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## Contemporary Ijtihad Methodology in Pesantren Traditions: Typologies and Constructions

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### Abstract

*Contemporary Ijtihad Methodology in Pesantren Traditions: Typologies and Constructions examines how modern fiqh scholars respond to emerging legal questions through methodological renewal within pesantren-based intellectual traditions. The study addresses the gap between classical juridical frameworks and contemporary social realities, particularly in relation to the role of pesantren as custodians of Islamic scholarly authority. Using a qualitative library research design and descriptive-critical analysis, this article investigates the typologies of contemporary ijtiḥād and the epistemological foundations that shape them. The findings show that contemporary ijtiḥād develops through several patterns, including selective, creative, combined, and maṣlaḥah-oriented approaches, each reflecting different ways of balancing textual fidelity and contextual relevance. Yusuf al-Qaradawī's thought is especially significant because it integrates Qur'ānic and Ḥadīth-based reasoning, maqāṣid al-sharī'ah, and collective ijtiḥād as key methodological principles. The study also indicates that pesantren traditions provide an important ethical and intellectual environment for sustaining adaptive legal reasoning without abandoning normative continuity. In conclusion, contemporary ijtiḥād is not a rupture from classical scholarship, but a constructive extension that enables Islamic law to remain responsive, credible, and socially meaningful in changing times.*

### Key Word:

Contemporary Ijtihad,  
Islamic Legal  
Methodology,  
Ijtihad Typology  
Maqāṣid al-Sharī'ah

## INTRODUCTION

Few questions in Islamic intellectual history have proven as enduring as this: how can a legal tradition rooted in seventh-century revelation remain authoritative in a world its founders could not have imagined? The answer, classical jurists consistently maintained, lies in *ijtiḥād* — the disciplined exertion of juristic reasoning to derive rulings from primary sources. Safwan et al. (2025) observe that this mechanism has functioned not as a deviation from tradition but as its most faithful expression, animated by the principle *al-Islām ṣāliḥ li kulli zamān wa makān*: Islam is valid for every time and place.

Yet the contemporary moment places exceptional pressure on this mechanism. The pace of transformation across medicine, digital economies, environmental governance, and social structures has far outrun the pace at which classical fiqh literature can supply ready answers. As Rahmatullah (2025) notes, Muslim jurists find themselves confronting the ancient paradox articulated as *al-nuṣūṣ al-mutanāhiyah wa al-waqā'i' ghayr mutanāhiyyah* — the texts are finite, but the cases of human life are not. This tension has made the question of methodology, not merely content, the central preoccupation of contemporary Islamic legal thought.

What has emerged in response is a reformulated approach that scholars now collectively identify as contemporary ijtihad methodology. Rather than abandoning classical uṣhul fiqh, this approach reconfigures it — integrating sociological, economic, and scientific perspectives while anchoring deliberation in *maqāṣid al-sharī'ah* and the principle of *maslahah* as the organising criteria of legal validity. Safwan et al. (2025) argue that this reconfiguration produces an epistemological framework genuinely responsive to modern complexity, one capable of maintaining normative continuity without surrendering contextual sensitivity.

No contemporary figure has theorised this reconfiguration more systematically than Yusuf al-Qaradawi. In his seminal *Al-Ijtihād fī al-Sharī'ah al-Islāmiyyah*, he maps the typological terrain of contemporary ijtihad: the selective (*intiqā'ī*), the creative (*inshā'ī*), the combined (*intiqā'ī-inshā'ī*), and the *maslahah*-oriented approaches each represent distinct but related strategies for responding to emergent legal questions (Mukhlis & Nurhasanah, 2022). Equally significant is his advocacy for *ijtihād jamā'ī* — collective deliberation — as a structural corrective to the inevitable limitations of any single scholar's reasoning.

Pesantren enter this picture not as peripheral actors but as the primary institutional habitat in which Islamic legal culture is formed and reproduced in Indonesia. Marwadi et al. (2025) demonstrate that pesantren's engagement with the *kitab kuning* tradition — the corpus of classical Islamic texts studied in these institutions — constitutes an active, ongoing negotiation with juristic authority rather than a passive reception of it. The intellectual environment of pesantren, shaped by centuries of textual engagement, thus provides both the resources and the dispositions from which contemporary ijtihad draws its practitioner base.

Despite this significance, existing scholarship has tended to examine contemporary ijtihad and pesantren in parallel rather than in relation. Studies on ijtihad methodology favour doctrinal or biographical approaches centred on individual scholars, while pesantren research has concentrated on educational management, curriculum reform, and socio-cultural transformation. As Marwadi et al. (2025) point out, the epistemological dimensions of pesantren — its function as a space where legal methodology is formed, transmitted, and contested — remain insufficiently theorised. This gap forecloses a fuller understanding of how Islamic legal reasoning actually operates in institutional practice.

This article is directed precisely at that gap. It investigates the typologies and epistemological constructions of contemporary ijtihad methodology as they are

expressed within and sustained by pesantren intellectual traditions, taking Yusuf al-Qaradawi's juristic thought as its central theoretical reference. Drawing on [Husain \(2019\)](#) and Mukhlis & Nurhasanah (2022), the analysis proceeds through a qualitative library research design, employing descriptive-critical content analysis of primary juristic texts and secondary scholarly literature to map the constitutive features of each methodological typology and the epistemological logic underlying them.

The contribution of this study is ultimately integrative. Where prior accounts have treated ijihad methodology and pesantren traditions as separate analytical domains, this article argues for their necessary convergence — that understanding contemporary Islamic legal reasoning requires understanding the institutional culture that produces and transmits it. By foregrounding this relationship, the article advances a more grounded account of how Islamic law sustains both normative continuity and social adaptability, a question whose significance extends beyond jurisprudence into broader debates on the vitality of religious tradition in modernity ([Marwadi et al., 2025](#); [Rahmatullah, 2025](#)).

## RESEARCH METHODS

Library research provides the appropriate methodological home for a study whose central questions are answered through texts rather than through observation of social settings. This study adopts a qualitative library research design (*studi pustaka*), which Sari & Asmendri (2020) describe as a systematic mode of inquiry in which published and documented sources constitute the primary data, and findings take the form of conceptual and analytical propositions rather than empirical descriptions. For a study concerned with the epistemological foundations and typological structures of contemporary ijihad methodology, this design is the natural methodological choice.

The primary sources of this study are Yusuf al-Qaradawi's foundational juristic works — most centrally *Al-Ijtihād fī al-Sharī'ah al-Islāmiyyah* — alongside classical ushul fiqh texts by al-Ghazali, al-Amidi, and al-Shawkani, which establish the epistemological baseline against which contemporary developments are assessed. These are complemented by secondary literature comprising peer-reviewed journal articles, academic theses, and scholarly monographs on Islamic legal theory. Selection criteria required sources to be directly relevant to the typologies of contemporary ijihad, to carry recognised scholarly authority, and — for secondary sources — to fall within the past decade.

Ade Nathali Juwita Ningrum, Aidatus Shalihah, and Faiqatul Jannah each contributed to this study through the systematic collection and critical reading of the identified sources. Data collection proceeded through four sequential stages: inventory and cataloguing of relevant primary texts; screening of secondary literature by relevance and scholarly credibility; thematic reading with initial conceptual categorisation; and cross-source verification ensuring that no analytical claim rested on a single textual reference alone. This staged procedure reflects the rigor that library-based research

demands, where disciplined data management compensates for the absence of fieldwork triangulation (Sari & Asmendri, 2020).

Analysis proceeds through content analysis (*analisis isi*) employing a descriptive-critical orientation. The descriptive dimension maps the typological landscape of contemporary *ijtihād* across the selected sources — identifying the defining features of each approach and the conditions of its application. The critical dimension evaluates the epistemological coherence of these typologies, attending particularly to the roles of *maqāṣid al-sharī'ah* and *maslahah* as the organising frameworks of legal validity. Together, these two analytical movements allow findings to surface from the literature itself rather than being projected onto it.

The analytical procedure concludes with conceptual synthesis — an integrative step in which the mapped typologies and their epistemological foundations are read in relation to one another and to the broader question of *pesantren* intellectual traditions. Rather than dissolving distinctions between typologies, this synthesis clarifies the logical relationships among them, producing a coherent account of how contemporary *ijtihād* functions as a structured and internally differentiated response to modern Islamic legal challenges. Validity is strengthened through source triangulation across primary juristic texts, secondary analytical literature, and comparative scholarly commentary.

## RESULTS AND DISCUSSION

### Results

Contemporary *ijtihād* methodology, as revealed through critical analysis of primary juristic literature, constitutes a structured epistemological response to the tension captured in the classical maxim *al-nuṣūṣ al-mutanāhiyah wa al-waqā'i 'ghayr mutanāhiyyah* — finite texts confronting an inexhaustible range of human cases. Literary analysis consistently frames this response as operating across three constitutive dimensions: a typological structure articulating the modes of juristic reasoning available, an epistemological foundation providing the philosophical criteria of validity, and a set of qualificatory requirements for the practicing mujtahid (Mukhlis & Nurhasanah, 2022).

The conceptual architecture of these three dimensions and the internal relationships among them is illustrated in Figure 1. What the figure does not fully capture is the internal differentiation within each dimension — the specific mechanisms through which each typology functions, the philosophical logic underwriting the epistemological foundations, and the manner in which the qualificatory requirements redefine juristic authority in the contemporary period. Each dimension is examined in turn in the sections that follow.

### *Typological Structure of Contemporary Ijtihad*

Analysis of al-Qaradawi's *Al-Ijtihād fī al-Sharī'ah al-Islāmiyyah* identifies four principal typologies, the first of which is *ijtihād al-intiqā'ī* — selective or *tarjīhī* *ijtihād*. This approach involves the comparative evaluation of existing juristic opinions across

the classical madhabs, followed by deliberate selection of the strongest position according to criteria of *tarjih*. Al-Qaradawi extends these criteria beyond purely textual considerations to include social change and contextual adequacy — the evolving conditions of Muslim communities (Mukhlis & Nurhasanah, 2022).

The practical operation of *intiqāʿī* ijtihad is illustrated in al-Qaradawi's reconsideration of classical restrictions on women's attendance at mosques. Scholars who discouraged this practice did so on the basis of social conditions specific to their era; where those conditions no longer obtain — where women freely participate in public life — the classical ruling loses its contextual justification (Mukhlis & Nurhasanah, 2022). The underlying logic is not that classical scholars erred, but that the evidentiary conditions sustaining their rulings have materially changed.

The second typology, *ijtihād al-inshāʿī*, operates where classical jurisprudence offers no serviceable precedent. In this creative mode, the mujtahid derives an entirely new ruling on a question not previously addressed, or produces a conclusion explicitly departing from prior deliberation where earlier treatment proves insufficient (Husain, 2019). Al-Qaradawi's ruling on the dual zakat obligations of both landowner and lessee in agricultural tenancy exemplifies this: without classical precedent, the ruling is derived directly through application of Quranic principles of justice and the logic of *maslahah*.

The third typology — *ijtihād intiqāʿī-inshāʿī*, the combined approach — synthesises both modes and represents the most frequently applicable form in practice. Existing classical opinions are evaluated and the strongest selected; that position is then supplemented or refined by new juristic reasoning addressing dimensions the classical treatment did not anticipate (Mukhlis & Nurhasanah, 2022). The result is a ruling simultaneously historically grounded and contextually innovative. Literature suggests most contemporary *fatāwā* issued by major Islamic legal bodies implicitly employ this combined typology, even where it is not explicitly named.

### **Collective Ijtihad as Structural Necessity**

A fourth and structurally distinctive typology — *ijtihād jamāʿī*, collective ijtihad — emerges from al-Qaradawi's analysis as a methodological imperative rather than an optional variant. The argument is structural: modern specialisation has made it practically impossible for any single scholar to achieve sufficient mastery across the multiple disciplines implicated in a given contemporary question (Husain, 2019). A question in digital finance implicates Islamic contract law, macroeconomics, and technology; a biomedical ethics question requires juristic competence alongside clinical medicine and biology.

Collective ijtihad resolves this problem by distributing expertise across a deliberative body composed of juristic scholars alongside relevant secular specialists. Institutions such as the International Islamic Fiqh Academy and Indonesia's Majelis Ulama Indonesia represent practical realisations of this principle, bringing together

*fuqahā* alongside economists, physicians, and technologists to deliberate on complex contemporary questions (Rahmatullah, 2025). What distinguishes this from mere consultation is that the deliberative outcome carries collective juristic authority rather than simply informed advisory opinion.

Al-Qaradawi's insistence on collective *ijtihad* also reflects a concern for epistemic humility. Individual *ijtihad* is not only constrained by limits of expertise but is psychologically vulnerable to the biases and cultural assumptions of any single scholar (Husain, 2019). Collective deliberation functions as a corrective mechanism, subjecting individual reasoning to scrutiny from multiple disciplinary perspectives. The result — where conducted rigorously — is a ruling more defensible and more reflective of communal interests than individual judgment alone can produce.

### ***Epistemological Foundations***

Undergirding all four typologies are two philosophical frameworks functioning as the epistemological criteria of validity in contemporary juristic reasoning. The first and more foundational is *maqāṣid al-sharī'ah* — the higher objectives of Islamic law: the preservation of religion, life, intellect, lineage, and property. Contemporary scholarship has extended this schema to include dignity and environmental preservation (Safwan et al., 2025). In al-Qaradawi's framework, mastery of *maqāṣid* is listed among the additional qualificatory requirements distinguishing the contemporary *mujtahid* from his classical predecessor.

The functional role of *maqāṣid* is teleological: where textual evidence is ambiguous, silent, or apparently conflicting, orientation toward the higher objectives provides the normative compass for derivation. A ruling advancing the preservation of life but lacking explicit textual warrant may be validated through *maqāṣid* analysis; conversely, a ruling carrying textual support but producing demonstrable harm to a protected objective becomes subject to critical re-evaluation (Safwan et al., 2025). This criterion performs a regulatory function, ensuring technical juristic reasoning remains anchored to the ethical purposes of the law.

*Maslahah mursalah*, the second epistemological pillar, supplies the operational mechanism for this teleological orientation. Defined as the pursuit of public benefit and the removal of harm without restriction to explicit textual warrant (Rahmatullah, 2025), it translates *maqāṣid*-oriented reasoning into concrete legal determinations. The relationship between the two frameworks is one of principle and instrument: *maqāṣid* identifies the objective; *maslahah* provides the juristic pathway. Together, they constitute the philosophical infrastructure enabling contemporary *ijtihad* to remain normatively continuous with the tradition while practically responsive to unforeseen conditions.

### *Qualificatory Requirements of the Contemporary Mujtahid*

Al-Qaradawi retains the classical requirements for the mujtahid — mastery of Quran, Sunnah, Arabic, scholarly consensus, and ushul fiqh — but extends them in two analytically significant directions. The first is the formal requirement of knowledge of *maqāṣid al-sharī'ah*, which functions not as supplementary learning but as a primary juristic instrument. This extension implies a fundamental reconceptualisation of competence: it is no longer sufficient to master legal methodology; one must also be a philosophical interpreter of the purposes behind the law (Husain, 2019).

The second and more consequential extension requires the mujtahid to possess what al-Qaradawi calls knowledge of the people and the life surrounding them — awareness of the social, economic, cultural, and political conditions of the community for which rulings are issued (Husain, 2019). In classical formulations, juristic competence was defined by textual mastery; social knowledge was desirable but not formally required. This extension makes contextual intelligence a constitutive dimension of juristic legitimacy, establishing that a mujtahid who is textually brilliant but socially uninformed lacks full authority to issue binding contemporary rulings.

This reconceptualisation carries direct implications for pesantren traditions, where juristic competence has historically been cultivated through intensive engagement with the *kitab kuning* corpus while remaining embedded in the lived social reality of surrounding communities. Literature suggests that pesantren are structurally positioned to satisfy both the textual and contextual dimensions of al-Qaradawi's reconceptualised requirements (Marwadi et al., 2025). The degree to which this potential is realised, and the institutional mechanisms through which it operates, constitutes the analytical concern addressed directly in the discussion that follows.

Figure 1



## Discussion

### *Epistemological Continuity and Rupture*

The results of this study confirm a finding that resonates across contemporary Islamic legal scholarship: contemporary *ijtihād* methodology is best understood not as a rupture from the classical tradition but as its internally motivated continuation under changed historical conditions. Rahmatullah (2025) identifies this dynamic as the central paradox of Islamic legal modernity — the very mechanisms designed to preserve the tradition's normative authority require ongoing transformation to remain operative. This paradox, rather than being a sign of instability, is the constitutive feature of a legal system committed simultaneously to revelation and human welfare.

Comparative literature supports this reading. Safwan et al. (2025) demonstrate that the shift from classical to contemporary *ijtihād* methodology does not involve a change in the foundational sources — the Quran and Sunnah retain their status as primary textual authorities — but rather a reconceptualisation of the criteria and procedures through which those sources are interpreted and applied. The philosophical vocabulary changes; the epistemological orientation toward *maqāṣid* and *maslahah* becomes more central; the social sciences become legitimate auxiliary disciplines. But the normative commitment to grounding rulings in revelation remains structurally unchanged.

This continuity-within-change framework distinguishes contemporary *ijtihād* from the kind of Islamic legal modernism that critics have characterised as effectively replacing revealed sources with reason or social utility (Husain, 2019). Al-Qaradawi's framework is specifically constructed to resist this collapse: the criteria of *ijtihād al-intiqāʿī* require that selection among classical opinions be grounded in textual analysis and not merely contextual preference. The *maqāṣid* framework functions as a teleological lens applied to textual deliberation, not as an independent normative source that can override the text.

### *Typological Innovation and Classical Inheritance*

The typological structure identified in this study — *intiqāʿī*, *inshāʿī*, combined, and *jamāʿī* — extends a framework that al-Qaradawi articulated as a response to what Mukhlis & Nurhasanah (2022) describe as the methodological stagnation characterising much of nineteenth and early twentieth-century Islamic jurisprudence. That stagnation was not merely a failure of individual scholars; it was an institutional failure — the closure of interpretive authority within established madhabs, the equation of *taqlīd* with epistemic virtue, and the effective marginalisation of *ijtihād* as a living juristic practice.

The *intiqāʿī* typology represents the most conservative response to this stagnation: working within the existing plurality of classical opinions to identify the most contextually appropriate among them, rather than generating new rulings from foundational principles. This approach preserves the classical corpus as an active juristic resource rather than a museum of historical positions (Kariman, 2023). In practice, this means engaging critically with the *tarjih* tradition — but expanding the criteria of

adjudication to include empirical social conditions, not only textual weight and chain of transmission reliability.

The *inshā'ī* typology engages directly with the zone of juristic silence — questions where the classical corpus is genuinely absent or structurally inadequate. Contemporary Islamic bioethics illustrates this necessity: questions of organ transplantation, genetic modification, and AI-assisted medical diagnosis cannot be resolved through selective evaluation of classical opinions, because no directly applicable opinions exist (Safwan et al., 2025). The *inshā'ī* approach requires derivation through principled juristic reasoning from foundational sources — precisely the form of ijtihad that classical scholarship theorised but that institutional conservatism had progressively constrained.

The combined *intiqā'ī-inshā'ī* typology constitutes what this study's findings suggest is the most practically significant and most frequently deployed form. Its value lies in its capacity to maintain connection with the classical tradition while producing genuinely novel juristic outcomes. Rahmatullah (2025) describes this as the characteristic mode of Islamic legal renewal: neither wholesale construction from foundational principles — which risks detachment from accumulated scholarly wisdom — nor mere selection from existing opinions, which risks reproducing rulings made for conditions that no longer obtain.

### ***Maqāṣid as the Normative Compass***

The centrality of *maqāṣid al-sharī'ah* in contemporary ijtihad methodology represents one of the most significant epistemological shifts in modern Islamic jurisprudence. Classical *ushul fiqh* treated the *maqāṣid* framework as a theoretical orientation rather than a primary instrument of legal derivation. Contemporary scholarship has progressively elevated its operational status, a development that the Samarah Journal (2025) describes as the emergence of "*maqāṣid-oriented ijtihad*" as a distinct methodological category.

This elevation carries both analytical power and methodological risk. The power lies in the framework's capacity to adjudicate among competing textual interpretations — enabling, for instance, COVID-19 suspensions of congregational prayers on grounds of *hifz al-nafs*, or critical evaluation of cryptocurrency on grounds of *hifz al-māl* (Samarah Journal, 2025). The risk is that unrestricted appeal to *maqāṣid* can slide into pragmatic justification of predetermined conclusions, reducing a rigorous framework to post-hoc rationalisation (Journal of Shariah and Law, 2025).

Al-Qaradawi's framework addresses this risk through the complementary relationship between *maqāṣid* and *maslahah mursalah*: the former provides the teleological criteria of evaluation, the latter the procedural constraints on their application. The requirement that *maslahah* be genuine, general, and non-contradictory of established Quranic principles functions as disciplinary guardrails preventing *maqāṣid* reasoning from collapsing into pure consequentialism (Safwan et al., 2025). Together, the two frameworks produce what may be described as a regulated teleological methodology — purposive in orientation but constrained in application.

### ***Collective Ijtihad and Institutional Realisation***

The study's findings on *ijtihād jamā'ī* gain theoretical depth when read alongside the broader literature on collective juristic deliberation. Nurcholis et al. (2020) situate collective ijtihad within the Islamic legal hierarchy as occupying a position below original *ijmā'* but superior to *qiyās* and individual ijtihad. This hierarchical positioning establishes that the rulings of institutions such as the International Islamic Fiqh Academy carry normative weight that individual scholarly opinions, however distinguished, structurally cannot.

The Indonesian pesantren tradition offers a particularly instructive case through the mechanism of *bahtsul masā'il*. Raharja et al. (2025) demonstrate that *bahtsul masā'il* has evolved significantly from a primarily *qaulī* approach — directly citing classical authoritative opinions — toward the more dynamic *manhajī* approach, applying classical jurisprudential principles to derive new rulings where textual precedent is absent. This evolution mirrors, at the institutional level, the typological progression from *intiqā'ī* toward *inshā'ī* ijtihad that al-Qaradawi theorises.

The broader significance of this convergence is that *bahtsul masā'il* constitutes an empirical realisation of al-Qaradawi's *ijtihād jamā'ī* within Indonesian Islamic scholarship. The multi-disciplinary deliberation al-Qaradawi prescribes — bringing juristic expertise into dialogue with knowledge of medicine, economics, and technology — is structurally anticipated by a format that routinely incorporates specialist perspectives alongside classical textual rulings (Raharja et al., 2025). This institutional parallel establishes that the contemporary ijtihad methodology documented in this study has found concrete, adaptive expression within the pesantren tradition itself.

### ***Pesantren as Epistemological Habitat***

The relationship between pesantren and contemporary ijtihad methodology is best understood through what recent scholarship has begun to characterise as the epistemological function of these institutions. IJEMA (2026) situates pesantren not merely as institutions for the transmission of classical Islamic knowledge but as fields of knowledge production — spaces in which the cultural, symbolic, and religious capital necessary for juristic authority is constituted, legitimated, and reproduced. Within this framing, the *kitab kuning* corpus is not simply a curriculum; it is the medium through which pesantren sustain the epistemological continuity that contemporary ijtihad requires.

Marwadi et al. (2025) provide empirical grounding for this claim through their analysis of traditional Islamic legal epistemology in pesantren's practice of *hisāb* — the juristic-mathematical computation of prayer times and calendar determination. Their findings reveal that pesantren's engagement with this classical practice involves active epistemological negotiation rather than passive transmission: scholars within these institutions continually adjudicate between textual authority and empirical observation, precisely the form of integrated reasoning that al-Qaradawi's methodology prescribes.

This epistemological function is reinforced by pesantren's structural embeddedness within Indonesian Muslim communities — a characteristic that directly addresses al-

Qaradawi's requirement for knowledge of social reality. Unlike detached scholarly institutions, pesantren are deeply integrated into the communities they serve, their kiai maintaining ongoing relationships of consultation and pastoral authority across diverse social conditions (IJEMA, 2026). This embeddedness is not incidental: it is the source of the contextual intelligence that al-Qaradawi identifies as indispensable to legitimate contemporary juristic authority.

The realisation of this epistemological potential is not, however, uniform across the pesantren landscape. The degree to which individual pesantren cultivate the interdisciplinary competence necessary for effective contemporary ijtihad varies considerably, shaped by the scholarly orientation of the kiai, the depth of the curriculum, and the availability of auxiliary expertise (Marwadi et al., 2025). Pesantren traditions possess the structural and cultural resources for contemporary ijtihad, but the activation of those resources depends on deliberate institutional choices about curriculum, pedagogy, and scholarly engagement.

### *Implications for Islamic Legal Theory*

The findings carry two principal theoretical contributions. The first concerns the relationship between methodology and authority: by documenting how al-Qaradawi's framework reconstitutes juristic competence — making contextual intelligence alongside textual mastery a condition of legitimate authority — this study contributes to the emerging literature on epistemological foundations of Islamic legal reform (Rahmatullah, 2025). The implication is that juristic authority in the contemporary period is inherently relational, constituted not only in engagement with texts but in embeddedness in the social conditions those rulings address.

The second contribution concerns the analytical value of pesantren as a unit of analysis in Islamic legal studies. Existing scholarship treats pesantren primarily as objects of educational or sociological research; this study's findings suggest they warrant treatment as epistemological actors — institutional environments that actively shape the conditions under which contemporary ijtihad is possible (IJEMA, 2026). Repositioning pesantren within Islamic legal theory opens productive inquiry into the relationship between institutional culture, juristic innovation, and the ways in which the classical tradition is actively reconstituted through living scholarly practice.

The study's findings reinforce the methodological argument that understanding Islamic legal renewal requires simultaneous engagement with doctrinal analysis and institutional context. An account of contemporary ijtihad that confines itself to typological and epistemological dimensions remains incomplete without attention to the institutional habitats in which those methodologies are learned, applied, and transmitted. Conversely, accounts of pesantren that overlook the juristic epistemology they sustain risk underestimating both their intellectual sophistication and their contemporary relevance to Islamic legal thought (Marwadi et al., 2025).

## CONCLUSION

This study finds that contemporary *ijtihād* methodology, as theorised by Yusuf al-Qaradawi, is structured around four principal typologies: *ijtihād al-intiqā'ī* (selective), *ijtihād al-inshā'ī* (creative), their methodological combination, and *ijtihād jamā'ī* (collective). Each typology addresses a distinct zone of juristic need — from the critical re-evaluation of classical opinions to the derivation of entirely new rulings on unprecedented questions. The combined and collective typologies emerge as the most practically significant, capable of producing rulings that are simultaneously grounded in the classical tradition and responsive to the complexity of contemporary *nawāzil*.

The epistemological foundations sustaining these typologies are *maqāṣid al-sharī'ah* and *maslahah mursalah*. These two frameworks function not as independent normative sources displacing the text, but as an integrated teleological instrument: *maqāṣid* provides the higher objectives against which rulings are evaluated, while *maslahah* supplies the operational pathway for their derivation. Together, they constitute a regulated teleological methodology that preserves the normative continuity of Islamic law while enabling its principled extension into domains that classical jurisprudence did not directly address.

The reconceptualised qualificatory requirements for the contemporary mujtahid — particularly the addition of *maqāṣid* mastery and awareness of social reality (*wāqi'*) — carry direct implications for pesantren institutions. Literature analysis confirms that pesantren are structurally positioned as epistemological habitats in which both the textual and contextual dimensions of al-Qaradawi's requirements can be cultivated, particularly through the *bahtsul masā'il* tradition, which constitutes an institutional realisation of collective *ijtihād* within the Indonesian Muslim scholarly context.

These findings carry implications for both Islamic legal theory and institutional practice. Theoretically, they establish that contemporary juristic authority is constituted not only by textual mastery but by contextual intelligence — a finding that repositions pesantren as epistemological actors within Islamic legal scholarship. Future research should examine the degree to which specific pesantren institutions have operationalised the interdisciplinary competence that al-Qaradawi's framework demands, and the pedagogical mechanisms through which such competence can be more deliberately cultivated across the broader pesantren landscape.

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