basis for redefining *ahl al-kitāb*. Accepting that *ahl al-kitāb* term in the Koran is associated with Jews and Christians, Madjid applied the *ahl al-kitāb* term more widely so that it refers to Sabi'ins and Zoroastrians as well. Both Sabi'in and Zoroastrians are obligated to pay *jizya*. Because the *jizya* is obligatory for *ahl al-kitāb*, then they may be classified as *ahl al-kitāb* as well.<sup>9</sup>

The Hakim's courage in exploring the law on *ahl al-kitāb* roots in his tendency to accept *ijtihād*. This prompted him to reaffirm the importance of *uṣūl fiqh* as a means of taking a position on the texts to avoid imitation by at least being religious in a sudden way. Hakim condemned *taqlīd*, also criticized by the founders of four schools of Islamic law.<sup>10</sup> This deviance to *taqlīd* challenges the general view of classical scholars that the door of *ijtihād* has been closed because competent mujtahids (Islamic Jurists) are no longer found because the right to *ijtihād* is only owned by the first three or four generations of schools ulama.<sup>11</sup> According to Hallaq,<sup>12</sup> the idea of closing the door of *ijtihād* was an attempt by Islamic jurists to strengthen the authority of the founding of *maẓhab* and to prevent the rise of any new Islamic school of law.

Hakim's initiative to give a new dimension to *uṣūl fiqh* shows the resonance of Islamic renewal that developed in the early 20<sup>th</sup> century. Islamic renewal gave birth to the movement of young people who embraced the Islamic reformist stance, especially in West Sumatera, which, in turn, influenced the spread of the renewal idea among Islamic scholars in Indonesia. Hakim is the successor of Abdul Karim Amrullah (Haji Rasul), an important exponent of Islamic renewal in Minangkabau. Hakim was once the head of Sumatra Thawalib Padang Panjang, where the renewal idea developed and gave birth to many important Islamic thinkers, such as Haji Ahmad Rasyid Sutan Mansur (d. 1985), Haji Abdul Malik Karim Amrullah/Hamka (d. 1981), Zainal Abidin Ahmad (d. 1983), Rasuna Said (d. 1962), Ali Hasyimi (d. 1997), and Rahmah El-Yunusiyah (d. 1969). Finally, Hakim's students developed renewal ideas, both at the national and international levels.<sup>13</sup>

This paper focused on uncovering Abdul Hamid Hakim's thoughts in the field of *uṣūl fiqh* regarding his idea of revitalizing *ijtihād* and encouraging *ittibā'*. This paper aims to describe Hakim's *uṣūl fiqh* works and the resonance of renewal thinking on them. This library research used qualitative methods to describe Hakim's ideas regarding *ijtihād* and to analyze the resonance of Islamic renewal ideas to his thinking. The data are based on Hakim's works and various related works, which are analyzed using a

historical approach. The importance of the paper is to uncover the dynamics of *uṣūl fiqh* writings in Indonesia and the contribution of Indonesian scholars in giving a new dimension to *uṣūl fiqh* works.

### ***Uṣūl Fiqh* Works in Indonesia**

*Uṣūl fiqh* is a discipline in classical Islamic science as a tool for conducting Islamic legal deduction. *Uṣūl fiqh*'s importance lies in its role in Islamic Jurisprudence, celebrated as the queen of Islamic sciences because the classical Islamic madrasas, such as the *Nidzamiyah*, were dedicated to the study of Islamic law as a priority. Al-Ghazālī<sup>14</sup> categorized *uṣūl fiqh* as part of *diniyah* (religion) science, together with *tafsīr*, *fiqh*, and *uṣūl fiqh*. The main topics of *uṣūl fiqh* are *al-hukm* (law), *al-muthmir* (*dalīl* or legal arguments), *ṭuruq al-istithmār* (deductive principles), and *al-mustathmir* (*mujtahid*). However, *uṣūl fiqh*s works do not always contain the four topics because the very function of *uṣūl fiqh* is as the principles of deduction for doing *ijtihād*.

The study of *uṣūl fiqh* developed rapidly in the 5<sup>th</sup> and 6<sup>th</sup> centuries of the Hijriyah. Major *uṣūl fiqh* works developed following the *mutakallimīn* (theologian) approach (Shafī'ite approach) or jurists' (Hanafite) approach.<sup>15</sup> Later on, the combined method emerged.<sup>16</sup> The *mutakallimīn* approach was developed among the Shafī'ite, some of whom had theological backgrounds. There are works that belong to *mutakallimīn* camp, namely *al-Luma* ' by al-Shirāzī, *al-Mustaṣfā* by al-Ghazālī, *al-Mahṣūl* by Fakhr al-Dīn al-Rāzī, *al-Burhān* and *al-Waraqāt* by al-Juwaynī, *al-Ihkām fī Uṣūl al-Ahkām* by al-Āmidī, *Minhāj al-Wuṣūl ila Ilm al-Uṣūl* by al-Baidāwī and so on. The *mutakallimīn* method prioritizes rules as the basis for legal inferences. On the other hand, *uṣūl fiqh* works among jurists emphasize the inductive inference from the *furū'* cases having been solved by the ulama.<sup>17</sup> The works of *uṣūl fiqh* using jurists' approach are *al-Fuṣūl* by Abū Bakar al-Jaṣṣāṣ, *Taqwīm al-Adillah* by Abū Zaid al-Dabbūsī, *Kanz al-Wuṣūl ila Ma'rifaṭ al-Uṣūl* by al-Bazdawī, and *Uṣūl al-Sharaksi*. Hanafite scholars employed this approach.

Later, some *usūliyyīn* (*uṣūl fiqh* experts) developed mix-approach, combining the both *mutakallimīn*s and jurists's approach. The combined method is conducted by applying the principles of deduction to Islamic legal sources as well as by extracting legal maxims from actual issues or legal cases having been solved by scholars from Islamic schools of law. The examples of *uṣūl fiqh* works written using mix-approach are *Badī' al-Nizām al-Jāmi' bayn Kitābay al-Bazdawī wa al-Ihkām* by Muzaffar al-Dīn Ahmad bin 'Alī al-Hanafī, *Tanqīh Uṣūl* by Shadr al-Sharī 'ah al-Hanafī, *Sharh al-Tauḍīh* by Sa'd al-Dīn al-Taftazanī, and *Jam' al-Jawami* ' by Taj al-Dīn al-Subkī. The kind of works come from both *mutakallimīn* and *fuqahā'* scholars.

In Indonesia, *uṣūl fiqh* commonly uses the *mutakallimīn* approach. The *uṣūl fiqh* works popular in Indonesia are *Al-Waraqāt* by al-Juwaynī, *al-Luma* ' by Abu Ishāq al-Shirāzī, *Ghāyah al-Wṣūl* by Zakariyā al-Ansharī, and *Jam' al-Jawami* ' by Taj al-Dīn al-Subkī. Some of those have even been elaborated by Indonesian scholars. Ahmad Khatib al-Minkabawi wrote *hashiyah* (explanation) of the *Sharah al-Waraqāt* written by Jalāl al-Dīn al-Mahallī. Kiai Sahal Mahfud wrote *al-Bayān al-Malma* ' on *al-Luma* ', and Yasin al-Fādānī, an Indonesian scholar who spent his time in the Hijaz, wrote *Bughyah al-Mushtāq fī Sharh al-Luma* <sup>18</sup> The works show the dynamic reception of *uṣūl fiqh* works by Islamic scholars in Indonesia.

However, the teaching of *uṣūl fiqh* in Indonesian Islamic schools tends to be more informative than applicative. *Uṣūl fiqh* as a means of *istinbāt* (deduction) from Quran and sunnah is not applicable due to *taqlīd* orientation, and the tenet that *ijtihād* right is only granted to *mujtahid*, that no longer exists. The tenet has led to the widespread view that the door to *ijtihād* had been closed from the 4<sup>th</sup> AH and gained more acceptance in the 7<sup>th</sup> AH because of the absence of the *mujtahid*.<sup>19</sup> The method of solving legal issues then is dominated by textual analyses of classical works written by authoritative scholars in an

Islamic legal scholar (*maẓhab*). The method is called *istinbāṭ* of *fiqh qaulī*. The settlement of legal problems through *istinbāṭ qaulī* is carried out by tracing *fiqh* texts that are already well established in schools of law<sup>20</sup> and then analogizing the new cases with the cases already solved in the *fiqh* textbooks. Such conditions make *uṣūl fiqh* no longer operational except for understanding legal fatwas.

The writing of *uṣūl fiqh* among modern Islamic scholars in Indonesia, as Hakim did, is the consequence of coming back to the Quran and Sunnah. The writings are projected to actively resolve new legal cases by referring to basic Islamic legal sources, namely the Quran and Sunnah. The works by Hakim are basically aimed at providing students with teaching materials, and many Islamic schools appreciate them, but they also serve the need of Islamic legal scholars to deal with new cases of Islamic law. Hakim wrote the trilogy works of *uṣūl fiqh*, namely *Mabadi' Awaaliyah*, *al-Sullam*, and *al-Bayān*, all of which are available up to now.

### Biography of Abdul Hamid Hakim

Abdul Hamid Hakim was a scholar from West Sumatra, to be precise, on the shores of Lake Singkarak in 1893. His father was a trader in the city of Padang. After graduating from Basic Education in Padang, he continued studying the Koran in his village. In 1908, he went to Sungayang Batu Sangkar to study religious sciences under Haji Muhammad Thaib Umar, an Islamic reformer. After studying in Sungayang for two years, Abdul Hamid Hakim continued his studies in Maninjau, namely with Haji Abdul Karim Amrullah (Haji Rasul), the father of popular Islamic scholar, Hamka.

When Haji Rasul was asked to help his fellow, Abdullah Ahmad, to manage al-Munir Magazine in Padang Panjang, Hakim followed him. Haji Rasul was also asked by a community in Padang Panjang to manage education at the Jembatan Besi, which became the epitome of Sumatra Thawalib. Initially, the education was held in *surau*, a communal place for prayer, using traditional educational methods, and later it was transformed into a modern one.<sup>21</sup>

When Haji Rasul founded Sumatra Thawalib in 1918, Hakim also taught there. He served as vice principal of the school, accompanying Haji Rasul. Hakim became the acting principal of the school in 1922 and finally replaced the position of Haji Rasul in 1926. He also taught at the Diniyah School of Zainuddin Labai and Diniyah Puteri, founded by Rahmah el-Yunusiyah. He also taught at Kulliyatul Muballighin, which Muhammadiyah founded in Padang Panjang.<sup>22</sup>

Hakim became the teacher of many religious figures from West Sumatra, among whom are HAR Sutan Mansur (1895-1985), Hamka (1908-1981), Zainal Abidin Ahmad (1911-1983), Rasuna Said (1910-1962), Prof. Ali Hasyimi (1908-1997), and Rahmah el-Yunusiyah (1900-1969). Other names have studied under his tutelage, namely Prof. Mukhtar Yahya, K.H. Zarkasyi (founder of the Gontor Islamic Boarding School), and Prof. Amir Syarifudin (former Chancellor of State Islamic Institute of Imam Bonjol and Chairman of the Council of Indonesian Ulama of West Sumatera).

Abdul Hamid Hakim did not only write on *uṣūl fiqh* but also other subjects. He wrote *a-Mu'in al-Mubīn* (4 volumes), *Tahẓīb al-Akhlāq* (3 volumes), and *Sharh Bidāyah al-Mujtahid* under title *al-Hidāyah ilā Mā Yanbaghī min al-Ziyādah 'alā al-Bidāyah*, which unfortunately was not resolved.<sup>23</sup> Hakim died on July 13, 1959. M. Hakim's services and contributions are widely recognized. He is praised for his work as well as his role in the rise of great thinkers of West Sumatra. His *uṣūl fiqh* works are still used in various Islamic educational institutions.

## The Structure of Works

Hakim's *uṣūl fiqh* works are arranged in stages, with *Mabādi' Awwaliyah* for the basic and *al-Bayān* for the advanced level, while *al-Sullam* is in between. Even though they are arranged in stages, the works are not arranged under the classical order of *man*, *sharh*, and *hāshiyah*; rather, they are arranged from simple to complex structures. In the introduction to *Mabādi' Awwaliyah*, he explained his reason for writing the book. According to him, the circulating *uṣūl fiqh* works were difficult to understand by students, and there were no examples of the application of the rules in them, so the kind of writing arrangement had little use and was a waste of time.<sup>24</sup> In *al-Bayān*, he stated that his works were written with consideration of ease of use and suitability for students from his nation.<sup>25</sup>

Hakim's work, although written in stages, does not use the method of *matn-sharh-hāsiyah* because each work is basically an independent one. *Al-Sullam* cannot be called an extra-explanation of *Mabādi' Awwaliyah*, and *al-Bayān* cannot be as well. Each of the three, although related to each other, can be used for learning and discussion independently. *Al-Bayān* was written by Hakim after the writing of *Mabādi' Awwaliyah*. However, Hakim saw the logical jump from *Mabadi* to *al-Bayān*, which prompted him to write *al-Sullam* as a bridge over the two previous works.

### 1. *Mabādi' Awwaliyah*

*Mabādi' Awwaliyah* is Hakim's work that is most widely circulated in Indonesia. Apart from the original Arabic version, there are several translation versions, such as the translation by Sukanan and Khairudin,<sup>26</sup> the translation by Ahmad Musadad,<sup>27</sup> and the translation by Zaenuri Siroj and Nur Hadi.<sup>28</sup> The translations show great interest in *Mabādi' Awwaliyah* as teaching and learning material.

*Mabādi' Awwaliyah* is organized into two sections (*qism*), namely *uṣūl fiqh* (deductive principles) and *qawā'id fiqh* (legal maxims). The first section discusses the meaning of *uṣūl fiqh* and law. Subsequent discussions are then divided into *mabhath* (subchapters), which begin with the discussion on *al-amr* and ends with the discussion of *ijtihad*, *ittibā'* and *taqlid*. The second section (*qism*) discusses 40 legal maxims without distinguishing between major legal maxims and minor ones. All maxims are given the same portion without any rearrangement into subdivisions.

Deductive principles in *Mabādi' Awwaliyah* are mostly the same as those in *al-Waraqāt* by al-Juwainī. However, *Mabādi' Awwaliyah* should not be considered a copy of *al-Waraqāt* since *Mabādi' Awwaliyah* provides readers with the application of the principles into examples that cannot be found in *al-Waraqāt* and discusses some topics that are not discussed in *al-Waraqāt*. On the other hand, there are several topics in *al-Waraqāt*, such as *al-kalam*, the contradiction of the source of law, and *al-muftī wa al-mustaftī*, that are not discussed in the *Mabādi' Awwaliyah*.

### 2. *Al-Sullam*

The second book of Hakim's works, *Al-Sullam*, is arranged in the same outline as *Mabādi' Awwaliyah*. The first section (*qism*) of *al-Sullam* contains *uṣūl fiqh*, and the second one is about legal maxims. The *uṣūl fiqh* section is divided into four *faṣl* (division), and the *faṣl* then is subdivided into *mabhath* (subchapter). The first *faṣl*, for instance, contains a description of the meaning, the object, and the benefits of *uṣūl fiqh*, as well as a discussion on the theory of knowledge (*jahl*, *ẓann* and *shakk*). The second one contains four subchapters, namely the discussion of the division of law, law authority, the subject of law, and the object of law. The *mabhath* are subdivided into rules or problems, such as the discussion of *amr* (command) and *nahī* (prohibition), which begins with definitions and is followed by an explanation of principles. On the other hand, the discussion of *'amm* (general) and *khass* (specific) words provides definitions and related principles.

*Al-Sullam* covers a comprehensive discussion of *uṣūl fiqh* topics. It comprises an elaboration of introduction (*muqaddimah*), law, the source of law, legal inference, and *mujtahid*. *Al-Sullam* discusses legal maxims. The arrangement makes it easier for students to know which ones are *uṣūl fiqh* principles and which ones are legal maxims. The mastery of both is required to understand the methodology of Islamic law. The former is a prerequisite for exploring Islamic law from the main Islamic source of law, while the latter provides Islamic scholars with the ability to answer daily social problems quickly.

### 3. *Al-Bayān*

*Al-Bayān* is a masterpiece of the Hakim's works. *Al-Bayān* topics are well-structured and provided with examples. In the introduction, Hakim stated his aims of writing it to provide the basis for *ijtihād* and to distinguish wrong opinions from right ones.<sup>29</sup> Another added value of *al-Bayān* lies in its comparative approach toward deductive principles. Hakim admitted his debt to *Irshād al-Fukhūl*<sup>30</sup> and praised it as the best work of *uṣūl fiqh* ever. However, *al-Bayān* is a copy of *Irshād al-Fukhūl* since the latter does not provide examples of the application of deductive principles as *al-Bayān* does. Despite its adoption of the definitions of the term from *Irshād al-Fukhūl*, *al-Bayān* makes other definitions available that enable students to find more understandable ones. The definition of law in *al-Bayān*, for example, is taken from *Irshād al-Fukhūl*; rather, it refers to different sources.<sup>31</sup>

The topics in *Al-Bayān* are arranged into *faṣl* (parts) and *mabḥath* (discussions) like in *al-Sullam*. The term *faṣl* is employed, firstly, for introducing the subject matter of *uṣūl fiqh*, with regard to the understanding of *uṣūl*, *fiqh*, its objects and benefits, other knowledge related to it, and, secondly, for the discussions about the nature of law. The discussion sections are divided into seventeen discussions, comprising ten discussions on deductive rules, five chapters on legal arguments, one chapter on *ijtihād*, *ittibā'* and *taqlīd*, and one chapter on *tarjīḥ*.

Hakim added a concluding discussion regarding the divisions of human activities according to Islamic law into *ibadah* (ritual law) and *mu'āmalah* (human relationship law). The discussion on *istidlāl* (legal inference) is also expanded to include sub-discussions on other *dalīl* (legal arguments) that may be used for legal inferences, such as *istishāb*, *maslaḥah mursalah*, *istiḥsān*, *qaul shahābī*, *sadd ḥarā'ih*, *dalālah iqtirān*, dreams of the Prophet Muhammad, and the shariah of previous prophets. Although *al-Bayān* is not a large work, it contains complete and well-elaborated topics, including the comparisons of rules and the comparisons of opinions. In the discussion of *qiyas*, for instance, Hakim pointed out the differences in scholars' opinions regarding the validity of *qiyas* on ritual law between the *jumhūr* (the majority) and Dāwud al-Zāhirī and Ibn Ḥazm.<sup>32</sup> In that case, *al-Bayān* serves advanced students and scholars who want to deepen their understanding of the subject.

### Revitalizing *Ijtihād* and *Ittibā'*

The spirit brought by Hakim in his three works is *ijtihād* or *ittibā'*. *Ijtihād* gets more emphasis on Hamid's thought so that in both *Mabādi' Awwaliyah* and *al-Bayān*. He quotes one saying:

مَنْ جَهِلَ الْأَصْلَ لَمْ يُصِبِ الْفَرْعَ أَبَدًا

*Whoever does not know the uṣūl (roots), he will not reach the furū' (branches) forever*

He compares *uṣūl fiqh* to the roots of a tree in which the tree can stand firmly on the foundation of the roots. Implicitly, he hints that *ijtihād* is always actual to understand detailed cases of *fiqh*.

The enthusiasm to open the door to *ijtihād* rose in the late 19<sup>th</sup> century, at the beginning of the 20<sup>th</sup> century, with the emergence of the Islamic renewal movement in Indonesia. The discourse on opening the *ijtihād* gate came up among Muslim scholars to challenge the idea that the door of *ijtihād* has been

closed. The idea was generally embraced by classical legal scholars who denied the existence of *mujtahid* in the modern era. Islamic scholars after al-Rāfiʿī and al-Nawawī, according to Shafiʿite, were categorized as *ahl al-fatwā* (fatwa authority) or *hamalah al-fiqh* (one who master *fiqh*) with no capacity to conduct *ijtihād*. In turn, they had to obey the previous generation of ulama.<sup>33</sup>

The idea of the closing of the gate of *ijtihād* is interrelated with the idea of *taqlīd*. Both, according to Hallaq,<sup>34</sup> are required for the establishment of the school of Islamic law in the 10<sup>th</sup> century AD. This establishment led to the creation of the complete judicial system, the elaboration of broad legal issues, the birth of complex legal inference methods, and the emergence of the notion that *maẓhab* is a channel for Islamic legal doctrines. This condition led to the prevalent perception among Islamic communities that legal issues had been solved by previous scholars (*mujtahid*), so the task of Islamic scholars nowadays is to solve new issues by referring to the opinions and works of mujtahids of the past.

Hakim understands the importance of reviving *ijtihād* and encouraging *ittibāʿ* as well as rejecting *taqlīd*. He defined *ittibāʿ* as "adopting an opinion based on the understanding of argument underlining it." In the *Mabādiʿ Awwaliyah*, Hakim highlighted the importance of *ijtihād* and denounced *taqlīd*.<sup>35</sup> In *al-Sullam*, Hakim provided the idea with support from the Quran, for example, which blamed Jews and Christians for treating their clerics as gods (*arbāb*) whose opinions were taken for granted. He supported his argument by citing a Prophet's tradition reporting that the Quranic at Tauba 32 was related to rabbis (Jewish clerics) whose unlawful interpretation of the Divine Book was accepted by them uncritically as if they were gods (Hakim, no year b: 49). Then kind of interpretation by Hakim of Quranic verse, al-Tauba 32, is basically not new one, but he managed to connect the interpretation with criticism toward *taqlīd*. Hakim's interpretation is the same as that of Ibnu Kathīr and Muhammad bin Umar Nawawī Banten, both of which also criticized the blind acceptance of Rabbis' opinions by their followers. However, they did not use the verse as a pretext for condemning *taqlīd* as Hakim did.

To support his condemnation against *taqlīd*, Hakim cites Abu Hanīfah's remark that whenever his opinion violated the Quran and the Prophet's traditions, it should be abandoned. Hakim also attributed this similar remark to the authority of Malik bin Anas. Hakim also referred to al-Shafiʿī, who compares a seeker of knowledge without argument to a carpenter who carries a bundle of wood with a snake inside it, but he did not know until it had bitten him. Finally, Ahmad bin Hanbal forbade his opinion and that of the priests to be followed and encouraged people to take directly from the primary sources that the priests took from.<sup>36</sup>

The *taqlīd* is a topic under debate among *usūliyyīn* (Islamic jurisprudence scholars). Abū Ishāq al-Shīrāzī divided *taqlīd* into categories. Firstly, *taqlīd* could not accept reasonable argumentation on the existence of God and the knowledge of the Messenger. Secondly, *taqlīd* could not also be permitted related to basic religious obligations inferred from the Quran, such as the obligation to pray daily, the obligation to conduct Ramadhan fasting, and the obligation to give religious charity (*zakah*). Thirdly, *taqlīd* can be accepted by ordinary people who do not master<sup>37</sup> legal reasoning on detailed matters of Islamic teaching. Lastly, *taqlīd* is not approved by Islamic law experts.<sup>38</sup>

## Revitalization of Islamic Renewal

The idea put forward by Hakim may be traced to the Islamic reform movement in Indonesia. The Islamic renewal movement that emerged in the early 20<sup>th</sup> century was marked by the idea of returning to the spirit of the Quran and hadith and the use of reason to promote religious values. This renewal movement was characterized by the adaptation of modern civilization and sciences, which were supported by the interpretation of the Quran in light of modernity. Harun Nasution named the movement

Islamic renewal, while Azyumardi Azra called it Islamic modernization. Nasution used the term Islamic renewal instead of modernization, considering that modernization was linked to the movement in the West to replace Catholic teachings with science, while in Islam, the renewal was conducted by the revitalization of religious teachings. On the other hand, Azra deemed that the renewal term did not reflect the affirmation of Islam in life; rather, it could even lead to secularization.<sup>39</sup>

Technically, both terms are intertwined in Indonesia due to the influence of Muhammad Abduh, a modernist-rationalist, and Muhammad Rashīd Riḍā, a new Salafist. Modernism is a response to Western influences by adapting the European spirit of rationality and progress, as Abduh did, to improve the condition of Muslims from backwardness by improving the method of thinking through *ijtihād*.<sup>40</sup> Meanwhile, the new Salafism of Ridla consists of three elements, namely, the return to pure Islamic teachings, the resistance to colonialism and Western domination, and the recognition of Western superiority in the fields of knowledge. If classical Salafism emphasizes the first element, the new one emphasizes all of those.<sup>41</sup>

The creed of "the return to Quran and hadith" is a core idea of Islamic renewal. It leads to the invitation for Islamic thinkers to reopen the door of *ijtihād*. The opening of the door to *ijtihād* played an important role in the Islamic renewal movement in the early 20th century to adjust Islamic teaching with ongoing social changes from modernity. The influence of modernism on Indonesia can be found in a letter by Muhammad Basyuni Imran from Sambas, Kalimantan, in 1929. He sent a letter to *al-Manār* Magazine in Egypt, headed by Rashid Ridla, and asked a question on why Muslims were retreating while other people were advancing. The question was answered by *al-Manār*'s circle, Arsakib Aslan. He replied that the reason for the victory of Muslims in the past was the Quran, and the reason for the decline of Muslims then was because of leaving the Quran.<sup>42</sup> Consequently, "returning to the Quran and hadith," according to him, was the sole key to regaining Islamic glory.

Islamic renewal in Indonesia prominently occurred in West Sumatra and Java. Islamic renewal is often associated with the Ibn Taimiyah's (d. 728 H/1328 AD) thoughts. Ibnu Taimiyah endorsed the idea of returning to Islamic teachings in addressing religious practices seen as incompatible with original Islamic teachings. On the other hand, the modern renewal movement introduced by Jalal al-Din al-Afghani, Muhammad Abduh, and Muhammad Rashīd Riḍā highlighted modernization as a basic tenet of Islamic renewal. Ahmad Khatib, a Minangkabau cleric from West Sumatera who taught and served as imam of the Shafi'ite school in Mecca, was the prototype of a renewal supporter. He carried out reform by criticizing the *tarekat* while accepting the idea of reform. Although adhering to Shafi'ite school, he redefined *taqlīd* as a behavior of following people who have no arguments to follow. Ahmad Khatib took over the opinion of al-Qāḍī al-Marwarrūṣī that the acceptance of a mufti's opinions by ordinary people cannot be categorized as *taqlīd* because the mufti's opinion becomes evidence for ordinary people, but it did not apply to Islamic law experts. Ahmad Khatib allowed the changing of affiliation from one Islamic school of law (*maẓhab*) to another because it was no longer easy to stick to one *maẓhab* at this time.<sup>43</sup>

Ahmad Khatib's renewal ideas influenced his students from Minangkabau, such as Shaykh Jalaluddin al-Azhari (d. 1956), Haji Karim Amrullah/ Haji Rasul (d. 1945), Muhammad Jamil Jambek (d. 1947), and Haji Abdullah Ahmad (d. 1933). Ahmad Khatib allowed his students to read Muhammad Abdul's works on *Urwah al-Wuṣṭqā* and Abduh's work on Quranic interpretation. He himself agreed to Abduh's opinion to return to the Quran and sunnah, but he refused to completely negate *taqlīd* because Ahmad Khatib was still attached to Shafi'ite school.<sup>44</sup>

This renewal idea in West Sumatera emphasized the purification of religious rites from outside influences. It criticized Islamic mysticism and rejected schools of law as the final legal authority that must



be followed through imitation. Haji Rasul carried out purification efforts by eliminating ritual practices that had no reference to the main sources of Islam, namely the Quran and Sunnah. He endorsed the revision of mystical practices and denied the practice of mystics as authoritative rituals in Islam. Finally, he criticized later jurists who ignored the Quran and sunnah, even though he recognized early jurists whose approaches were based on the two sources.<sup>45</sup>

In sum, Hakim's thoughts and works on revitalizing *ijtihad* and *ittiba* are best placed in the light of the Islamic renewal. Hakim was a student of several reformers, such as Muhammad Thaib Umar (a reformer from Batu Sangkar in 1908-1910) and Haji Abdul Karim Amrullah or Haji Rasul (the forerunner of Sumatra Thawalib). Hakim became Haji Rasul's favorite student and took part in managing *al-Munir* magazine, along with Haji Rasul, as well as Sumatra Thawalib School in Padang Panjang. In the tutelage of the reformers, Hakim studied Muhammad Abduh's *Risālah al-Tawhīd* and *Tafsīr al-Manār*.<sup>46</sup> His interaction with classical Islamic scholarship was getting stronger when he taught in several schools: Sumatra Thawalib, Diniyah School led by Zainudin Labai, Rahmah el-Yunusiyah's Diniyah Puteri, and Kulliyatul Mubalighin founded by Muhammadiyah, all of which were influenced by renewal movement.

In his works, Hakim's emphasis on *ijtihad* and *ittibā'* cannot be separated from the thought of *Kaum Mudo* (The Youth), group thinkers attached to reformers in Minangkabau at the beginning of the 20<sup>th</sup> century. *Kaum Mudo* (The Youth) was an antithesis of *Kaum Tuo* (The Old), a group of clerics who were attached to traditional scholars and adhered to old Islamic schools of Islamic law and *tarekat* (Sufistic brotherhood). *Kaum Mudo* was characterized by the inclination toward the purification of religion, the renewal of thought, and modernization in the field of societal and political education. This religious renewal in the field of religious thought gave birth to the idea of revitalizing *ijtihad* and *ittibā'*, which contributed to the awakening of the Islamic movement or reformation in Indonesia from the early 20<sup>th</sup> Century. The religious reformers in Indonesia are sometimes called modernists or purifiers of religion<sup>47</sup> because of the intertwined elements in the renewed thoughts in Indonesia. The revitalization of *ijtihad* and *ittibā'* marked the creative effort to revive religious teaching to cope with modern social challenges and changes.

## Conclusion

Abdul Hamid Hakim offered new spirit in *uṣūl fiqh* and inserted the renewal idea of reviving *ijtihad* and *ittibā'*. He wrote *uṣūl fiqh* in an applicable systematic and tiered structure. The tiered method of writing in *uṣūl fiqh* is not new because Abu Maali al-Juwainī and Abu Ishāq al-Shīrāzī preceded him in writing *uṣūl fiqh* works into two levels, basic level (*al-Waraqāt* and *al-Luma'*) and advanced one (*al-Burhān* and *al-Tabṣīrah*). However, Hakim saw a gap that he needed to fill, namely the absence of applicable examples in these works. Hakim's trilogy of *uṣūl fiqh* is also not structured according to the *matan-sharh-hashiyah*, as the classical model did; rather, each work can be treated and used independently.

Hakim's *uṣūl fiqh* is colored by the nuances of renewal, especially in the discussion of *ijtihad* and mujtahid. Classical *uṣūl fiqh* generally discusses who has the right to be *mujtahid* and who should be a *mustaftī* (fatwa requester). Hakim denounced *taqlīd* and encouraged *ittibā'* for those who have no competence to conduct *ijtihad*. The idea of revitalizing *ijtihad* and encouraging *ittibā'* is driven by the need to support the adaptation of modern thoughts and science with religious legitimacy. The idea of returning to the Quran and sunnah and the rejection of the closing door of *ijtihad* played an important role in energizing modernization efforts and purification of religious life in Indonesia in the early 20<sup>th</sup>

Century. Hakim was influenced by his Minangkabau's Reformers, such as Muhammad Thaib Umar, Haji Rasul, and Jamaluddin Jambek.

Unfortunately, the enthusiasm for studying *uṣūl fiqh* is declining nowadays, even among the reformers. This condition may lead to imprudent legal conclusions. Hakim's works provide teaching materials that enable students to study *uṣūl fiqh* more easily and to grasp the spirit of opening the horizon of religious thoughts. In this context, Hakim's works contribute to the development of Islamic legal thinking in Indonesia that seeks to harmonize Islamic law and social changes.

## Endnotes

- <sup>1</sup> Miswanto. Al-Haram Law Discovery Process in Indonesian Ulama Perspective: A Study of Abdul Hamid Hakim's Thoughts. *1st Borobudur International Symposium on Humanities, Economics and Social Sciences (BIS-HESS 2019)*. Published by Atlantis Press SARL (2010): 282
- <sup>2</sup> *Ibid.*-
- <sup>3</sup> Apria Putra. "Ulama dan Karya Tulis: Diskursus Keislaman di Minangkabau Awal Abad 20". *Jurnal Fuaduna*, 1 no. 2 (2017): 134-147
- <sup>4</sup> Ridwan Bustaman. "Karya Ulama Sumatera Barat: Krisis Basis dan Generasi Penerus." *Jurnal Lektur Keagamaan*. 14, no. 2 (2016): 517
- <sup>5</sup> Rahmawati. "Sejarah *Uṣūl Fiqh* Masuk di Indonesia". *Jurnal al-Syir'ah*. 13 no. 2 (2015): 1-20.
- <sup>6</sup> Nasrullah. "Rekonstruksi Obyektif dan Subyektif dalam Pemikiran Islam: Studi Penafsiran Abdul Hamid Hakim tentang Ahli Kitab," *Jurnal Syahadah* 4, no. 1 (2016): 45-74
- <sup>7</sup> Lutfan Muntaqo. "Islamic Thought on Interfaith Marriage in Local and Global Context." *Manāṛul Quran*, 20, no. 1 (2010): 75
- <sup>8</sup> Nasrullah. "Dari Tafsir ke Pemaknaan Hukum, Studi Penafsiran Abdul Hamid Hakim tentang Perluasan Makna Ahli Kitab dan Implikasinya terhadap Argumentasi Perkawinan Mulim dengan Wanita Ahli Kitab." *Jurnal Syahadah*, 5, no. 1 (2017): 1-43
- <sup>9</sup> Nurcholish Madjid. "Pijakan Keimanan bagi Fiqih Lintas Agama." In Mun'im A. Sirry. *Fiqih Lintas Agama, Membangun Masyarakat Inklusif-Pluralis*, (Jakarta: PARAMADINA dan The Asia Foundation, 2005): 45-50
- <sup>10</sup> Abdul Hamid Hakim. *Al-Sullam*, (Jakarta: Maktabah al-Sa'adiyah Putera, No Year.b.): 49-50
- <sup>11</sup> Wael B Hallaq. *Authority, Continuity, and Change in Islamic Law*, (Cambridge: Cambridge University Press, 2001): 61-62
- <sup>12</sup> Wael B. Hallaq. "Was the Gate of *Ijtihād* Closed?" *International Journal of Middle East Studies*, 16, no. 1 (1984): 26
- <sup>13</sup> Rahmawati. "Sejarah *Uṣūl Fiqh* Masuk di Indonesia, *Jurnal al-Syir'ah*. 13, no. 2 (2015): 1-20.
- <sup>14</sup> Abū Hāmid al-Ghazālī. *Al-Mustaṣfā fi 'Ilm al-Uṣūl*, (Beirut: Dār al-Kutub al-'Ilmiyyah, 2000): 6
- <sup>15</sup> Thaha Jabir Alwani. *Source Methodology in Islamic Jurisprudence (Uṣūl al-Fiqh al-Islami)*, (London: The International Institute of Islamic Thought, 2003): 52-53
- <sup>16</sup> Hanif Aidhil Alwana. "Aliran Pemikiran *Uṣūl Fiqh* dan Pengaruhnya terhadap Pendekatan Hukum Islam." *Jurnal Ilmu Syariah*. 19, no. 2 (2020): 156- 161
- <sup>17</sup> Alwani. 2003. *Source Methodology*:53
- <sup>18</sup> Muhammad Yāsin al- Fadānī. *Bughyah al-Mushtāq fi Sharh al-Luma' li Abī Ishāq*. Beirut: Dār Ibn Kathīr: 2021)
- <sup>19</sup> Fuady Abdullah. "Independensi dari *Mazhab: Ijtihād* dalam Perspektif al-Syawkani." *al-Maslahah: Jurnal Hukum Islam dan Pranata Sosial Islam*. 9, no. 02 (2021): 251-274
- <sup>20</sup> Imam Syafi'i. "Transformasi *Mazhab* Qouli menuju *Mazhab* Manhaji Jama'iy dalam Bahtsul Masa'il." *Asy-Syari'ah*, 4, no. 1 (2018): 22
- <sup>21</sup> Nasrullah. 2016. "Rekonstruksi Obyektif: 52 and Rahmawati. 2015. Sejarah *Uṣūl Fiqh*.
- <sup>22</sup> Nasrullah. 2016. "Rekonstruksi Obyektif: 54
- <sup>23</sup> Nasrullah. 2016. "Rekonstruksi Obyektif: 55
- <sup>24</sup> Abdul Hamid Hakim. *Al-Bayān*, (Jakarta dan Padang Panjang: Maktabah al-Sa'adiyah Putera, No Year.c): 4
- <sup>25</sup> *Ibid.* 2
- <sup>26</sup> Sukanan and Khairudin. *Uṣūl Fiqh, Terjemahan Mabādi' Awwaliyah fi Uṣūl al-Fiqh wa al-Qawā'id al-Fiqhiyyah*, (No Place: No. Publisher, No Year)
- <sup>27</sup> Ahmad Musadad. *Mengenai Dasar-Dasar Ilmu Uṣūl fiqh dan Kaidah Fiqh Terjemah Mabādi' Awwaliyah*. (Batu Malang: Penerbit Litera Nusantara, 2020)
- <sup>28</sup> Zaenuri Siroj dan Nur Hadi. *Terjemah Mabādi' Awwaliyah: Kajian tentang Fiqh Karya Abdul Hamid Hakim*, (Jakarta: Megah Jaya: 2012)
- <sup>29</sup> Hakim. No Year.c. *Al-Bayān*: 2
- <sup>30</sup> Muhammad Ālī al-Shaukānī. *Irshād al-Fukhūl ilā Tahqīq al-Haqq min 'Ilm al-Uṣūl*. (Beirut: Mu'assasah al-Kutub al-Thaqafiyyah, 1993).
- <sup>31</sup> *Ibid.*, 23-24 and Hakim.c. *Al-Bayān*.
- <sup>32</sup> Hakim.c. *Al-Bayān*: 108-110
- <sup>33</sup> Wahbah Zuhaili. *Fiqh al-Islam wa Adillatuhu*, (Beirut: Dar al-Fikr. Cet. III. 1989): Juz I, 47-48, 62-64
- <sup>34</sup> Wael B. Hallaq. *The Origin and Evolution of Islamic Law*, (Cambridge: Cambridge University Press, 2006): 3
- <sup>35</sup> Hakim.b. *al-Sullam*: 20
- <sup>36</sup> Hakim.b: 49-50 and Hakim. c: 179-180
- <sup>37</sup> al-Shaukānī. 1993, *Irshād al-Fukhūl*.

- <sup>38</sup>Abū Ishāq al-Shīrāzī. *Al-Luma' fī Usul al-Fiqh*, (Beirut: Dār al-Kutub al-'Ilmiyyah, 2012): 125-126
- <sup>39</sup>Rifki Abror Ananda dan Ahmad Khoirul Fata. "Sejarah Pembaharuan Islam di Indonesia." *JAWI*, 2, no. 1 (2018): 22-23
- <sup>40</sup>Bobbi Aidi Rahman. "Modernism Islam dalam Pandangan Muhammad Abduh. *Tsaqafah&Tarikh*, 2, no. 1 (2017): 40 and 44
- <sup>41</sup>Munawir Syadzali. *Islam dan Tata Negara: Ajaran, Sejarah dan Pemikiran*, (Jakarta: UI Press: 1993): 124-125
- <sup>42</sup>Āmir Shakīb al-Arsalān. *Limāza Ta'akhkhar al-Muslimūn wa Limāza Taqaddama Ghairuhum*, (Beirut: Manshūrāt Dār Maktabah al-Hayāh, No Year): 41-43
- <sup>43</sup>Aḥmad bin 'Abd al-Laṭīf al-Khaṭīb al-Minkabawī. *al-Nafaḥāt 'ala Sharḥ al-Waraqāt*, (Surabaya: Shirkah Bunkul Indah, No Year): 162
- <sup>44</sup>Murni Djamal. "The Origin of the Islamic Movement in Minangkabau: Life and Thought of Abdul Karim Amrullah." *Studi Islamika*, 5, no. 3 (1998): 7-8
- <sup>45</sup>Howard M. Federspiel. *Indonesian Muslim Intellectuals of the 20<sup>th</sup> Century*, (Singapore: Institute of Southeast Asian Studies, 2006): 17-19
- <sup>46</sup>Nasrullah. "Rekonstruksi Obyektif dan Subyektif dalam Pemikiran Islam: Studi Penafsuran Abdul Hamid Hakim tentang Ahli Kitab," *Jurnal Syahadah*, 4, no. 1 (2016): 51-52
- <sup>47</sup>Mami Nofrianti dan Jamal Mirdad. "Wacana Religio-Intelektual Abad 20: Dinamika Gerakan Kaum Tuo dan Kaum Mudo di Minangkabau. *Khazanah*." *Jurnal Sejarah dan Kebudayaan Islam*. 8, no. 16 (2018): 47

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