

The Epistemological Reconstruction of Tafsīr bi al-Ijtihād in the Derivation of Islamic Law: An Analysis of Hasan's Exegetical Principles

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Abstract: This study provides an in-depth analysis of a principle of exegetical method in Abdur Rokhim Hasan's work, namely *al-tafsīr bi al-ijtihād muhtāj fī istinbāt al-aḥkām* (ijtihad-based interpretation is indispensable in deriving legal rulings). The research is motivated by the proliferation of subjective interpretations that disregard scholarly methodology and, the urgent need to develop a robust epistemological framework for interpreting legal verses (*āyāt al-aḥkām*). Using a qualitative library research method with a critical-*manhajī* – specifying how textual analysis is combined with *uṣūliyyah* analytical frameworks – approach and content analysis, this study evaluates the theoretical structure of the fourteenth principle and its supporting evidence. The main findings indicate that an exegete's ijtihād is not merely a secondary speculative option (*ẓannī*), but an absolute prerequisite for bridging some of limited wording (*lafẓ*) of the Qur'anic text and the unlimited complexity of human legal events. The authenticity of this principle is firmly supported by Sūrah Āli 'Imrān verse 7, Sūrah al-Baqarah verse 228, the ḥadīth concerning the dispatch of Mu'āz ibn Jabal to Yemen, and the consensus of uṣūl scholars. The practical application of this principle is demonstrated comparatively through an analysis of the differing interpretations of the homonymous term (*lafẓ musytarak*) *qurū'* in Sūrah al-Baqarah verse 228 between the Ḥanafī and Syāfi'ī schools. The contribution of this article lies in its formulation of a clear demarcation between valid scholarly ijtihād (*al-tafsīr al-maḥmūd*) and deviant desire-based interpretation (*al-tafsīr al-madzmūm*), while also purifying the systematics of exegetical principles from overlap with classical *uṣūl al-fiqh*.

Keywords: *Qawā'id al-Tafsīr, Tafsīr bi al-Ijtihād, Istinbāt al-Aḥkām, Abdur Rokhim Hasan, Āyāt al-Aḥkām.*

Abstrak: Abstraksi ini menganalisis secara mendalam kaidah dari metode tafsir dalam karya Abdur Rokhim Hasan, yaitu *al-tafsīr bi al-ijtihād muhtāj fī istinbāt al-aḥkām* (tafsir bi al-ijtihād sangat dibutuhkan dalam mengistinbatkan hukum). Penyelidikan ini dilatarbelakangi oleh maraknya penafsiran subjektif yang mengabaikan metodologi keilmuan, serta adanya kebutuhan mendesak untuk merumuskan parameter epistemologis yang kokoh dalam menafsirkan ayat-ayat hukum (*āyāt al-aḥkām*). Dengan menggunakan metode kualitatif berbasis studi kepustakaan (*library research*) melalui pendekatan kritis-*manhajī* dan analisis isi (*content analysis*), penelitian ini mengevaluasi struktur teoretis kaidah ke-14 beserta dalil-dalilnya. Temuan utama penelitian menunjukkan bahwa ijtihad mufasir bukan sekadar opsi sekunder yang bersifat spekulatif (*ẓannī*), melainkan prasyarat mutlak untuk menjembatani keterbatasan sebagian teks-teks al-Qur'an dengan kompleksitas peristiwa hukum kemanusiaan yang tidak terbatas. Autentisitas kaidah ini ditopang secara kokoh oleh Surah Āli 'Imrān ayat 7, Surah al-Baqarah ayat 228, hadis pengutusan Mu'āz ibn Jabal ke Yaman, serta konsensus



para pakar ushul. Penerapan praktis kaidah ini dibuktikan secara komparatif melalui analisis perbedaan makna lafaz (*musytarak*) *qurū'* dalam Surah al-Baqarah ayat 228 antara Mazhab Ḥanafī dan Syāfi'ī. Nilai kontribusi naskah ini terletak pada keberhasilannya merumuskan batas demarkasi yang tegas antara ijtihad ilmiah yang sah (*al-tafsīr al-maḥmūd*) dengan penafsiran menyimpang berbasis hawa nafsu (*al-tafsīr al-madzmūm*), sekaligus memurnikan sistematika kaidah tafsir dari tumpang tindih dengan ushul fiqh klasik.

Kata kunci: *Qawā'id al-Tafsīr, Tafsīr bi al-Ijtihād, Istinbāt al-Aḥkām, Abdur Rokhim Hasan, and Ayat Ahkam.*

Introduction

Contemporary intellectual reality reveals a significant gap between the ideal methodology of Qur'anic interpretation and actual interpretive practice. On the one hand, the Qur'ān as the primary source of Islamic law, the Qur'an demands an interpretive approach that is methodologically sound, objective, and academically responsible. On the other hand, the proliferation of subjective interpretations that ignore scholarly principles has become a worrying phenomenon in, which some individuals interpret verses of the Qur'ān without adequate methodological tools. For instance, rigid textual-literal readings of verses on inheritance (*mawārīs*) and financial transactions (*mu'āmalāt*) have at times generated tension over the permissibility of Sharia-compliant digital financial instruments,¹ or have been used to justify formalistic outcomes in family-law disputes that disregard the socio-legal objectives (*maqāṣid*) these rulings are meant to serve.² This phenomenon is aggravated by some Muslim communities to understand legal verses (*āyāt al-aḥkām*) in a textual-literal manner without considering the context and objectives of Islamic law (*maqāṣid al-syarī'ah*), thereby producing rigid legal rulings that are unresponsive to social dynamics.³ The gap between strict methodological demands and loose interpretive practice has serious consequences, especially in the domain of Islamic law (*istinbāt al-aḥkām*), which requires extraordinary precision and caution. This reality serves as an urgent starting point for a critical study of tafsīr methodology, particularly in relation to the role of ijtihād in interpreting legal verses.

Studies of *qawā'id al-tafsīr* (principles of Qur'anic exegesis) as a methodological device in interpreting the Qur'ān have received serious attention from both classical and contemporary Muslim scholars. Previous research in this area can be classified into several main categories. First, studies on the definition and codification of *qawā'id al-tafsīr*, such as Khālīd ibn 'Uthmān al-Sabt's *Qawā'id al-Tafsīr Jam'an wa Dirāsatan*, which compiles 280 exegetical principles and their sub-principles, and Salman Harun's study of the scientific development of *qawā'id al-tafsīr*.⁴ Second, studies on the relationship between *qawā'id al-tafsīr* and other disciplines, especially

¹Nafiah, R., & Faih, "Analisis Transaksi Financial Technology (Fintech) Syariah dalam Perspektif Maqashid Syariah," *IQTISHADIA Jurnal Ekonomi & Perbankan Syariah* 6, no. 2 (2019): 167–75, <https://doi.org/10.19105/iqtishadia.v6i2.2479>.

² Sofia Hardani dkk., "Women's Iddah Period in 'gray Divorce': Reformulation of Islamic Marriage Law in Indonesia Based on Maqāṣid al-Sharī'ah," *El-Usrah: Jurnal Hukum Keluarga* 9, no. 1 (2026): 37–59, <https://doi.org/10.22373/ujhk.v9i1.34045>.

³See, for example, al-Dhahabī's criticism of interpretation not based on knowledge in *Al-Tafsīr wa al-Mufasssīrūn* (Kairo: Maktabah Wahbah, 2000), 1, 46–48; and the textualist phenomenon criticized by contemporary scholars such as Yusuf al-Qaradawī, *Kayfa Nata'amal ma'a al-Qur'an al-'Azīm* (Dar al-Wafa', 1999), 89–92.

⁴Khālīd ibn 'Uthmān Al-Sabt, *Qawa'id al-Tafsīr: Jam'an wa Dirasatan* (Al-Jizah: Dar Ibn 'Affan, 1999), 1, 2–5; Salman Harun, "Perkembangan Saintifik Ilmu Qawa'id al-Tafsīr," *Journal of Qur'an and Hadith Studies*, vol. 3, no. 1 (Juni 2014): 17–40, <https://doi.org/10.15408/quhas.v3i1.1161>.

Arabic and *uṣūl al-fiqh*, affirm the structural interconnections among the three in terms of grammar, semantics, and rhetoric.⁵ Third, studies on the application of *qawā'id al-tafsīr* to specific verses, such as Muhammad Muhib Rofiqo Qaula Romadhan et al.'s analysis of the application of *Qawā'id al-Hisān fī Tafsīr al-Qur'ān* to verses of Islamic family law. Fourth, studies on the methodological debate between *tafsīr bi al-ma'tsūr* and *tafsīr bi al-ra'yi* highlight scholars' differing views on the legitimacy of rational reasoning in interpretation.⁶ Fifth, studies on the epistemology of tafsīr and the position of ijtihād within it, as raised by various studies on critical reasoning in reformatory-era tafsīr.⁷

Among these patterns, a significant research gap remains, particularly concerning a specific and in-depth study of contemporary scholars' exegetical principles. Most studies still focus on *qawā'id al-tafsīr* in general, or discuss ijtihād only within the framework of *uṣūl al-fiqh*, without placing it precisely within the epistemological framework of *tafsīr bi al-ijtihād* as formulated by Abdur Rokhim Hasan. Yet, Abdur Rokhim Hasan's work, which successfully distills fourteen purely exegetical principles from the biases of *uṣūl al-fiqh* and *qawā'id al-lughawiyah*, is a highly valuable theoretical contribution that has not received adequate scholarly attention.⁸ In particular, the fourteenth principle, which reads, “التفسير بالإجتهد محتاج في الاستنباط الأحكام” (*al-tafsīr bi al-ijtihād muhtāj fī istinbāṭ al-aḥkām*; ijtihad-based interpretation is indispensable in deriving legal rulings), has never been examined independently through a critical-manhajī approach that comparatively thoroughly analyzes its epistemological foundations, *syar'ī* proofs, and practical applications in legal derivation.

The novelty of this research lies in three main aspects that distinguish it from previous studies. First, it focuses specifically and deeply on the fourteenth of the fourteen pure exegetical principles formulated by Abdur Rokhim Hasan, which has never been made an independent object of study in academic literature, whether in journal articles or dissertations.⁹ Second, this research does not merely describe the principle textually; it performs an epistemological reconstruction by critically analyzing its evidentiary foundations from the Qur'ān (Sūrah Āli 'Imrān verse 7 and Sūrah al-Baqarah verse 228), the Prophet's ḥadīth (especially the report of the dispatch of Mu'adz ibn Jabal to Yemen), and the consensus of *uṣūl* scholars and experts in *'ulūm*

⁵See the discussion on the relationship between *qawā'id al-tafsīr* and the sciences of language and *uṣūl al-fiqh* Jalaluddin al-Suyuthi, ed. *Al-Itqan fī 'Ulum al-Qur'an*, ed. Markaz al-Dirasat al-Qur'aniyyah (Madinah: Majma' Malik Fahd, 1426), 2, 175–176; and Badr al-Din al-Zarkasyi, *Al-Burhan fī 'Ulum al-Qur'an* (t.t.), 1, 13.

⁶This debate can be seen in the classical discussion of *tafsīr bi al-ma'thūr* and *tafsīr bi al-ra'yi* in Muhammad 'Abd al-'Azim Al-Zarqani, *Manahil al-'Irfān fī 'Ulum al-Qur'an* (Beirut: Dar Ihya' al-Turath al-'Arabi, t.t.), 2, 6–10.

⁷See, for example, the study of critical reasoning in reformatory-era tafsīr raised by Abdullah Saeed, *Interpreting the Qur'an: toward a Contemporary Approach* (Routledge, 2006), 45–67.

⁸Hasan, A. R. 2020. *Qawa'id At-Tafsir: Qa'idah-Qa'idah Tafsir al-Qur'an* (Jakarta: Yayasan Alumni Perguruan Tinggi Ilmu Al-Qur'an, 2020), xvii–xx. This book is a translation of the author's dissertation, which succeeded in distilling 14 pure exegetical principles that were not biased by *uṣūl al-tafsīr* or *uṣūl al-fiqh*, unlike previous works that still overlapped.

⁹Existing studies have focused on the *Aḥkam al-Qur'an* literature within *tafsīr fiqhī* without independent methodological examination. See, Bayram Demircigil, “The Conceptualization of Jurisprudential Exegesis as the Intersection of Tafsīr and Fiqh: A Critical Approach,” *Religions* 16, no. 2 (2025): 254, <https://doi.org/10.3390/rel16020254>; Also, Sandi Nugraha dan Badruzzaman M. Yunus, “Revisiting Tafsīr Hukmi: Unraveling the Legal Interpretation of the Quran and Its Historical Evolution,” *Mashadiruna Jurnal Ilmu Al-Qur'an dan Tafsir* 2, no. 2 (2023): 190–94, <https://doi.org/10.15575/mjiat.v2i2.25302>.

al-Qur'ān, and then connects them with practical applications in legal derivation comparatively between the Ḥanafī and Syāfī schools.¹⁰ Third, this research offers a firm and systematic demarcation framework between sound scholarly *ijtihād* (*al-tafsīr al-mahmūd*) and deviant desire-based interpretation (*al-tafsīr al-madzmūm*), an aspect rarely addressed operationally in previous studies of *qawā'id al-tafsīr*, although it is crucial for maintaining the validity of legal interpretive products amid contemporary liberal and extremist currents of interpretation.¹¹ Through these three aspects of novelty, this research fills a scholarly gap that has so far been overlooked and contributes to the development of legal *tafsīr* methodology.

This research has significant theoretical and practical benefits and implications. Theoretically, it contributes to the development of *qawā'id al-tafsīr* by providing a more robust and structured understanding of the vital position of responsible *ijtihād*-based interpretation in the construction of Islamic law, while also clarifying the boundaries of demarcation between *qawā'id al-tafsīr* and other disciplines such as *uṣūl al-fiqh* and *qawā'id lughawiyyah*—a methodological issue that remains debated among scholars.¹² Practically, the findings can serve as an applicable guide for contemporary scholars, lecturers, students, and Islamic law practitioners (such as judges in religious courts) in undertaking Qur'anic legal studies in a dynamic, objective, and equitable manner. They also provide a methodological filter for distinguishing scientifically sound interpretation from deviant and destructive interpretation.¹³ The long-term implication of this research is the formation of methodological awareness among Qur'anic interpreters that *ijtihād* is not a secondary, speculative (*ẓannī*) option but, rather an absolute epistemological prerequisite for bridging the finite wording (*lafẓ*) of the Qur'anic text and the unlimited complexity of human legal events.

Based on the background discussion, literature mapping, and novelty offered, this research aims to demonstrate that the principle of *tafsīr bi al-ijtihād* formulated by Abdur Rokhim Hasan is one of the most valuable theoretical contributions to legal *tafsīr* methodology. It functions not only as a dynamic instrument for deriving Islamic law but also as a firm methodological demarcation line for rejecting all forms of false interpretation that lack scientific principles and are driven by theological or secularist desires. This research also strongly suspects that the authenticity and validity of this principle are firmly supported by authoritative textual (*naqlī*) and rational (*'aqlī*) proofs, and that its application in disagreements among schools of *fiqh* demonstrates that the diversity of Islamic legal rulings arises precisely from a responsible *ijtihād* oriented toward the welfare of the community. This preliminary conclusion will be tested and deepened through a critical-manhajī analysis of the theoretical structure of the principle, its supporting proofs, and case studies of its application to legal verses in the subsequent discussion.

¹⁰These proofs are discussed at length in Hasan, 285–310 and are confirmed by primary sources such as Abu Ja'far Muhammad bin Jarir Al-Tabari, *Jami' al-Bayan fi Ta'wil al-Qur'an* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999), 3, 124–126.

¹¹The concepts of *al-tafsīr al-mahmūd* and *al-tafsīr al-madzmūm* have been discussed fundamentally by Al-Dhahabī, *Al-Tafsīr wa al-Mufasssīrūn*, 189–92. However, this research develops them into a measurable operational framework.

¹²The issue of overlap between *qawā'id al-tafsīr* and *uṣūl al-fiqh* is a major criticism of Al-Sabt, *Qawā'id al-Tafsīr: Jam'an Wa Dirāsatan*, 2–3, which was later answered by Abdur Rokhim Hasan with his formulation of the principles.

¹³This practical significance is also emphasized by contemporary experts such as Nur al-Din 'Itr, *Ulum al-Qur'an al-Karim* (Damaskus: Matba'ah al-Sabah, 1993), 345–346, who affirms that exegetical *ijtihād* is a necessity for every exegete studying legal verses (*āyāt al-aḥkām*).

This research is qualitative in nature. The object of this research is the fourteenth principle in Abdur Rokhim Hasan's work contained in the book *Qawā'id al-Tafsīr: Qā'idah-Qā'idah Tafsīr al-Qur'ān* (2020), with a case focus on its application to legal verses, especially Sūrah al-Baqarah verse 228 concerning the term *qurū'*, which has generated disagreement between the Ḥanafī and Syāfī'ī schools. The method used is library research of a descriptive-analytical and critical-manhajī nature. Qualitative data consisting of primary data, namely, Abdur Rokhim Hasan's *Qawā'id al-Tafsīr*, and secondary data drawn from authoritative classical works, such as al-Suyūṭī's *Al-Itqān fī 'Ulūm al-Qur'ān*, al-Zarkasyī's *Al-Burhān fī 'Ulūm al-Qur'ān*, al-Zarqānī's *Manāhil al-'Irfān*, and primary legal exegesis works, such as al-Ṭabarī's *Jāmi' al-Bayān* and al-Qurṭubī's *Al-Jāmi' li Ahkām al-Qur'ān*. The research process is carried out through three stages of analysis: (1) classification and categorization of the concept of ijtihād in tafsīr and its boundaries to avoid terminological confusion with *uṣūl al-fiqh*; (2) an in-depth examination of the epistemological aspects and proofs underlying the fourteenth principle, both textual (*naqlī*) and rational (*'aqlī*); and (3) an applied reconstruction by presenting a comparative study between valid ijtihad-based interpretation (*al-tafsīr al-maḥmūd*) and deviant interpretation (*al-tafsīr al-madzmūm*) through an analysis of the homonymous term (*lafz musytarak*) *qurū'*. Data collection techniques involve the documentation and content analysis¹⁴ of primary and secondary texts, which are then critically analyzed to produce valid and academically accountable findings.

Result and Discussion

General Framework

Before analyzing the fourteenth principle formulated by Abdur Rokhim Hasan, it is essential to first map out the theoretical and conceptual foundations underlying the entire discourse of *qawā'id al-tafsīr* in general, as well as the epistemological position of *tafsīr bi al-ijtihād* within the methodological landscape of Qur'anic interpretation. This mapping is an absolute prerequisite so that the analysis of the fourteenth principle does not become trapped in a partial understanding detached from the broader scholarly context.

1. Definition and Significance of *Qawā'id al-Tafsīr*

Etymologically, the term *qawā'id* is the plural form of *qā'idah*, meaning foundation, basis, or fundamental principle.¹⁵ In the context of Qur'anic exegesis, *qawā'id al-tafsīr* is defined as universal rules that serve as methodological instruments for extracting the meanings of the Qur'ān and for understanding the correct way of using them.¹⁶ Salman Harun emphasizes that *qawā'id al-tafsīr* functions as a basic principle to objectively understand the meanings of Qur'anic verses and to avoid arbitrary interpretation.¹⁷ In other words, *qawā'id al-tafsīr* is a set of scholarly guidelines governing how an exegete (*mufasssir*) should interact with the Qur'anic text, ranging from linguistic and historical aspects to the verse's contextual dimensions.

The significance of *qawā'id al-tafsīr* becomes increasingly apparent when one realizes that the Qur'ān was revealed in Arabic with distinctive linguistic characteristics and an extremely broad range of meanings, including general expressions (*'āmm*),

¹⁴Moleong, L. J. (2017). *Metodologi Penelitian Kualitatif* (Remaja Rosdakarya, 2017), 6–10.

¹⁵Muhammad ibn Mukarram Ibn Manzhur, *Lisan al-'Arab* (Beirut: Dar Shadir, t.t.), 3, 348.

¹⁶AlSabt, *Qawā'id al-Tafsīr: Jam'an wa Dirāsatan*, 2. Al-Sabt defines *qawā'id al-tafsīr* as "universal rules that serve as tools for extracting the meanings of the Qur'ān and for knowing the proper way of using them."

¹⁷Harun, "Perkembangan Saintifik Ilmu Qawa'id al-Tafsir." 17-18.

unrestricted terms (*mutlaq*), ambiguous expressions (*mujmal*), and homonymous terms (*musytarak*). Without structured principles, the interpretive process would merely become an arena for the circulation of subjective ideologies and methodological inconsistencies. Therefore, *qawā'id al-tafsīr* constitutes a methodological apparatus that guides exegetes in accurately and objectively uncovering the meanings of the Qur'ān accurately and objectively while protecting them from intellectual stagnation that threatens the relevance of Islamic teachings in an ever-changing world.

2. The Problem of Codifying *Qawā'id al-Tafsīr* and the Contribution of Abdur Rokhim Hasan

In the history of the codification of the Qur'anic sciences (*'ulūm al-Qur'ān*), the writing of works on the principles of exegesis has often suffered from sectoral overlap. Many classical theoretical works, such as *Al-Taysīr fī Qawā'id al-Tafsīr* by Muḥammad ibn Sulaimān al-Kāfijī (d. 879 AH) and *Al-Qawā'id al-Ḥisān fī Tafsīr al-Qur'ān* by 'Abd al-Raḥmān ibn Nāṣir al-Sa'dī (d. 1376 AH), have been criticized by contemporary scholars for their content bias.¹⁸ Some of the contents of these works are classified as general discussions of *uṣūl al-tafsīr*, linguistic principles (*qawā'id lughawiyyah*), principles of legal theory (*qawā'id uṣūliyyah*), or even literary benefits (*fawā'id wa laṭā'if*) that do not satisfy the true definition of exegetical principles.

This methodological criticism has been raised systematically by Khālid ibn 'Uṣmān al-Sabt in his work *Qawā'id al-Tafsīr Jam'an wa Dirāsatan*, which succeeded in identifying and classifying 280 exegetical principles along with their sub-principles. Nevertheless, al-Sabt's work still leaves problems in terms of systematization and the purification of these principles from other disciplines' biases.¹⁹

Here, Abdur Rokhim Hasan appears with his monumental theoretical contribution. In his dissertation entitled *Qawā'id al-Tafsīr li al-Syaikh Khālid ibn 'Uṣmān al-Sabt: Dirāsah Naqdiyyah wa Nazariyyah wa Manhajiyyah*, which was later translated into Indonesian under the title *Qawā'id al-Tafsīr: Qā'idah-Qā'idah Tafsīr al-Qur'ān* (2020), he succeeded in filtering and reconstructing 14 pure exegetical principles that are not biased by *uṣūl al-tafsīr* or *uṣūl al-fiqh*. This book divides exegetical principles into four main pillars: principles concerning the exegete, principles concerning the Qur'ān's signification, principles concerning the tools of exegesis (*adāt al-tafsīr*), and principles concerning the exegetical method.

One of the most valuable theoretical contributions in the aspect of exegetical method in Abdur Rokhim Hasan's work is the fourteenth principle, which reads: “التفسير بالاستنباط من الأحكام” (*al-tafsīr bi al-ijtihād muḥtāj fī istinbāt al-aḥkām*; *ijtihād-based interpretation is indispensable in deriving legal rulings*).²⁰ This principle is of crucial urgency in the study of Islamic legal verses (*āyāt al-aḥkām*), because it explicitly states that the *ijtihād* of a qualified exegete-jurist in understanding Qur'anic verses occupies a vital position and is absolutely necessary in the construction of Islamic law.

3. Conceptualization of *Tafsīr bi al-Ijtihād*: A Paradigm Shift from *Tafsīr bi al-Ra'yi*

¹⁸AlSabt, *Qawā'id al-Tafsīr: Jam'an wa Dirāsatan*, 1:3-5. Al-Sabt criticizes earlier works because they are still mixed with discussions of *uṣūl al-fiqh* and *qawā'id lughawiyyah*.

¹⁹Hasan, *Qawa'id At-Tafsir: Qa'idah-Qa'idah Tafsir al-Qur'an*. Hasan explains that although al-Sabt has performed a good classification, problems remain in terms of purifying these principles from the biases of other disciplines.

²⁰Hasan, *Qawa'id At-Tafsir: Qa'idah-Qa'idah Tafsir al-Qur'an*, 285. This fourteenth principle belongs to the pillar of exegetical method, which Hasan developed to answer the epistemological need in the interpretation of legal verses.

One of the most important aspects in the discourse of exegetical methodology is the debate on the legitimacy and limits of using reason or rational thought in interpreting the Qur'ān. Traditionally, Qur'anic interpretation methods are divided into two major poles: tafsīr bi al-ma'tsūr (interpretation based on reports from the Prophet, the Companions, and the Successors) and tafsīr bi al-ra'y (interpretation based on reasoning and ijtihād).²¹ However, the use of the term tafsīr bi al-ra'y often triggers controversy and misunderstanding because the word al-ra'y (opinion) has a fluid meaning and can be divided into two categories: al-ra'y al-maḥmūd (praiseworthy opinion based on knowledge) and al-ra'y al-madzmūm (blameworthy opinion based solely on desire).²²

Abdur Rokhim Hasan offers a terminological solution by preferring the term tafsīr bi al-ijtihād over tafsīr bi al-ra'y. This preference is based on two strong methodological arguments. First, the term tafsīr bi al-ijtihād semantically clarifies the legal position of this activity, that is, it is permissible and even becomes a scholarly necessity when the exegete is faced with the absence of sound transmitted interpretation (tafsīr bi al-ma'tsūr). In other words, this term emphasizes the methodological and procedural aspects of reasoning in exegesis rather than merely expressing personal opinion. Second, the use of the word al-ra'y is often associated with prophetic ḥadīths that contain stern warnings against those who speak about the Qur'ān without knowledge, thereby creating a psychological fear that hinders exegetes' intellectual dynamism.²³ By employing the term ijtihād, which theologically already has strong legitimacy in uṣūl al-fiqh and has received appreciation from the Prophet Muhammad (peace be upon him), this psychological fear can be minimized.

Epistemologically, Muḥammad Ḥusain al-Dzahabī defines valid al-ra'y in the context of exegesis as a form of ijtihād preceded by the exegete's mastery of Arabic linguistic tools and their branches, the tradition of ancient Arabic literature (syi'ir jāhili), the occasions of revelation (asbāb al-nuzūl), abrogating and abrogated verses (al-nāsikh wa al-mansūkh), uṣūl al-fiqh, and other supporting sciences. Nūr al-Dīn Muḥammad 'Itr al-Ḥalabī similarly formulates the limitation that tafsīr bi al-ra'y (or bi al-ijtihād) is the process of interpreting the Qur'ān by relying on scholarly ijtihād guided by linguistic tools and syar'ī principles required by an exegete.²⁴ Therefore, the boundary of valid tafsīr bi al-ijtihād is not a free, directionless speculative interpretation but rather a reconstruction of meaning subject to the general rules of language, the logic of Islamic law (maqāṣid al-syar'ah), and the scholarly consensus of legal theorists.

Contemporary research on the epistemology of tafsīr bi al-ra'y increasingly confirms that this method is not merely an interpretation based on personal opinion, but rather a structured intellectual process based on three main epistemological sources: reason ('aql), the Arabic language (lughat al-'Arab), and the principles of Islamic legal methodology (uṣūl al-fiqh).²⁵ Methodologically, this interpretation follows systematic procedures: reading the text, linguistic analysis, rational elaboration, and normative validation through syar'ī principles. Seven main characteristics of tafsīr bi al-ra'y have been formulated by scholars: rational-argumentative, linguistically based, inferential

²¹ Al-Dhahabī, *Al-Tafsīr wa al-Mufasssīrūn*, 46–48.

²² Al-Dhahabī, *Al-Tafsīr wa al-Mufasssīrūn*, 189–92. Al-Dhahabī divides *tafsīr bi al-ra'y* into two types: *al-tafsīr al-maḥmūd* (praiseworthy) and *al-tafsīr al-madzmūm* (blameworthy).

²³ Hasan, *Qawa'id At-Tafsīr: Qa'idah-Qa'idah Tafsīr al-Qur'an*, 287.

²⁴ 'Itr, *Ulūm al-Qur'ān al-Karīm*, 346.

²⁵ Saeed, A., *Interpreting the Qur'an: toward a Contemporary Approach*, 45–67. Saeed comprehensively discusses the epistemology of contemporary tafsīr and the position of ijtihād within it.

(istinbātī), open to context, not value-free, integrative between transmitted and rational sources (naql and ‘aql), and ijtihād-based.

4. Legal Verses and the Urgency of Ijtihād in Legal Derivation

The legal texts in the Qur’ān (āyāt al-aḥkām) can never produce practical legal rulings (fiqh) that can be applied without involving the ijtihād of an exegete who is also qualified as a mujtahid. The redactional characteristics of legal verses in the Qur’ān are mostly global (mujmal), unrestricted (muṭlaq), or contain ambiguous terms (musytarak).²⁶ When Allah declares a command or prohibition, the text requires in-depth analysis to determine whether the command indicates obligation (wujūb), recommendation (nadb), or mere permissibility (ibāḥah), and whether the prohibition implies prohibition (taḥrīm) or reprehensibility (karāḥah). This qualitative identification process lies entirely within the ijtihād domain of the exegete-jurist’s ijtihād.

Legal derivation (istinbāt) is terminologically defined by scholars of legal theory as the effort to extract meanings from the texts (istikhrāj al-ma‘ānī min al-nuṣūṣ).²⁷ In other words, istinbāt is an active reasoning process to uncover the syar‘ī rulings contained implicitly in the texts of the Qur’ān and ḥadīths. This process requires adequate methodological tools, a mastery of linguistic sciences, and a deep understanding of maqāṣid al-syar‘īah. Without the deployment of both textual and interest-oriented ijtihād, the legal texts of the Qur’ān will remain static sacred texts, whereas social reality requires dynamic, actual, and solution-oriented legal certainty.

Scholars of uṣūl al-fiqh have agreed that ijtihād is the most important source of Islamic law after the Qur’ān and the Sunnah.²⁸ The main difference between ijtihād and the sources of revealed law lies in the fact that ijtihād is a continuous developmental process that is responsive to the dynamics of the times and social change. However, scholars also agree that ijtihād is no longer needed for verses or ḥadīths that explain rulings explicitly and definitively (qaṭ‘ī al-dilālah). Wahbah al-Zuhailī affirms that it is not permissible to perform ijtihād on rulings that have been definitively established by the text.²⁹ Thus, the domain of ijtihād lies in verses that are indefinite in their indication (ẓannī al-dilālah), which constitute the majority of legal verses in the Qur’ān.

Analysis

1. Analysis of the Fourteenth Principle (*Istinbāt al-Aḥkām*)

After mapping the theoretical and conceptual framework above, this section analyzes the fourteenth principle formulated by Abdur Rokhim Hasan, covering three main aspects: (1) the epistemological foundation and syar‘ī proofs legitimizing this principle; (2) practical application and comparative study in legal derivation; and (3) the function of the principle as a demarcation between sound and invalid interpretation.

a. Epistemological Foundation

To establish the validity of the principle that ijtihad-based interpretation is indispensable in deriving legal rulings, Abdur Rokhim Hasan presents a broad construction of syar‘ī proofs resting on three main aspects: Qur’anic evidence, ḥadīths evidence, and the theoretical views of scholars.

²⁶ Al-Zarqānī, *Manāhil al-‘Irfān fī ‘Ulūm al-Qur’ān*, 2:8. Al-Zarqānī identifies several redactional characteristics of legal verses that require ijtihād to understand.

²⁷ al-Zarkasyī, *Al-Burhān fī ‘Ulūm al-Qur’ān*, 13. The term *istikhrāj* etymologically means to bring out or extract, which in the context of tafsīr means to extract meaning and rulings from the text.

²⁸ Wahbah Al-Zuhayli (1986) *Ushul al-Fiqh al-Islami* (Damaskus: Dar al-Fikr, 1986), 2, 45.

²⁹ Al-Zuhailī, *Uṣūl al-Fiqh al-Islāmī*, 48.

1) The Qur'anic Foundation

The first pillar of this principle's foundation is the Qur'ān itself, particularly through Sūrah Āli 'Imrān verse 7:

هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ آيَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ
مُتَشَبِهَاتٌ فَأَمَّا الَّذِينَ فِي قُلُوبِهِمْ زَيْغٌ فَيَتَّبِعُونَ مَا تَشَابَهَ مِنْهُ ابْتِغَاءَ الْفِتْنَةِ
وَابْتِغَاءَ تَأْوِيلِهِ وَمَا يَعْلَمُ تَأْوِيلَهُ إِلَّا اللَّهُ وَالرَّاسِخُونَ فِي الْعِلْمِ يَقُولُونَ آمَنَّا بِهِ
كُلٌّ مِنْ عِنْدِ رَبِّنَا وَمَا يَذَّكَّرُ إِلَّا أُولُو الْأَلْبَابِ

He is the One Who sent down the Book (the Qur'ān). Among its verses are those that are muḥkamāt—clear and decisive in meaning; these are the essence of the Book—while others are mutasyābihāt—ambiguous. As for those whose hearts harbor deviation, they follow the ambiguous verses, seeking to create discord and seek their interpretation. Yet none knows their true interpretation except Allah. Those who are firmly grounded in knowledge say, 'We believe in it; all of it is from our Lord.' And no one takes heed except those of understanding (ulū al-albāb).

Theoretically, this verse classifies the Qur'anic signification (*dalālah al-Qur'ān*) into two domains: *muḥkamāt* (clear in meaning) and *mutasyābihāt* (ambiguous in meaning). A crucial debate arises concerning the waw particle in the phrase “والراسخون في العلم” (*wa al-rāsikhūna fī al-'ilm*). Some scholars regard it as *waw al-isti'nāf* (the waw initiating a new sentence), so that Allah only knows the ultimate interpretation.³⁰ However, rationalist exegetes, such as Ibn 'Abbās and Mujāhid assert that the waw is *waw al-'atf* (the conjunctive waw).³¹ The implication is that scholars deeply rooted in knowledge (*al-rāsikhūn fī al-'ilm*) are also granted by Allah the ability to know the interpretation and the deepest meanings of Qur'anic verses through their *ijtihād*.

This verse provides a powerful theological legitimation for the activity of *ijtihād* in Qur'anic interpretation. Allah Almighty does not tightly close the door of understanding the ambiguous verses (*mutasyābihāt*); rather, He bestows the ability to access those meanings. This means that *ijtihād* is not an activity that exceeds the limits of human authority, but rather a scholarly gift and trust (*amānah*) that scholars must carry. In the context of legal derivation (*istinbāṭ al-aḥkām*), this verse serves as the basis that mujtahids possess the authority to interpret verses whose indication is indefinite (*ẓannī al-dilālah*) and to produce valid legal rulings according to Islamic law.

The contextualization of this finding is that scholarly authority (*al-rāsikhūn fī al-'ilm*) is not merely an academic title but a substantive qualification encompassing mastery of the scholarly tools required to perform *ijtihād*. An exegete who studies legal verses (*āyāt al-aḥkām*) is required to possess adequate scholarly qualifications, not only in tafsīr but also in *uṣūl al-fiqh*, Arabic, and *maqāṣid al-syarī'ah*. Thus, this verse implicitly stipulates that exegetical *ijtihād* is not the right of every person but a privilege for those who have fulfilled strict scholarly requirements.

In addition, the existence of legal verses using the term *qurū'* in Sūrah al-Baqarah verse 228 proves that Allah deliberately revealed legal texts requiring *ijtihād*

³⁰ Al-Ṭabarī, *Jāmi' al-Bayān fī Ta'wīl al-Qur'ān*, 3:1264.

³¹ Al-Ṭabarī, *Jāmi' al-Bayān fī Ta'wīl al-Qur'ān*, 3:127.

to determine their specific meanings because the term has a homonymous meaning (*musytarak*) that cannot be resolved solely through a textual-literal approach. This will be further analyzed in the section on practical application.

2) The *Ḥadīṣ* Foundation

The second pillar is the legitimation derived from the Prophetic Sunnah (*al-Sunnah al-Nabawiyyah*). In the book *Qawā'id al-Tafsīr*, Abdur Rokhim Hasan quotes the *ḥadīṣ* concerning the dispatch of the Companion Mu'āz ibn Jabal as a judge (*qāḍī*) to Yemen:

عَنْ الْحَارِثِ بْنِ عَمْرٍو ابْنِ أَخِي الْمُغِيرَةِ بْنِ شُعْبَةَ عَنْ أَنَسٍ مِنْ أَهْلِ جُمُصَ مِنْ أَصْحَابِ مُعَاذِ بْنِ جَبَلٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا أَرَادَ أَنْ يَبْعَثَ مُعَاذًا إِلَى الْيَمَنِ قَالَ: كَيْفَ تَقْضِي إِذَا عَرَضَ لَكَ قَضَاءٌ؟ قَالَ: أَقْضِي بِكِتَابِ اللَّهِ. قَالَ: فَإِنْ لَمْ تَجِدْ فِي كِتَابِ اللَّهِ؟ قَالَ: فَبِسُنَّةِ رَسُولِ اللَّهِ. قَالَ: فَإِنْ لَمْ تَجِدْ فِي سُنَّةِ رَسُولِ اللَّهِ وَلَا فِي كِتَابِ اللَّهِ؟ قَالَ: أَجْتَهِدُ رَأْيِي وَلَا أَلُو. فَضَرَبَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَدْرَهُ وَقَالَ: الْحَمْدُ لِلَّهِ الَّذِي وَفَّقَ رَسُولَ رَسُولِ اللَّهِ لِمَا يَرْضَى رَسُولَ اللَّهِ

From al-Hāris ibn 'Amr ibn Akhī al-Mughīrah ibn Syu'bah, from the people of Ḥimṣ among the Companions of Mu'āz ibn Jabal, said that when the Messenger of Allah (may Allah's peace and blessings be upon him) intended to send Mu'āz to Yemen, he asked: "How will you judge when a case is brought before you?" Mu'āz replied: "I will judge according to the Book of Allah." The Prophet asked: "What if you do not find it in the Book of Allah?" Mu'āz replied: "Then, according to the Sunnah of the Messenger of Allah." The Prophet asked again: "What if you do not find it in the Sunnah of the Messenger of Allah, or in the Book of Allah?" Mu'āz replied: "I will exercise ijtihād with my own opinion (ajtahidu ra'yī) and I will not be negligent." Then the Messenger of Allah (may Allah's peace and blessings be upon him) patted Mu'āz on the chest and said: "Praise be to Allah who has granted success to the messenger of the Messenger of Allah toward that which pleases the Messenger of Allah."

This *ḥadīṣ* is one of the principal proofs for the legitimacy of ijtihād in legal determination. The Prophet's high appreciation for Mu'āz's readiness to perform ijtihād using his intellect (*ajtahidu ra'yī*) epistemologically demonstrates that Islam officially recognizes and sanctioned rational reasoning within the framework of Islamic law is officially recognized and sanctioned in Islam. The ijtihad-based interpretation (*tafsīr bi al-ijtihād*) of Qur'anic verses is an integral part of the process of solving new legal cases whose textual details are not directly found. This *ḥadīṣ* also shows that ijtihād is not an activity carried out arbitrarily, but rather follows a systematic procedure: beginning with the Qur'ān, then the Sunnah, and only then ijtihād. This means that ijtihād in exegesis must not contradict the Qur'ān and the Sunnah; rather, it must be in harmony with and derived from both.

The contextualization of this *ḥadīṣ* within the discourse of legal exegesis is highly significant. This *ḥadīṣ* emphasizes that when a mujtahid is faced with a legal issue that is not explicitly regulated in the Qur'ān and the Sunnah, he must not stop or

resign; rather, he is obligated to perform ijtihād.³² In the context of tafsīr, this means that when the verses of the Qur’ān do not provide a detailed and definitive explanation of a legal issue, the exegete (*mufasssīr*) is obligated to perform ijtihād to extract the meaning and rulings contained therein. This agrees with the characteristic of the Qur’ān, which often presents legal rulings in a general (*mujmal*) manner and requires further explanation through ijtihād.

Furthermore, this *ḥadīth* also teaches that ijtihād carried out earnestly and based on knowledge will attain the pleasure (*riḍā*) of Allah and His Messenger.³³ This provides theological motivation for exegetes (*mufasssīrūn*) not to fear exercising ijtihād, provided that such ijtihād is carried out within a sound methodological framework and is not driven by personal desire. Thus, this *ḥadīth* serves as both an ethical and methodological foundation for the practice of *tafsīr bi al-ijtihād*.

3) Foundation Based on Scholarly Views

The third pillar is the agreement between scholars of legal theory (*uṣūl*) and experts in the Qur’anic sciences. Badr al-Dīn al-Zarkasyī, in his work *Al-Burhān fī ‘Ulūm al-Qur’ān*, defines tafsīr as the science of understanding the Book of Allah revealed to the Prophet Muhammad (peace be upon him), explaining its meanings, and extracting (*istikhrāj*) its rulings and wisdoms.³⁴ The term *istikhrāj* (extraction) substantively indicates the existence of an active reasoning process (ijtihād) on the part of the exegete to uncover the hidden meanings behind the text.

A similar point is affirmed by al-Zarqānī in *Manāhil al-‘Irfān*, who defines tafsīr as the science that examines the Qur’ān in terms of its signification (*dalālah*) of Allah’s will according to human capacity.³⁵ The phrase “according to the extent of human capacity” (*bi qadr al-tāqah al-basyariyyah*) explicitly positions the exegete’s ijtihād as the primary legitimate variable in determining the legal interpretation’s outcome. Therefore, scholars agree that mastering the principles of exegetical ijtihād for an exegete who studies legal verses (*āyāt al-aḥkām*) is an individual obligation (*fard ‘ain*) to preserve the validity of the legal rulings produced.³⁶

The consensus among scholars demonstrates that ijtihād in tafsīr is not an optional alternative that may be adopted or abandoned, but rather an epistemological necessity. Without ijtihād, it is impossible for an exegete to extract practical legal rulings from the global and ambiguous texts of the Qur’ān. The definitions of tafsīr made by al-Zarkasyī and al-Zarqānī implicitly reject the view that tafsīr consists merely in transmitting narrations from earlier generations. On the contrary, tafsīr is an active, dynamic, and creative intellectual activity involving an exegete’s entire scholarly apparatus possessed by an exegete.

This finding has broad implications for the development of contemporary tafsīr methodology. First, it affirms that *tafsīr bi al-ma’tsūr* (report-based exegesis) and *tafsīr bi al-ijtihād* (reasoning-based exegesis) are two complementary aspects within a unified tafsīr methodology. Second, it opens space for developing new exegetical methods responsive to contemporary challenges, provided that these methods remain grounded in scholars’ fundamental principles agreed upon by scholars. Third, an

³² Muhammad ibn Ahmad Al-Sarakhsi, *Ushul al-Sarakhsi* (Beirut: Dar al-Ma’rifah, 1993), 2, 104. Al-Sarakhsi explains that ijtihād becomes obligatory when there is no clear provision in the Qur’ān and the Sunnah.

³³ al-Tirmidhī, *Sunan al-Tirmidhi*, Kitab Ahkam, 1327.

³⁴ al-Zarkasyī, *Al-Burhān fī ‘Ulūm al-Qur’ān*, 13.

³⁵ Al-Zarqānī, *Manāhil al-‘Irfān fī ‘Ulūm al-Qur’ān*.

³⁶ ‘Itr, *‘Ulūm al-Qur’ān al-Karīm*, 347.

exegete must not become a mere “copyist” of previous interpretations, but must be capable of reconstructing and contextualizing meaning according to the needs of the age.

b. Comparative Analysis of the Term *Qurū'*

To provide a comprehensive practical demonstration of how this principle operates in Islamic law, the analysis is directed toward the interpretation of the term *qurū'* in Sūrah al-Baqarah verse 228:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ ۖ

Divorced women wait them for three qurū'.

The term *qurū'* is the plural form of *qur'*. In classical Arabic lexicography, the word *qur'* is classified as a homonymous term (*lafẓ musyarak*) with two contradictory meanings: the period of purity (*al-ṭuhr*) and the period of menstruation (*al-ḥaid*).³⁷ Because the Qur'anic text leaves this term without an absolute textual indicator (*qarīnah lafẓiyyah*) specifying one of the two meanings, exegetes from various legal schools must employ their best *ijtihād* to determine the scope of the waiting period (*'iddah*) for a woman divorced by her husband. This *ijtihād* produced two major opposing schools: the Ḥanafī school and the Syāfi'ī school.

1) Comparative Analysis of Legal Derivation between the Ḥanafī and Syāfi'ī Schools

Aspect of the comparison	Ḥanafī School Perspective (<i>ḥaid</i> -based)	Syāfi'ī School Perspective (<i>ṭuhr</i> -based)
Meaning of the Term <i>Qurū'</i>	The menstruation period (<i>al-ḥaid</i>).	Purity period from menstruation (<i>al-ṭuhr</i>).
Arabic Linguistic Principles (<i>Qawā'id Lughawīyah</i>)	<i>Qur'</i> refers to the accumulation of blood in the uterus, which culminates in the discharge of menstrual blood.	Uses the rule of number and counted noun (<i>'adad wa ma'dūd</i>). The number <i>thalāthah</i> (three) in the verse uses <i>tā' marbūṭah</i> (<i>thalāthata</i> —feminine form). According to Arabic grammatical rules, if the number is feminine, the counted noun (<i>ma'dūd</i>) must be masculine (<i>mudzakkar</i>). The word <i>ṭuhr</i> is masculine, while <i>ḥaid</i> is feminine.
Supporting Textual Evidence (<i>Naqlī</i>)	The Prophet's saying: “The divorce of a slave woman is two divorces, and her <i>qurū'</i> is two menstrual periods.” (Narrated by Ibn Mājah).	Sūrah al-Ṭalāq verse 1: “Then divorce them at the time they can [face] their prescribed waiting period.” A valid divorce according to Islamic law is performed while the woman is in a period of purity in which she has not been sexually approached.”
Logika Maqashid Hukum	The primary objective of the waiting period (<i>'iddah</i>) is the certainty of the emptiness of the womb	Clarity and speed in transitioning legal status. If periods of purity are used, the waiting period ends sooner

³⁷ Ibn Manẓūr, *Lisān al-'Arab*, 5:46-48. The word *qur'* is etymologically derived from the root *qara'a* meaning “to gather” or “to collect” See also Muḥammad ibn Aḥmad Al-Azharī, *Tahdhīb al-Lughah* (Dar Ihya' al-Turath al-'Arabi, 2001), 15:8:123.

	(<i>barā'ah al-raḥim</i>). The emptiness of the womb can only be concretely known through the cycle of menstrual blood, not through periods of purity.	(immediately when the third menstrual blood appears), thereby providing certainty for the woman to remarry.
Practical implications	The waiting period ends after the third menstrual blood stop and the woman has performed the ritual bath (<i>ghusl</i>).	The waiting period ends immediately when the third menstrual blood begins to flow because the third period of purity has already ended.
Operationalization of the 14th Principle	Applies <i>tafsīr bi al-ijtihād</i> by grounding the ruling in the term's essential (lexical) meaning together with <i>maqāṣid</i> -based reasoning on <i>barā'ah al-raḥim</i> – satisfying the principle's requirement that deriving law from a homonymous (<i>musytarak</i>) term is a scholarly necessity, not blameworthy speculation.	Applies <i>tafsīr bi al-ijtihād</i> by grounding the ruling in Arabic grammatical evidence (<i>qawā'id lughawiyyah</i>) together with <i>m</i> reasoning on legal certainty, satisfying the principle's criteria for valid, methodologically grounded <i>ijtihād</i> (<i>al-tafsīr al-maḥmūd</i>).

The dynamics of legal derivation (*istinbāt*) described above clearly prove the validity of the fourteenth principle. Without the exegete's *ijtihād*, which integrates linguistic analysis, *uṣūl al-fiqh*, and *maqāṣid*-based logic, the legal verse concerning the waiting period (*'iddah*) would never be operationalized in contemporary Islamic family law. Both the Ḥanafī and Syāfi'ī schools alike produce legal rulings that are valid and academically accountable (*al-tafsīr al-maḥmūd*) because both refer to a valid methodological apparatus. The two schools equally engage in textual reading, linguistic analysis, rational elaboration, and normative validation through *syar'ī* principles.

This interpretation does not indicate that one school is correct and the other is incorrect. Rather, it shows that the Qur'anic text was deliberately designed with interpretive flexibility to accommodate the Muslim community's diverse contexts and needs of the Muslim community (*ummah*). This flexibility is in fact a mercy and ease from Allah Almighty, as affirmed in many *ḥadīths* concerning differences in opinion as a mercy. Accordingly, the diversity of *fiqh* products arising from differences in *ijtihād* is not a weakness but rather a richness of the Islamic intellectual heritage that must be appreciated and preserved.

This finding has highly important implications for the development of contemporary *fiqh*. First, it confirms that *ijtihād* in *tafsīr* is a valid and praiseworthy activity, provided that it is conducted with sound methodology and is not driven by personal desire. Second, the diversity of opinions in *fiqh* is a logical consequence of the diversity of *ijtihād*, and this must be accepted as part of the dynamics of Islamic scholarship. Third, it opens space for the emergence of new *ijtihād* that is more responsive to the developments of the age, as long as such *ijtihād* remains grounded in the basic principles of *tafsīr* methodology and *uṣūl al-fiqh*.

Furthermore, the case of *qurū'* demonstrates that *ijtihād* in *tafsīr* involves not only linguistic analysis, but also consideration of *maqāṣid al-syarī'ah* (the objectives of Islamic law). The Ḥanafī school places greater emphasis on the objective of *barā'ah al-raḥim* (certainty of the womb's emptiness), which can only be verified through the

menstrual cycle.³⁸ The Syāfi'ī school, meanwhile, places greater emphasis on ease and legal certainty for the divorced woman.³⁹ Both approaches are equally valid and well-founded because both aim to realize the welfare of the Muslim community (*maṣlaḥah al-ummah*), albeit through different means.

2) Demarcation Framework: Valid and Invalid Interpretations

As a critical comparison, the fourteenth principle also serves as a filter to reject all forms of deviant and invalid interpretation of legal verses (*al-tafsīr al-madzmūm*), namely, those driven solely by personal desire or particular theological interests without regard for scholarly principles.

Scholars of tafsīr distinguish *tafsīr bi al-ra'yi* into two types: *al-tafsīr al-maḥmūd* (praiseworthy interpretation) and *al-tafsīr al-madzmūm* (blameworthy interpretation). *Al-tafsīr al-maḥmūd* is interpretation that conforms to the objectives of Islamic law and is consistent with the principles of the Arabic language. In contrast, *al-tafsīr al-madzmūm* is interpretation based on personal desire that disregards scholarly methodology.

An example of an invalid interpretation in the history of classical tafsīr is the extreme theological interpretation advanced by figures of certain theological schools. One example is a heretical interpretation of the word of Allah Almighty in Sūrah al-Nisā' verse 164:

وَرُسُلًا قَدْ قَصَصْنَاهُمْ عَلَيْكَ مِنْ قَبْلُ وَرُسُلًا لَمْ نَقْصُصْهُمْ عَلَيْكَ وَكَلَّمَ اللَّهُ مُوسَى تَكْلِيمًا

There are messengers whose stories We have related to you before, and messengers whose stories We have not related to you. Allah spoke directly to Moses.

Authoritative scholars such as Fakhr al-Dīn al-Rāzī in *Maḥfātīḥ al-Ghaib* and Abū Ḥafṣ 'Umar ibn 'Ādil al-Dimasyqī al-Ḥanbalī in *Al-Lubāb fī 'Ulūm al-Kitāb* agree that such an interpretation is invalid (*tafsīrun bāṭilun*).⁴⁰ This interpretation corrupts the Arabic linguistic structure, deviates from the original intent of the revelation, and is forcibly imposed solely to support the theological school of its proponents at the expense of established linguistic principles.

A contemporary parallel can be seen in the misappropriation of legal verses by extremist groups, whose literalist yet decontextualized readings collapse the classical distinction between *jihād* as a lifelong ethical-social obligation oriented toward human welfare (*malaah*) and *qitāl* (armed combat) as a conditional, temporally bounded last resort permissible only once every alternative has been exhausted and under strict ethical constraints. This distinction decisively separates classical *jihād* doctrine from acts of terrorism.⁴¹ A parallel danger appears at the opposite pole, in the relativist turn associated with Nsar Hāmid Abū Zayd, whose treatment of revelation as a culturally conditioned text empties the Qur'anic wording of any fixed original meaning (*ta'ṭīl al-ma'nā*) reducing it, in effect, to an empty vessel that each interpreter fills according to

³⁸ Al-Sarakhsī, *Uṣūl al-Sarakhsī*.

³⁹ Muḥammad ibn Idrīs Al-Syafī'i, *Al-Umm* (Dār al-Ma'rifah, 1990).

⁴⁰ Fakhr al-Dīn. Al-Rāzī, *Maḥfātīḥ al-Ghayb (al-Tafsīr al-Kabīr)* (Dār Iḥyā' al-Turāth al-'Arabī, 1999), 11:45-46; Abū Ḥafṣ 'Uma Ibn 'Ādil, *Al-Lubāb fī 'Ulūm al-Kitāb* (Dār al-Kutub al-'Ilmiyyah, 1998), 8:234-235.

⁴¹ Dede Rodin, "ISLAM DAN RADIKALISME: Telaah atas Ayat-ayat 'Kekerasan' dalam al-Qur'an," *ADDIN* 10, no. 1 (2016): 29, <https://doi.org/10.21043/addin.v10i1.1128>.

his or her own social, cultural, and ideological position, leaving legal verses (*āyāt al-ahkām*) without a stable normative content to begin with.⁴²

This invalid interpretation shows that uncontrolled ijtihād that does not adhere to sound methodology can produce deviant and destructive conclusions. This is what distinguishes *al-tafsīr al-mahmūd* from *al-tafsīr al-madzmūm*: both use reason and ratiocination, but the former is bound by scholarly principles, while the latter is driven by personal desire or group interests. The practice of free interpretation without adherence to *Qawā'id al-Tafsīr* is not categorized as valid ijtihād; rather, it is a form of deviation that damages the order of Islamic law. Here, the fourteenth principle described by Abdur Rokhim Hasan plays its methodological role by providing clear parameters regarding what constitutes valid ijtihād and what falls under invalid interpretation.

This finding confirms that the fourteenth principle functions not only as a dynamic instrument for legal derivation (*istinbāt al-ahkām*), but also as a firm methodological demarcation line for rejecting invalid interpretations that lack scholarly foundations. In other words, this principle has two simultaneous functions: first, as an analytical tool for extracting legal rulings from the Qur'anic text; second, as a shield to protect the integrity of tafsīr from attacks by deviant interpretations driven by personal desire, political interests, or specific ideologies.

More broadly, the existence of this principle also answers the criticism of some circles who underestimate the role of ijtihād in Qur'anic interpretation, on the pretext of fearing that it may fall into the Prophet's prohibited interpretive subjectivity.⁴³ This principle firmly states that ijtihād is not a secondary speculative option (*ẓannī*), but rather a prerequisite for bridging the limited wording (*lafẓ*) of the Qur'anic text with the unlimited complexity of human legal events. What distinguishes valid ijtihād from invalid ijtihād is not the presence or absence of the use of reason but rather the presence or absence of adherence to the scholarly and methodological principles expressed by the scholars.

c. Synthesis: Epistemological Reconstruction of *Tafsīr bi al-Ijtihād*

Based on the entire analysis above, an epistemological reconstruction of *tafsīr bi al-ijtihād* within the framework of Abdur Rokhim Hasan's *qawā'id al-tafsīr* can be described as follows:

First, *tafsīr bi al-ijtihād* is not an optional or secondary method of interpretation but rather a necessity. The linguistic character of the Qur'ān, which is replete with homonymous (*musytarak*), ambiguous (*mujmal*), and unrestricted (*muṭlaq*) terms, as well as the limited number of transmitted interpretations from the generation of the Companions and the Successors, makes ijtihād the only way to extract practical legal rulings from the Qur'anic text. Without ijtihād, the Qur'ān would remain a static sacred text incapable of speaking to the ever-evolving dynamics of human life.

Second, the legitimacy of *tafsīr bi al-ijtihād* rests upon three solid pillars of evidence: the Qur'anic proof (Sūrah Āli 'Imrān verse 7, which grants scholarly authority to *al-rāsikhūn fī al-'ilm*), the ḥadīth proof (the report of the dispatch of Mu'āẓ ibn Jabal, which received the Messenger of Allah's appreciation), and the consensus of scholars of legal theory (*uṣūl*) and experts in the Qur'anic sciences. These three pillars mutually reinforce one another and form a strong foundation for the principle of ijtihād in tafsīr.

⁴² Lalu Heri Afrizal, "Metodologi Tafsir Nasr Hamid Abu Zaid dan Dampaknya terhadap Pemikiran Islam," *TSAQAFAH* 12, no. 2 (2016), <https://doi.org/10.21111/tsaqafah.v12i2.758>.

⁴³ Al-Dhahabī, *Al-Tafsīr wa al-Mufasssirūn*, 46.

Third, valid *tafsīr bi al-ijtihād (al-tafsīr al-maḥmūd)* must satisfy strict methodological requirements: mastery of the Arabic language and its branches, mastery of *uṣūl al-fiqh* and *maqāṣid al-syarī'ah*, mastery of the occasions of revelation (*asbāb al-nuzūl*) and abrogating and abrogated verses (*al-nāsikh wa al-mansūkh*), and adherence to the exegetical principles formulated by scholars. Without these requirements, *ijtihād* will fall into the category of blameworthy and invalid interpretation (*al-tafsīr al-madzmūm*).

Fourth, *tafsīr bi al-ijtihād* is not a hostile activity to transmitted reports or tradition. On the contrary, valid *ijtihād* always begins with reference to the Qur'ān and the Sunnah, as taught by the Messenger of Allah to Mu'āz ibn Jabal. *Ijtihād* is only undertaken when no clear provision is found in the Qur'ān and the Sunnah. Thus, *tafsīr bi al-ijtihād* and *tafsīr bi al-ma'tsūr* are not two contradictory methods; rather, they are two complementary aspects within a single holistic *tafsīr* methodology.

Conclusion

This study reveals that the fourteenth principle formulated by Abdur Rokhim Hasan is not merely a secondary methodological option of a speculative nature but rather an absolute and non-negotiable epistemological prerequisite in the construction of Islamic law derived from Qur'ānic verses of a speculative nature (*ẓannī al-dilālah*). The most important finding of this study is that this principle simultaneously possesses two functions: as an analytical tool for deriving legal rulings from global and ambiguous, and as an epistemological shield to protect the integrity of *tafsīr* from destructive interpretations driven by personal desire or particular ideological interests. The comparative analysis of the homonymous term (*lafẓ musytarak*) *qurū'* in Sūrah al-Baqarah verse 228 demonstrates that the difference in *ijtihād* between the Ḥanafī and Syāfī'ī schools does not produce destructive conflict, but rather a diversity of *fiqh* oriented toward the welfare of the community, as long as both forms of *ijtihād* remain grounded in sound scholarly principles. The legitimacy of this principle rests upon three mutually reinforcing pillars of evidence: the Qur'ān (Sūrah Āli 'Imrān verse 7 concerning the scholarly authority of *al-rāsikhūn fī al-'ilm*), the ḥadīth (the report of the dispatch of Mu'āz ibn Jabal, which received the Messenger of Allah's appreciation, peace be upon him), and the consensus of scholars of legal theory and experts in the Qur'anic sciences.

The novelty or scholarly contribution of this research lies in three strategic aspects. First, it provides a systematic epistemological reconstruction of a principle that has never been examined independently in academic literature, thereby filling the gap between studies of *ijtihād* in *uṣūl al-fiqh* and studies of *qawā'id al-tafsīr* in general. Second, it offers an integrated analytical approach that combines linguistic analysis, *uṣūl al-fiqh*, and *maqāṣid al-syarī'ah* within a single framework to test the validity of an exegetical principle, proving that the principle is theologically, methodologically, and teleologically valid. Third, it formulates clear operational parameters for distinguishing between *al-tafsīr al-maḥmūd* (praiseworthy interpretation based on scholarly *ijtihād*) and *al-tafsīr al-madzmūm* (blameworthy interpretation driven by personal desire), a framework that is urgently needed amid the proliferation of liberal and extremist currents of interpretation in the digital age.

This study has limitations because it is entirely based on library research and focuses on only one of the fourteen principles, most notably the scarcity of documented contemporary legal cases that explicitly test this fourteenth principle beyond the *qurū'* example, and reliance on Abdur Rokhim Hasan's published Indonesian translation rather than a direct examination of the original Arabic dissertation. Therefore, further

research is recommended to examine all 14 principles in an integrated manner or to compare them with the *qawā'id al-tafsīr* of other scholars. Applying these principles on contemporary legal issues such as environmental protection, intellectual property rights, the ethics of artificial intelligence, and bioethics is also needed to test the elasticity and relevance of these principles in responding to the challenges of the times. Accordingly, this study is expected to serve as a foundation for developing a more dynamic and objective tafsīr methodology.

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