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The Epistemological Relevance of The Fatwa of Shaykh Yusuf Al-Qardhawi and Shaykh Ali Jumáh for Fatwa Institutions in Indonesia

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Abstract: This study examines the urgency of strengthening fatwa epistemology amid contemporary challenges faced by fatwa institutions in Indonesia, particularly the need to balance responsiveness to rapid social change with methodological rigor and legal validity. The increasing complexity of socio-economic, technological, and legal issues demands a more robust epistemological framework to ensure that fatwas remain authoritative, relevant, and accountable. Strengthening the epistemology of fatwa is therefore essential to clarify methodological standards and enhance institutional credibility. This study analyzes the relevance of the epistemological approaches of Shaykh Yusuf al-Qardhawi and Shaykh Ali Jum'ah for Indonesian fatwa institutions, focusing on their epistemological structures, similarities and differences, and their contributions to institutions such as MUI, DSN-MUI, LBMNU, and the Muhammadiyah Tarjih Council. Using a qualitative method, with a literature review and content analysis, the research compares selected fatwas and methodological frameworks of both scholars with contemporary Indonesian practices. The findings reveal that al-Qardhawi emphasizes a dynamic, maqasid-based, and context-sensitive epistemology rooted in maslahat and fiqh al-waqi', while Ali Jum'ah highlights a structured, mazhab-oriented approach grounded in adab al-ikhtilaf and institutional discipline. These models are complementary: al-Qardhawi offers adaptive renewal, whereas Ali Jum'ah provides methodological stability. Their synthesis offers a strategic framework for strengthening Indonesian fatwa institutions to produce fatwas that are both normatively valid and socially responsive.

Keywords: Fatwa, Yusuf al-Qardhawi, Ali Jum'ah, Fatwa Institute.

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INTRODUCTION

Fatwas in contemporary Muslim society can no longer be understood solely as legal answers to individual questions, but rather as epistemic products that connect religious texts, scholarly authority, social reality, and public needs. At the global level, social changes due to digitalization, migration, market capitalism, environmental crises, and technological developments have expanded the field of Islamic legal issues. Fatwas are becoming increasingly important because Muslims need normative guidance on issues that are not always explicitly answered in classical fiqh literature. Whyte points out that it is not limited to the central religious authority. Fatwas can come from a legal expert or from a collective religious institution, such as a fatwa council or a fiqh (jurisprudence) institution. Although fatwas are not binding, their symbolic and instructive value is often taken seriously by Muslims (Whyte, 2023).

The change in fatwa authority is increasingly visible in the digital space. The Internet, social media, video channels, and online da'wah platforms allow people to get religious answers quickly, but it also poses the problem of fragmentation of authority, "fatwa shopping", and the tendency to choose the opinion that best suits personal preferences. In his empirical research of the Muslim community in Australia, Whyte found that some Muslims questioned the credibility of fatwa production and wanted a local fatwa council with scientific capacity, legal analysis, and contextual sensitivity (Whyte, 2023). These findings show that the challenge to contemporary fatwas lies not only in the substance of the law but also in epistemological legitimacy, public trust, and the connection between the text and social reality.

In the Indonesian context, the complexity of fatwas becomes more pronounced because Muslims live in a pluralistic, democratic society with diverse religious organizations. Institutions such as the Indonesian Ulema Council, the National Sharia Council (MUI), the Bahtsul Masail Nahdlatul Ulama Institute, and the Muhammadiyah Tarjih Council each have religious authority, but they stand on the tradition of *istinbat*, which is not entirely the same. Sofiana explained that NU tends to emphasize the books of *mu'tabarrah* and the *ilhaq* method, Muhammadiyah emphasizes direct references to the Qur'an and hadith with a *qiyasi-ta'lili* approach and benefits, while MUI combines the postulates of the Qur'an, hadith, *madhhab* opinions, and fiqh rules (Sofiana, 2023).

Problems in the field show that fatwas in Indonesia are not always uniformly accepted by the public. In the digital era, the authority of fatwa institutions is marked by de-bureaucratization and depersonalization, as religious law issues are discussed not only by central institutions but also by local institutions, popular dais, religious influencers, and online communities. Suaedy, Alnizar, Ardiantoro, and Siroj found that the MUI faces a major challenge in maintaining the legitimacy of fatwas in the era of digital disruption, because the text of the fatwa cannot be separated from the network of actors,

languages, and discourses that produce it (Suaedy et al., 2023). These findings are important because they show that the epistemology of fatwa is not only about evidence, but also about how authority is formed, communicated, and accepted by the public.

New media developments also suggest that urban Muslim communities are no longer entirely dependent on formal fatwa institutions. Zamhari, Han, and Zulkifli found that Cariustadz.id platform became a cyber medium that offered a cyber alternative to fatwa and da'wah for urban middle-class Muslims, as well as a response to the emergence of new religious authorities in the digital space (Zamhari et al., 2021). In another study, Shuhufi and colleagues showed that the MUI Fatwa No. 24 of 2017 on muamalah on social media serves as an ethical guideline to prevent ghibah, namimah, intimidation, and hate speech in digital (Shuhufi et al., 2022) interactions. These two studies show that fatwa institutions in Indonesia face the challenge of a digital culture that demands more communicative, argumentative, and contextual fatwa language.

From a social and cultural point of view, fatwas have the power to shape relations between citizens, the boundaries of religious identity, and the way Muslims view other groups. Alnizar, Ma'ruf, and Manshur found a form of linguistic violence in the text of the MUI fatwa on Ahmadiyah, especially through the use of words, phrases, and discourses that can serve as tools of domination and symbolic attacks on others (Alnizar et al., 2021). These findings are not intended to deny the authority of fatwas, but rather to show that the process of formulating fatwas requires epistemological and ethical prudence. Thus, fatwas are not sufficiently evidence-based and also need to consider social impact, public language, and possible consequences for community cohesion.

From an economic perspective, fatwa plays a strategic role in the governance of the Islamic finance industry. Nasrudin and colleagues show that the DSN-MUI fatwa, which is fundamentally non-binding, can undergo transformation into a binding force for business actors, regulators, governments, and industries when accommodated in the national legal system (Muhamad Nasrudin et al., 2025). Hidayati, Hidayatullah, Komarudin, and Atika also found that DSN-MUI has issued fatwas related to digital finance, such as electronic money, technology-based financing, and crowdfunding, using ta'lili and istislahi methods to meet the needs of sharia law certainty in the digital economy (Hidayati et al., 2023). This shows that the epistemology of fatwa has a direct impact on regulation, legal certainty, market innovation, and public protection.

From the perspectives of the environment and public health, fatwas also play a role in addressing global problems that directly affect human life. Harnowo and Habib noted that the MUI has responded to environmental and climate change issues through several fatwas that are directly or indirectly related to mitigation and adaptation, although no fatwa has specifically made climate change a central issue (Harnowo & Habib, 2024). During the pandemic,

Fateh and Islamy noted that MUI Fatwa No. 2 of 2021 on the Sinovac vaccine integrates normative-deductive and empirical-inductive approaches, including the use of *sadd al-dzari'ah*, *maslahah mursalah*, scholars' opinions, and expert considerations (Fateh & Islamy, 2021). Meanwhile, Nurcholis pointed out that the MUI Fatwa on the use of the AstraZeneca vaccine contains the paradigm of *maqasid fiqh* through the integration of *fiqh* proposals, reality, *maqasid al-shari'ah*, and *qawa'id al-fiqh* (Moch. Nurcholis, 2021).

These findings show that the main problem of Indonesian fatwa institutions today is not only how to determine *halal-haram*, permissibility, or legal-illegal, but also how to build a valid, responsive, and accountable legal knowledge base. In this context, the epistemology of fatwa is important because it addresses the sources of legal knowledge, *istidlal* methods, the position of *nash*, the role of reason, the validity of *maslahat*, the interpretation of reality, and the mechanisms of authority. The epistemology of fatwas also determines whether a fatwa is merely a reproduction of classical opinions or can be a response to Islamic law rooted in tradition and relevant to changing times.

Shaykh Yusuf al-Qardhawi is important to study because he represents a model of fatwa epistemology that emphasizes *wasathiyyah*, *fiqh al-waqi'*, *fiqh al-awlawiyyat*, *fiqh al-muwazanat*, *maqasid al-shari'ah*, and the renewal of *hadith* understanding. Alwi and colleagues point out that in reading *hadith*, al-Qardhawi offers methods that connect *hadith* with the Qur'an, thematic *sahih hadith*, *sharia* wisdom, and the general purpose of *sharia* so that the understanding of *hadith* remains relevant to the historical needs of society (Alwi et al., 2023). Mun'im points out that in the fatwa al-Qardhawi on *fiqh al-aqalliyat*, the rules of *fiqh* play a dominant role in the actualization of Islamic law for Muslim minorities (Mun'Im, 2021). Ifandy and Hasanah also emphasized that *fiqh al-awlawiyyat al-Qardhawi* makes *maslahat* an important reference to determine the scale of priorities in solving contemporary problems (Ifandi & Hasanah, 2024).

Shaykh Ali Jum'ah is also important to study because he represents a strong model of fatwa epistemology in institutional traditions, *madhhab* authority, *fiqh* proposals, and modernization of fatwa institutions. Fikri, Abdullah, and Sunarwoto found that Ali Jum'ah established his authority through the modernization of Egypt's Dar al-Ifta as a new media-based global fatwa institution, while al-Qardhawi strengthened his authority through media networks and cooperation with professionals, including through al-Jazeera (Fikri et al., 2024). In the context of a particular case, Faiqoh points out that the fatwa of Ali Jum'ah on the buying and selling of *khamr* in non-Muslim countries uses the method of *intiqa'i* and *insha'i* with the consideration of *maslahat* and the elimination of difficulties, although the study criticizes that *maslahat* cannot be *takhsis* of *qat'i* law (Faiqoh, 2022).

The comparison between al-Qardhawi and Ali Jum'ah is relevant because both are rooted in the Sunni-Azhar tradition but place different epistemological

emphasis. Al-Qardhawi is more often read as a figure who develops a maqasidi approach, priorities, and a balance across cross-border social realities, while Ali Jum'ah is more prominent as a scholar-institutional figure who maintains the continuity of the madhhab, the order of istidlal, and the authority of fatwa institutions. These differences need not be understood as absolute contradictions, but rather as two epistemological models of fatwa that can be critically brought together to strengthen fatwa institutions in Indonesia. In the context of a plural and democratic Indonesian society, both models can serve as a reflection of the balance between contextual responses, methodological discipline, institutional authority, and the public interest.

The need to reflect on the epistemology of fatwa is growing, as the methods of Indonesian fatwa institutions themselves continue to show variation and dynamics. Jamaluddin, Hannani, Sunuwati, and Taqiyuddin found that the MUI istinbat system refers to the Qur'an, hadith, ijma, qiyas, and other evidences such as istihsan, istishab, and sadd al-dzari'ah; NU harmonizes the text of the book with the context of the problem; while Muhammadiyah makes welfare as a benchmark of priority without being strictly tied to a certain sect (Jamaluddin et al., 2024). Thus, the study of the epistemology of al-Qardhawi and Ali Jum'ah can help re-read the strengths and limitations of each model of istinbat of Indonesian fatwa institutions.

Previous studies have discussed the MUI fatwa in digital issues, the language of the fatwa, the environmental fatwa, the vaccine fatwa, the sharia economic fatwa, the NU-Muhammadiyah-MUI istinbat method, as well as the religious authorities of al-Qardhawi and Ali Jum'ah in the new media. However, there is still a gap in studies that specifically place the epistemology of fatwa al-Qardhawi and Ali Jum'ah as a comparative framework to read the needs of fatwa institutions in Indonesia. Some studies still focus on specific cases, such as vaccines, social media, Ahmadiyah, khamr, the digital economy, or climate change; others emphasize digital authority rather than the epistemological structure of the fatwa itself. Therefore, this study seeks to fill this gap by examining how the two figures build fatwa reasoning, how they are similar and different, and how relevant they are to strengthen the institution of Indonesian fatwa.

Based on this description, this study aims to analyze the relevance of the epistemology of the fatwa of Shaykh Yusuf al-Qardhawi and Shaykh Ali Jum'ah for fatwa institutions in Indonesia. The study focuses on three aspects: the epistemological structures of the fatwas of the two figures, the similarities and methodological differences between the two, and their contributions to strengthening fatwa institutions such as MUI, DSN-MUI, LBMNU, and the Muhammadiyah Tarjih Council. Theoretically, this research is expected to enrich the study of contemporary Islamic law epistemology by bringing together the thoughts of two global scholars and the institutional practice of Indonesian fatwa. Practically, this research is expected to provide a reflective

framework that enables Indonesian fatwa institutions to be more responsive to contemporary issues without losing scientific authority, the depth of their fiqh proposals, social sensitivity, and interest orientation.

METHOD

This study uses a qualitative method with a type of literature study through a comparative approach and content analysis to examine the meaning, reason, and epistemology of the fatwa of Shaykh Yusuf al-Qardhawi and Shaykh Ali Jum'ah, because the object of study in the form of the construction of reasoning and istidlal patterns is more precisely understood through an in-depth interpretation of the text and context (Creswell & Poth, 2026). Primary data is taken from the direct works of the two figures related to fatwa, fiqh proposals, maqasid shari'ah, and fiqh al-waqi', while secondary data is obtained from books, journals, and fatwas of religious institutions in Indonesia. Data collection is carried out through documentation in the form of inventory, selection, critical reading, and systematic recording, then analyzed by content analysis to identify themes, categories, concepts, and epistemological patterns systematically and contextually (Krippendorff, 2022; Schreier, 2024).

The analysis procedure includes the determination of the unit of analysis, the preparation of thematic categories such as nash, maqasid, maslahat, social reality, madhhab authority, and ijihad jama'i, data encoding, comparison of epistemological patterns, and the extraction of relevance for MUI, DSN-MUI, LBMNU, and the Muhammadiyah Tarjih Council, with a comparative approach to find the strengths and limitations of the thoughts of the two figures in a balanced manner (Timberlake & Ragin, 1989)manner. Validity is maintained through source triangulation, category consistency, repeated reading, as well as data reduction, data presentation, and verification of findings, as is common in qualitative data analysis (Miles et al., 2018).

RESULT AND DISCUSSION

Theoretical Framework

Research on the epistemological relevance of the fatwas of Shaykh Yusuf al-Qardhawi and Shaykh Ali Jum'ah for fatwa institutions in Indonesia should begin with the affirmation that fatwas are not merely products of law but the result of knowledge work. It was born from the relationship between Nash, istidlal methods, the authority of scholars, the social context, and the needs of mustafti. Therefore, fatwas always have an epistemological dimension: from where the law is known, how the law is deduced, who is authorized to conclude it, and the extent to which social reality is part of legal considerations.

In the framework of Islamic epistemology, the thought of Muhammad 'Abid al-Jabiri is useful for reading the pattern of fatwa reasoning. Al-Jabiri distinguishes three main patterns of reason, namely bayani, burhani, and 'irfani. Bayani's reasoning rests on the authority of the text, the Arabic language, the

proposition of fiqh, and the mechanism of istinbat from nash; Burhani's reasoning rests on rational argumentation, demonstration, and a reading of reality; While 'irfani's reasoning rests on spiritual experience and religious intuition (Al-Jābirī, 1991; Ridwan, 2016). In the context of fatwa, bayani reasoning is seen in the use of the Qur'an, hadith, ijma, qiyas, and madhhab opinions; Burhani's reasoning is seen in the analysis of benefits, social data, science, and policy impacts; Meanwhile, the reason of 'irfani seems more like the inner ethics of the mufti so that fatwa is not separated from adab, wara', and moral responsibility.

The epistemology of fatwa cannot be reduced only to the question of "what is the evidence", but also "how the evidence is read" and "in what reality is the evidence applied". An epistemologically strong fatwa must have three elements at once, namely normative legitimacy, methodological discipline, and contextual sensitivity. Normative legitimacy keeps fatwas tied to sharia sources; methodological discipline prevents fatwas from becoming free opinion. Meanwhile, contextual sensitivity makes fatwa from turning into a normative text that is independent of people's lives (Masud et al., 1996).

Classically, a fatwa is understood as an explanation of Sharia law on the issue posed by mustafti to the mufti. In the tradition of fiqh proposals, fatwas differ from judges' decisions because they are not essentially juridically coercive, but have strong moral and religious authority. Ibn al-Qayyim places the mufti as al-muwaqqi' an Rabb al-'alamin, i.e., the party who seems to "sign" the explanation of the law in the name of God, so that fatwa activities require knowledge, prudence, and high moral integrity (Al-Jauziyyah, 1991).

In the view of classical scholars, it is not enough for the mufti to know the text of the law, but also to understand the reality in which the law is applied. Ibn al-Qayyim emphasized the importance of understanding al-wajib and al-waqi', i.e., normative laws and concrete facts, before establishing fatwas (Al-Jauziyyah, 1991). Al-Qarafi also emphasized that changes in customs, times, places, and circumstances can affect changes in fatwas in jurisdictions that are indeed open to ijtihad (Al-Qarafi, 1998). Thus, the principle of changing fatwa is not a form of legal relativism, but an epistemological mechanism so that sharia remains operational in a changing society.

In the modern context, fatwas are increasingly complex because legal issues are no longer limited to individual worship, but include the digital economy, biotechnology, the environment, public health, interfaith relations, social media, and civic politics. Whyte points out that contemporary Muslims still need fatwas, but also demand fatwas that are credible, contextual, and produced by authorities who understand local conditions (Whyte, 2023). In Indonesia, similar challenges have arisen in the form of a plurality of fatwa institutions, digital authorities, and competition between institutional scholars and popular dai in the new media space (Suaedy et al., 2023).

Biography of Shaykh Yusuf al-Qardhawi

Shaykh Yusuf al-Qardhawi was born in Egypt on September 9, 1926, studied at al-Azhar, and then worked extensively in Qatar and international scholarly networks. His official biography states that he had memorized the Qur'an before the age of ten and received a formal education in the al-Azhar tradition. He is widely known through his works on contemporary jurisprudence, global da'wah activities, involvement in the European Council for Fatwa and Research, and his role in the International Union of Muslim Scholars (Qardhawi & Taufikurrahman, 2003).

The corpus of al-Qardhawi's thought is very broad, but some of the key works relevant to the study of fatwa epistemology are *al-Halal wa al-Haram fi al-Islam*, *Fiqh al-Zakah*, *Fatawa Mu'ashirah*, *Fi Fiqh al-Awlawiyyat*, *Kayfa Nata'amal ma'a al-Sunnah al-Nabawiyyah*, *Fi Fiqh al-Aqalliyyat al-Muslimah*, and *Dirasah fi Fiqh Maqasid al-Shari'ah*. The official website of al-Qardhawi describes *Fiqh al-Zakah* as a comprehensive work that discusses classical and contemporary zakat with a cross-sectarian approach, postulates, and ijihad analysis. Meanwhile, *Fi Fiqh al-Awlawiyyat* is explicitly directed to improve the way the ummah weighs what should come first, what can be postponed, and what should not be exaggerated (JpnMuslim, 2015).

Epistemology of the Fatwa of Shaykh Yusuf al-Qardhawi

The epistemological basis of al-Qardhawi can be described as a synthesis of bayani, maqasidi, and waqi'i. He does not abandon the Nash but rejects the rigid, partial, and detached reading of the Nash. In *Kayfa Nata'amal ma'a al-Sunnah*, al-Qardhawi emphasizes that hadith must be understood by connecting it to the Qur'an, compiling hadiths with a theme, distinguishing the means and purposes, and paying attention to the cause, context, and maqasid of the law (Al-Qaradawi, 2006). The website of al-Qardhawi also emphasizes that this book was compiled to avoid a narrow, literalist understanding of the sunnah, while paying attention to the spirit and purpose of the sharia.

In the bayani aspect, al-Qardhawi still makes the Qur'an and Sunnah the main sources. However, he developed a thematic and integrative reading, not just taking one text at a time. This principle is evident in his criticism of the tendency to understand hadith literally without testing its conformity with the principles of the Qur'an, other stronger hadiths, the general rules of sharia, and the law's purpose. Thus, the reasoning of al-Qardhawi Bayani is not a narrow textualist Bayani, but a Bayani framed by maqasid and social reality (Al-Qaradawi, 2008).

In the aspect of maqasidi, al-Qardhawi places *maslahat* as an important element in contemporary fatwas. *Maslahat* for him is not subjective taste, but benefits that are tied to the purpose of sharia, such as safeguarding religion, soul, intellect, descendants, property, honor, justice, and humanity. Therefore, he often uses the principles of *taysir*, *raf' al-haraj*, *wasathiyyah*, and *taghayyur*.

al-fatwa bi taghayyur al-zaman wa al-makan within the limits of permissible *ijtihad*. Ifandi and Hasanah point out that *fiqh al-awlawiyyat al-Qardhawi* places *maslahat* at the forefront in determining the priority scale for contemporary problem-solving (Ifandi & Hasanah, 2024).

The concept of *fiqh al-awlawiyyat* is an important epistemological contribution of al-Qardhawi. Under this concept, a fatwa not only asks whether something is *halal* or *haram*, but also considers the level of urgency, social impact, order of importance, and the proportionality of the action. Problems of a basic nature must take precedence over the branches, the general good takes precedence over individual benefits, and the prevention of large *mafsadat* takes precedence over the achievement of small benefits. In the context of fatwa institutions, this concept is important so that fatwa is not trapped in symbolic issues, while structural issues such as poverty, environmental damage, economic injustice, and digital literacy are given less priority (Ifandi & Hasanah, 2024).

The concepts of *fiqh al-waqi'* and *fiqh al-muwazanat* are also pillars of al-Qardhawi's epistemology. *Fiqh al-waqi'* requires the mufti to understand reality accurately before giving legal answers, while *fiqh al-muwazanat* requires the ability to weigh between *maslahat* and *mafsadat*, between greater and smaller *maslahat*, and between heavier and lighter *mafsadat*. In this context, a fatwa is not enough to merely cite the evidence; it must also test the social consequences of applying the evidence. This is what makes al-Qardhawi's fatwa often understood as responsive to modern Muslim societies living in a nation state, global economy, and ever-changing social structure (Ifandi & Hasanah, 2024).

In *Fi Fiqh al-Aqalliyat al-Muslimah*, al-Qardhawi developed *fiqh* for Muslim minorities living in non-Muslim countries. This approach rests on the principles of convenience, the elimination of difficulties, civic loyalty that does not erase religious identity, and the need to maintain the religious diversity of Muslim minorities in socio-political situations different from Muslim-majority societies (al-Qardhawi, 2001). Mun'im shows that the rules of *fiqh* have a dominant role in the actualization of the fatwa al-Qardhawi on *fiqh al-aqalliyat* (Mun'im, 2021).

A concrete example of al-Qardhawi's epistemology can be seen in *Fiqh al-Zakah*. In this work, he not only reiterates the classic *zakat* law but also discusses contemporary issues such as income-based *zakat*, *zakat* institutions, the social function of *zakat*, and the economic dimension of the *ummah*. This approach shows that the text of *zakat* is read through a combination of postulates, *maqasid*, social justice, and modern institutional needs. This is relevant for Indonesia because *zakat* is no longer only understood as individual worship, but also as an instrument of social welfare, poverty alleviation, and Islamic philanthropic governance (Al-Qardhawi, 1973).

However, al-Qardhawi's epistemology also needs to be read critically. The flexibility of *Maqasidi* and his courage to respond to contemporary issues are

strengths, but they can pose risks if not guided by the strict discipline of fiqh and collective mechanisms. Some of al-Qardhawi's political views and fatwas have also reaped controversy, so Indonesian fatwa institutions cannot adopt them in their entirety without criticism. The relevance of al-Qardhawi lies not in copying all his opinions, but in adopting a methodological framework that integrates nash, maqasid, reality, priorities, and benefits.

Biography of Shaykh Ali Jum'ah

Shaykh Ali Jum'ah was born in Beni Suef, Egypt, on March 3, 1952. His official biography states that he belongs to the Shafi'i school, holds master's and doctoral degrees in fiqh from al-Azhar University, served as the Mufti of Egypt from 2003 to 2013, and is a member of several scientific institutions, including Majma' al-Buhuts al-Islamiyyah and international fiqh institutions. This background is important because Ali Jum'ah represents the epistemology of fatwa that is closely related to al-Azhar, the tradition of madhhab, scientific sanad, and the institutionalization of fatwa (Academy, 2021).

Ali Jum'ah's works that are relevant to the study of the epistemology of fatwa include al-Madkhal li Dirasat al-Madhahib al-Fiqhiyyah al-Islamiyyah, Aliyat al-Ijtihad, al-Ifta' bayn al-Fiqh wa al-Waqi', Sina'at al-Ifta', al-Kalim al-Tayyib: Fatain 'Ashriyyah, al-Bayan lima Yashghal al-Adhhan, and Tartib Maqasid al-Shari'ah. Ali Jum'ah's official list of works lists a number of such titles, including al-Ifta' bayn al-Fiqh wa al-Waqi' in 2007, Sina'at al-Ifta' in 2008, and Tartib Maqasid al-Shari'ah in 2011. This corpus shows that Ali Jum'ah not only wrote practical fatwas, but also discussed the theory of ijthad, madhhab, maqasid, and the institution of ifta (IIFA, n.d.).

Epistemologi Fatwa Shaykh Ali Jum'ah

The epistemological basis of Ali Jum'ah can be referred to as bayani-mazhabi-institutional. He is strong in the tradition of fiqh proposals, the authority of madhhab, the mastery of turats, and the scientific order of al-Azhar. In contrast to the image of al-Qardhawi, who often appears as a global public scholar with a broad language of reform, Ali Jum'ah is more prominent as an institutional scholar who views fatwas as an orderly, multi-layered process and requires scientific authority. Therefore, in the epistemology of Ali Jum'ah, the madhhab is not just a historical heritage, but a methodological tool to maintain the continuity, prudence, and accuracy of istidlal (Jum'ah, 1996).

One of the strengths of Ali Jum'ah is his emphasis on adab al-ikhtilaf and on recognizing the diversity of fiqh opinions. In al-Bayan, five Yashghal al-Adhhan, he explains many problems that are often used as tools to judge other groups, even though these problems fall within the territory of the khilafiyah. It insists on rules such as "one cannot deny disputed matters" and "ijthad is not canceled by other ijthad" as a basis for preventing religious narrowing and polarisation of the ummah. The official website presents an introduction to the work as an effort to address 100 problems that often divide the ummah and

obscure the breadth of fiqh treasures (Jum'ah, 2015).

Ali Jum'ah's epistemology also places reality as part of the fatwa (Jumáh, 2007), but with a different twist from al-Qardhawi. If al-Qardhawi often emphasizes fiqh al-waqi' in the language of renewal and priority (Qaradawi, 2001). Ali Jum'ah places reality within the framework of sina'at al-ifta', i.e., scientific skills and procedures in producing fatwas. That is, reality is not read freely, but is included in the mechanism of questioning, tashwir al-mas'alah, determination of manath, madhhab references, tarjih, and formulation of answers. In the context of fatwa institutions, this approach is important because institutional fatwas require procedures that can be scientifically audited.

An example of Ali Jum'ah's fatwa that is often discussed is his views on bank interest and buying and selling khamr in non-Muslim countries. A study of the bank interest fatwa shows that Ali Jum'ah distinguished bank additions from riba by looking at the structure of transactions, investments, and changes in the modern monetary system, although this view remains disputed by many scholars (Jati & Kholiluddin, 2022). In the case of buying and selling khamr in non-Muslim countries, Faiqoh notes that Ali Jum'ah used the method of intiq'a'i and insha'i with the consideration of maslahat and the elimination of difficulties, but the study also criticizes that maslahat should not override the law of qat'i (Faiqoh, 2022).

The epistemological strength of Ali Jum'ah lies in the order of madhhab, mastery of fiqh proposals, institutions, and the ability to explain ikhtilaf. However, this approach also has potential limitations. Reliance on institutional authority can raise criticism when the fatwa institution is too close to the state or political power. Several studies of the political fatwa of Ali Jum'ah during the Egyptian revolution show that there were changes and tensions between the ulama, maslahat, and the politics of the state (Sulaiman et al., 2023). Therefore, institutional epistemology needs to be complemented by transparency, accountability, and ethical independence.

Epistemological Similarities and Differences

In comparison, al-Qardhawi and Ali Jum'ah are both rooted in the Sunni-Azhar tradition, acknowledging the authority of the nash, using the tools of fiqh proposals, accepting maqasid, and realizing the importance of reality. Both also reject the narrowing of fiqh that ignores the breadth of scholars' treasures. The difference lies in the pressure point. Al-Qardhawi is stronger on maqasid, priorities, balance, global realities, and the language of renewal; while Ali Jum'ah is stronger in madhhab, scientific sanad, institutional order, and ikhtilaf management (Al-Qaradhawi, 2008; Jumáh, 1996).

These differences need not be read as opposites, but rather as two epistemological accents that can complement each other. Al-Qardhawi provides context so that fatwas do not fall behind the changing times. Ali Jum'ah gave institutional discipline so that fatwas do not lose their methodological roots (Al-

Qaradhawi, 2008; Jumáh, 1996). If the two models are brought together, Indonesian fatwa institutions can build an epistemology that is at once responsive and orderly, creative and controlled, maqasidi and mazhabi, as well as communicative and accountable. Here's the comparison table:

Aspects	Yusuf al-Qardhawi	Ali Jumáh	Relevance Points
Epistemologica I Roots (Similarities)	Rooted in the Sunni-Azhar tradition, acknowledging the authority of the nash, using fiqh proposals, accepting maqasid, and considering reality.	Rooted in the Sunni-Azhar tradition, acknowledging the authority of the nash, using fiqh proposals, accepting maqasid, and considering reality.	It is the basic foundation of fatwa institutions that reject the narrowing of fiqh and respect the breadth of scholars' treasures.
Study Focus	Providing contextual energy through maqasid, priorities, balance, global realities, and the language of renewal.	Providing institutional discipline through madhhab, scientific sanad, institutional order, and ikhtilaf management.	Building a responsive and orderly, creative and controlled fatwa epistemology, as well as maqasidi and mazhabi.
Base	Al-Azhar, contemporary fiqh, global da'wah	Al-Azhar, usul fiqh, madhhab Shafi'i, Egyptian ifta institution	Combining global insights and institutional disciplines
Epistemologists	Narrative-Objectives-Indeed	Heroes-mazhabi-institutional	Fatwa needs to be based on nash, maqasid, reality, and procedure
Key Concepts	Mediation, Objectives, Expediency, Fiqh of Priorities, Fiqh al-Waqq, Fiqh al-Muba'a'at	Madhhab, sanad, adab ikhtilaf, sina'at al-ifta', order of fiqh usul	Balancing contextual responses and methodological prudence
Attitudes towards Madhhab	Appreciate madhhab, but be more open to cross-madhhab tarjih	Making madhhab a tool for istidlal discipline	Useful as a methodological guideline for MUI, DSN-MUI, LBMNU, and Tarjih

			Muhammadiyah
Orientation Fatwa	Contemporary issues of the global ummah and Muslim minorities	Institutional fatwa and ikhtilaf management	Strengthening local fatwas to be relevant in national and global contexts
Potential Weaknesses	Risk of over-flexibility if not controlled by collective procedures	Formal-institutional risks of getting too close to political authority	Demand transparency, ijtihad jama'i, and periodic methodological audits

Table 1. The Epistemological Similarities and Differences

The Relevance of Fatwa Epistemology for Fatwa Valleys in Indonesia

For the Indonesian Ulema Council, the relevance of these two epistemologies lies in the need to strengthen the balance between postulative authority, reality analysis, and public communication. The MUI's guidelines for determining fatwas state that fatwas are based on the Qur'an, hadith, ijma, qiyas, and other mu'tabar evidences, and are determined collectively by the Fatwa Commission. This principle is close to the Ali Jum'ah model in terms of the institutional and orderly istidlal, but it also requires the energy of al-Qardhawi in terms of maqasid, priority, and the reading of social reality (Al-Qaradhawi, 2008; Jumáh, 1996).

For DSN-MUI, al-Qardhawi's epistemology is important, especially regarding Sharia economics, digital finance, and transaction innovation. Fiqh al-Zakah and al-Qardhawi's economic works show that the law of muamalah requires a reading of economic functions, distribution justice, and changes in financial instruments. However, Ali Jum'ah's approach is also important so that economic innovation is not only justified through public benefits, but tested through tashwir akad, identification of 'illat, transaction structure, and conformity with the rules of madhhab. Nasrudin and colleagues' study shows that DSN-MUI fatwa can change from non-binding in fiqh to binding when accommodated in the national legal system (Muhamad Nasrudin et al., 2025).

For the Bahtsul Masail Nahdlatul Ulama Institution, Ali Jum'ah is relevant because it both places turats and madhhab, and the authority of scholars, as important bases. However, al-Qardhawi encouraged reading the book not to stop at the mere reproduction of opinions, but to be directed toward maqasid, reality, and the priority of benefit (Al-Qaradhawi, 2008; Jumáh, 1996). Thus, LBMNU can strengthen the methods of qauli, ilhaqi, and manhaji through more explicit social readings. Here, the tradition of the book of mu'tabarah is maintained, but it is confronted with contemporary problems such as

environmental issues, digitalization, economic inequality, and interreligious relations (Nurhuda et al., 2025).

For the Muhammadiyah Tarjih Council, al-Qardhawi is relevant because it both emphasizes the renewal, tarjih, benefits, and direct reference to the Qur'an and Sunnah. However, Ali Jum'ah remains important as a reminder that legal reform must stand on the order of fiqh proposals and on awareness of the treasures of the madhhab. Thus, the tarjih approach does not fall into free rationalism, but remains rooted in the istidlal tradition of Islam. Sofiana pointed out that NU, Muhammadiyah, and MUI have different ijihad methods, so that cross-model epistemological dialogue is needed in the Indonesian context (Sofiana, 2023).

In the digital era, the relevance of the two figures is becoming clearer. Al-Qardhawi emphasizes the importance of the language of fatwa: it should be communicative, reach a wide public, and address actual problems. Ali Jum'ah showed the importance of modernizing fatwa institutions, standardizing processes, and managing religious authorities through new media. Fikri, Abdullah, and Sunarwoto found that Ali Jum'ah built authority through the modernization of Egypt's Dar al-Ifta as a new media-based global fatwa institution, while al-Qardhawi built authority through media networks and cooperation with professionals (Fikri et al., 2024).

Another relevance is the strengthening of ijihad jama'i. Contemporary problems such as vaccines, fintech, the climate crisis, artificial intelligence, and social media cannot be solved by just one discipline. From al-Qardhawi, Indonesian fatwa institutions can take the principle of reading reality and maslahat; from Ali Jum'ah, fatwa institutions can take the principles of procedure, verification, and institutionality (Al-Qaradhawi, 2008; Jumáh, 1996). The MUI's fatwa on social media, for example, shows that digital issues require consideration of fiqh, communication ethics, information literacy, and social impact, including the prohibition of spreading hoaxes, slander, ghibah, namimah, bullying, and hate speech (Shuhufi et al., 2022).

Second, epistemology is also relevant to improve the language of fatwas. In a pluralistic society, fatwas are not only judged by the content of the law, but also by the social effect of the language. Ali Jum'ah emphasized the importance of manners in ikhtilaf so that differences do not turn into judgment. Al-Qardhawi reminded the importance of wasathiyah so that fatwas are not extreme, do not underestimate the law, but also do not burden the ummah (Al-Qaradhawi, 2008; Jumáh, 1996). Therefore, Indonesian fatwa institutions need to develop fatwa language that is argumentative, educational, non-provocative, and sensitive to social cohesion.

In the context of democratic states and pluralistic societies, the epistemology of fatwa must also account for the boundaries between moral-religious authority and the state's legal authority. Fatwas can influence regulations, social behavior, and public policy, but they must remain mindful of

their place within the national legal system. The al-Qardhawi model helps fatwas talk about the public good, while the Ali Jum'ah model helps fatwas maintain institutional order (Al-Qaradhawi, 2008; Jumáh, 1996). Both can prevent two extremes: fatwas that are too fluid to follow public opinion, and fatwas that are too rigid to lose social relevance.

Theoretically, the epistemological synthesis of al-Qardhawi and Ali Jum'ah can be formulated as the epistemology of integrative fatwas. This epistemology combines nash, maqasid, madhhab, maslahat, reality, collective authority, and public communication. In the language of al-Jabiri, Indonesian fatwa needs to integrate bayani and burhani in a balanced manner, while the dimension of 'irfani is present as a scholarly ethics, not as a substitute for legal argumentation (al-Jabiri, 1986). With this framework, fatwas can remain normative without being narrow textualists, and remain contextual without turning into a pragmatic opinion.

Practically, Indonesian fatwa institutions need to strengthen five agendas. First, clarifying the methodology of istinbat in each fatwa so that the public knows the basis of the argument. Second, expanding the involvement of cross-disciplinary experts when the issues being addressed relate to the economy, technology, health, the environment, or the media. Third, develop a popular explanation after the fatwa is issued so that the fatwa is not only understood by academics. Fourth, develop a mechanism to evaluate the social impact of fatwas. Fifth, maintaining the independence of fatwa institutions from political, market, and media pressure.

Finally, the epistemological relevance of the fatwas of al-Qardhawi and Ali Jum'ah for Indonesian fatwa institutions lies in their ability to bring together traditions and changes. Al-Qardhawi provides a model of fatwa that is responsive, maqasidi, and aware of priorities; Ali Jum'ah gave an orderly, mazhabi, and institutional model of fatwa. In a plural, democratic, and digitized Indonesian society, fatwa institutions need both the courage to read the times and the prudence of maintaining methodology. With this synthesis, fatwa can become an instrument of religious guidance that is valid in terms of evidence, academically strong, socially sensitive, and relevant to the public.

CONCLUSION

Based on the above discussion, this study concludes that the epistemology of the fatwas of Shaykh Yusuf al-Qardhawi and Shaykh Ali Jum'ah is highly relevant to strengthening fatwa institutions in Indonesia, as both offer a model of fatwa reasoning that can complement each other. Al-Qardhawi presents the epistemology of fatwa in the style of bayani-maqasidi-waqi'i through an emphasis on nash, maqasid al-shari'ah, maslahat, fiqh al-waqi', fiqh al-awlawiyyat, fiqh al-muwazanat, and the principle of wasathiyyah, so that fatwas are able to respond to contemporary issues contextually and oriented towards the public benefit. Meanwhile, Ali Jum'ah represents the bayani-mazhabi-

institutional epistemology that emphasizes the authority of the madhhab, the order of fiqh proposals, scientific sanad, the adab ikhtilaf, and the modernization of fatwa institutions, so that fatwa is methodologically, authoritatively, and institutionally responsible. In the context of a plural, democratic, and digitized Indonesia, the synthesis of these two models can strengthen the MUI, DSN-MUI, LBMNU, and the Muhammadiyah Tarjih Council to be able to produce fatwas that are valid in terms of evidence, methodologically disciplined, sensitive to social realities, communicative to the public, and relevant to the needs of the times without losing the roots of the Islamic legal tradition.

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