

# Critical Review: The Law of Taqlid Between Obligatory, Prohibited, or Permissible?

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## ABSTRACT

According to the etymological meaning agreed upon by scholars, *taqlid* originates from the word *qallada*, which means "to hang a rope around the neck." From a terminological perspective, there is a tendency to agree on a single meaning, despite slight editorial differences. For instance, Al-Ghazali defines it as accepting someone else's opinion without evidence. This study employs a normative research method, examining various aspects to obtain information and answer legal questions. The concept of the law regarding *taqlid* cannot be absolutely concluded as obligatory, permissible, or prohibited. It represents an approach to understanding Islamic law where an individual follows the opinion or fatwa of a scholar considered authoritative in religious knowledge. The law of *taqlid* for laypeople is obligatory; however, there are scholars who strongly oppose it, such as Ibn Qayyim, A. Hassan, and Ibn Hazm.

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## 1. Introduction

According to the etymological meaning agreed upon by scholars, *taqlid* originates from the word *qallada*, meaning "to hang a rope around the neck." This term is used to describe someone depending on others. On the other hand, from a terminological perspective, there is a tendency to agree on a single meaning despite slight editorial differences. For instance, Al-Ghazali defines it as accepting someone else's opinion without evidence[1]. In the context of *sharia* and epistemology, *taqlid* means refraining from performing *ijtihad* or using individual reasoning in determining legal rulings, instead following the judgment of others. However, if one is incapable of performing *ijtihad* or making independent decisions, the earlier negative connotation of *taqlid* does not necessarily apply[2].

Islamic law is derived from two primary sources, the Qur'an and Hadith, whose authenticity is undisputed. Islamic law is crucial in bringing blessings to humanity and generating *maslahah* (benefit) for all. Fundamentally, the implementation of Islamic law follows the principle of "*li kulli zaman wa makan*" (suitable for all times and places). Within this framework, Muslims are divided into three categories based on their engagement with Islamic law. The first group comprises those capable of *ijtihad*, known as *mujtahids*. The second group consists of those unable to perform *ijtihad* and thus practice *taqlid*. Those in this category are referred to as *muqallids*. The third group seeks a middle ground between these two categories and is referred to as *talfiq*.

Few individuals are capable of performing *ijtihad*, with only a small number reaching the status of *mujtahids*. Consequently, *taqlid* and *muqallid* become necessities to avoid deviations in the implementation of *sharia*. Simultaneously, some resort to *talfiq*. Given this context, the issue of *taqlid* and *talfiq* within the framework of Islamic law is particularly intriguing. This matter has yet to be resolved definitively since discussions on the subject began. New discussions are expected to generate fresh insights, foster the dialectics of thought, and create an understanding that Islam is a blessing,

with differences being inevitable[3].

## 2. Method

This study employs a normative research method to examine various aspects, including theoretical concepts of the law of *taqlid* within the framework of *fiqh*, the validity and obligation of *taqlid* across various schools of thought, understanding the boundaries of what is considered obligatory, prohibited, or permissible in *taqlid*, the controversy surrounding legal assessments of *taqlid*. This research aims to provide comprehensive answers to legal questions from various perspectives. The study uses an analytical approach to offer conceptual understandings of legal issues. Essentially, this approach includes analyzing the meaning of law, legal principles, legal norms, and other relevant concepts.

The concept of *taqlid* within the framework of *fiqh* can be considered prohibited under certain conditions, as there are three criteria for *taqlid* recognized by all scholars. First, neglecting the Qur'an and Hadith. Second, practicing *taqlid* without verifying whether the person being followed has adequate expertise. Third, practicing *taqlid* without considering issues such as *naskh mansukh* (abrogation), *mutlaq muqayad* (absolute vs. qualified texts), and other evidences. Conversely, *taqlid* that is obligatory refers to following opinions backed by evidence, such as the sayings of the Prophet Muhammad (peace be upon him) as preserved in the works of early scholars (*salaf*). This form of *taqlid* is referred to as *ittiba*[4].

## 3. Results and Discussion

### a. The Concept of Taqlid in the Framework of Fiqh

The legal concept of *taqlid* cannot be definitively concluded as obligatory, permissible, or prohibited in absolute terms. It represents an approach in understanding Islamic law where an individual follows the opinion or fatwa of a scholar who is considered an authority in religious knowledge. The decision to engage in *taqlid* can vary depending on the context, religious school, and individual understanding. Within the framework of Islamic religious practice, some scholars may encourage *taqlid*, while others may emphasize the importance of independently analyzing evidence. The concept of *taqlid* underscores the idea that individuals can refer to the opinions or fatwas of scholars to comprehend and make decisions on matters of Islamic law. This principle highlights the significance of following recognized religious authorities to understand and implement Islamic rulings.

The foundation of this concept lies in the importance of *taqlid* in the application of Islamic law. First, Expertise in Usul al-Fiqh, mastery of *usul al-fiqh* (principles of jurisprudence) is not an easy task, especially for the general public; therefore, *taqlid* serves as a solution for ordinary people. Second, Practical Necessity, *taqlid* is essential for upholding Islamic law because very few people meet the requirements for performing *ijtihad*. Third, Productive Living, the practice of *taqlid* contributes to a productive life. If a person obligated to follow Islamic law were required to independently acquire the skills of *ijtihad*, many aspects of their life would be neglected, compromising the quality of life. Fourth, Alleviation of Hardship, while the prohibition of *taqlid* might lead to adverse effects for humanity, Islamic law aims to remove difficulty (*mudarat*) in human life, which aligns with the essence of *maqasid al-shariah* (the objectives of Islamic law)[5].

### b. The Validity and Obligation of Taqlid Across Various Schools of Thought

In contemporary times, *ijtihad* is highly necessary, as issues have multiplied since the passing of the Prophet Muhammad, while the Qur'an and Hadith remain constant[8]. However, only a few individuals possess the capability to perform *ijtihad*, and not many achieve the rank of *mujtahid*. At this point, *taqlid* and *mukallid* (the follower of *taqlid*) become essential to avoid deviations in the implementation of *shariah*[3]. The obligation for laypeople to follow *taqlid* is also outlined in the book *Risalah Ahlussunnah Wal Jamaah* by K.H. Hasyim Asyari[9]. The evidences supporting the permissibility of *taqlid* for laypeople include:

- a) Qur'anic Verse (Surah al-Nahl: 43).

The majority of scholars agree that this verse obligates individuals who are unaware of a legal

issue to consult scholars. This verse is also a primary foundation for the necessity of *taqlid* to the *imams* of the schools of thought for laypeople. The *taqlid* in question pertains to matters of *furu'* (*secondary rulings*) and not *usul al-aqidah* (theology).

b) Consensus of the Scholars (Ijma').

Al-Amidi stated that during the era of the Prophet's Companions and the *Tabi'in* (successors), laypeople would always seek fatwas from *mujtahids* and follow their guidance in matters of *shariah*. The scholars would directly answer without citing evidence, and no one objected to this practice, indicating that they agreed that laypeople are allowed to follow the *mujtahids*[10].

### Hanafi School of Thought :

Abu Bakr al-Razi al-Jassas (370 H) stated that when laypeople, who are unable to perform *ijtihad*, encounter a legal issue, they are obligated to consult experts in religious knowledge.

This is supported by Qur'anic verses, such as Surah al-Anbiya: 7 and Surah at-Tawbah: 122, where Allah commands laypeople to accept the opinions of scholars on religious matters. This practice has been upheld by the early generations, including the *Tabi'in*, and remains relevant today. Laypeople are expected to entrust religious legal matters to scholars.

Imam Malik emphasized that it is obligatory for laypeople to follow scholars in matters of religious law, just as it is obligatory for *mujtahids* to perform *ijtihad* in deriving evidence. This reflects the consensus of the majority of scholars.

### Shafi'i School of Thought

Imam al-Ghazali al-Shafi'i (d. 505 H) stated that it is obligatory for laypeople to seek fatwas and follow scholars. According to some groups, such as the Qadariyah, laypeople are required to directly analyze evidence and follow an *imam* who is considered infallible. However, this view is invalid (*batil*).

### Hanbali School of Thought

Ibn Qudamah al-Maqdisi al-Hanbali (d. 620 H) stated that *taqlid* in matters of *furu'* (secondary rulings) is based on *ijma'* (scholarly consensus) and is permissible. This is because the opinions of *mujtahids* regarding *furu'* can be either correct or incorrect, yet both are rewarded. This is distinct from matters of *usul al-aqidah* (theology), which do not allow for such variability. For this reason, in matters of *furu'*, laypeople are allowed—and even obligated—to engage in *taqlid* to *mujtahids*. However, certain groups, such as the Qadariyah, argue that laypeople are obligated to directly analyze evidence, even in matters of *furu'*. This view, according to *ijma'* among the Companions, is invalid (*batil*)[11]. Al-Amidi further emphasized that laypeople, and even those with limited knowledge of *ijtihad*, are still required to follow the opinions and fatwas of *mujtahids*. Meanwhile, Sheikh Hudali Beikh stated that it is obligatory for laypeople to seek fatwas and adhere to scholars' guidance[12].

### Is it obligatory for laypeople to adhere to a specific school of thought?

Scholars differ on this issue :

- a. Some scholars argue that it is obligatory to adhere to a particular *madhhab* (school of thought), as the individual believes the *madhhab* to be correct and must act accordingly.
- b. The majority of scholars, however, argue that it is not obligatory to follow one particular *madhhab* in all matters. Laypeople may follow any *mujtahid* they choose.

Their reasons include :

- a. Allah obligates us to adhere firmly to His words (the Qur'an) and the sayings of His Messenger (the Sunnah). In other words, Allah does not mandate adherence to anything other than what has been conveyed by Him and His Messenger. There is no obligation beyond what Allah and His Messenger have prescribed. Moreover, Allah and His Messenger do not require Muslims to adhere exclusively to a specific school of thought (*madhhab*). Instead, Allah commands Muslims to consult scholars without limiting this to a specific individual.

- b. During the time of the Companions (*Sahabah*) and their successors (*Tabi'in*), those seeking guidance did not confine themselves to a specific *madhhab*. Instead, they consulted scholars they encountered without being bound to any particular one. This consensus among the Companions and the *Tabi'in* indicates that it is not obligatory to adhere exclusively to a specific *madhhab* in all matters.
- c. Adhering rigidly to a single *madhhab* may lead to difficulty and hardship.
- d. Differences of opinion among scholars are a blessing, a virtue, and a mercy for Muslims.

According to *ulama muhaqqiqun* (scholars of critical inquiry), the latter view is stronger[13].

### c. Understanding the Boundaries of Obligatory, Prohibited, and Permissible Taqlid

#### 1. Permissible Taqlid, as stated in Yusuf al-Qaradawi's book (*Tenets of Islamic Thought on Taqlid and Jihad*),

##### a. Taqlid Shakhshi (Personal Taqlid)

Taqlid Shakhshi (Personal Taqlid) refers to directly following the Prophet Muhammad, including his words, actions, or decisions, or adhering to the teachings of the Prophet. This form of *taqlid* is based on the fact that the Prophet Muhammad serves as the ultimate role model for all Muslims. This is in line with Allah's words in Surah al-Ahzab (33:21): "*Indeed, in the Messenger of Allah, you have an excellent example...*"

The Qur'an, revealed to Prophet Muhammad through Angel Jibril (Gabriel), serves as a guide for addressing various religious issues for Muslims. The Qur'an teaches all Muslims to follow its commandments, emulate the Prophet sincerely and wholeheartedly, and to address all matters with guidance from Allah and His Messenger. This principle is reinforced in Surah an-Nisa (4:59): "*O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is the best [way] and best in result.*"

This verse was revealed in the context of an incident involving Abdullah bin Huzafah, who led a battalion. In a fit of anger, Abdullah bin Huzafah lit a fire and ordered his soldiers to jump into it. Some soldiers refused the command, while others were on the verge of obeying. At that moment of confusion, this verse was revealed to provide guidance. The verse emphasizes that if Muslims face disputes, they should return to the Qur'an and the Hadith for resolution. Additionally, this principle is supported by divine guidance, including the Sunnah of the Prophet, as highlighted in Surah Ali 'Imran (3:31): "*Say, [O Muhammad], 'If you should love Allah, then follow me, so Allah will love you and forgive you your sins.'*"

Based on the above verses, it becomes clear that humanity is obligated to obey Allah and His Messenger. This obligation forms the basis for making *Taqlid Shakhshi* mandatory.

##### b. Absolute Taqlid (Taqlid Mutlak).

Absolute *taqlid* refers to a form of following someone else without being bound to any specific school of thought (*madhhab*), or without adhering exclusively to a single *madhhab*. It allows the *muqallid* (the one practicing *taqlid*) to freely follow any *mujtahid* whose authority they recognize.

#### 2. Prohibited Forms of Taqlid.

##### a. Taqlid Mahdi

*Taqlid Mahdi* refers to the rigid adherence to a particular *madhhab* throughout one's life without ever considering alternative opinions. This type of *taqlid* is merely a form of attachment to a single *madhhab*.

##### b. Taqlid Jamid

*Taqlid Jamid* represents an extreme form of *taqlid Mahdi*, characterized by a fanatical attachment to a specific school of thought or ideology. This form of *taqlid* involves following the opinions of a particular *madhhab* exclusively, while dismissing and invalidating the opinions of other *madhhabs*.

Adherents of *taqlid jamid* often believe that the *madhhab* they follow is the only correct one, while considering all others to be wrong. This contradicts the spirit of *taqlid*, which is meant to emulate the example of the Prophet Muhammad. Instead, it devolves into blindly following the opinions of a single *madhhab*'s imam while rejecting the validity of other *madhhab* imams. This practice goes against the consensus of the *mujtahids* among the Companions (*Sahabah*), the *Tabi'in* (successors), and the *Salaf* (early generations of Muslims).

Human beings should not follow traditions derived from their ancestors blindly. Their forefathers may not have been guided by Allah in their actions. This is emphasized in the Qur'an, Surah al-Baqarah (2:170): "*When it is said to them, 'Follow what Allah has revealed,' they say, 'No, we follow what we found our forefathers practicing.' Even though their forefathers understood nothing nor were they guided?'*"

Following one's parents is natural and often unavoidable, especially during childhood. Children may imitate the actions of their parents or grandparents. However, it is possible that parents may make mistakes due to negligence, ignorance, or reliance on satanic whispers. For instance, grandparents may have engaged in practices that parents avoided. In such cases, children may experience confusion. To address these errors, Allah has sent prophets throughout history to correct mistakes and guide people toward the truth. The teachings brought by the prophets do not entirely erase societal traditions; instead, they may abolish certain aspects, modify others, or preserve some.

The processes of abolition, modification, and preservation are all part of Allah's revelation. Human thought and social relationships, however, continue to evolve. Over time, knowledge increases, and some aspects may require revision. These changes also necessitate new instructions, which may differ from previous ones. The divine values encompassing Allah's guidance and changes are integral to our understanding of His revelations.

It is therefore incorrect for someone to claim, "We only follow what we found our forefathers doing," because no generation is immune to change, nor is any generation immune to error. The possibility of error becomes clearer when parents and forefathers engage in actions not guided by reason or divine instruction—when they "understood nothing and were not guided."

This idea is summarized in the question: *Will they still follow, even if their forefathers understood nothing and were not guided?* This verse emphasizes that one should not follow their parents' traditions unless they are grounded in principles justified by religion or sound reasoning. Criticism here is directed at those who follow traditions without any foundation, while those who follow traditions based on reason or divine guidance are deemed valid. This is further illustrated in the Qur'an, Surah al-Ma'idah (5:104): "*When it is said to them, 'Come to what Allah has revealed and to the Messenger,' they say, 'What we found our forefathers upon is sufficient for us.' Even though their forefathers knew nothing and were not guided?'*"

This verse does not imply that knowledge allows one to follow their parents' errors. Knowledge and error are inherently opposed and cannot coexist. Thus, if one follows their parents blindly, it is an indication of ignorance rather than knowledge.

The above verses highlight the flaw in blindly following ancestral traditions, especially when those traditions are based on ignorance or a lack of divine guidance[6].

Muhammad Baqir Sadr, in his book *Hurmatu al-Taqlid fi Usul al-Din (The Prohibition of Taqlid in the Fundamentals of Faith)*, states that *taqlid* is not justified in *usul al-din* (fundamentals of faith). However, it is permitted in *furu' al-din* (secondary rulings) concerning matters like *halal* and *haram*. In contrast, when it comes to theological matters, such as divinity, prophethood, or reward and punishment, no one is permitted to engage in *taqlid*. In *usul al-din*, individuals are required to seek knowledge and attain certainty about these fundamental beliefs through independent reasoning.

These three factors encourage the growth of a person's responsibility for everything they know and believe[7]. Conditions for *Taqlid* :

1. Expertise in *Takhrij* (Mastery of Sources). A *muqallid* (one who practices *taqlid*) should follow

a scholar (*alim*) who is well-versed in deriving and evaluating rulings from the primary sources of Islamic law, such as the Qur'an and Hadith.

2. Presence of Evidence (Dalil). *Taqlid* should be based on strong evidence from Islamic legal sources. The scholar being followed must provide clear and well-founded legal justifications for their opinions.
3. Proper Understanding. A *muqallid* must ensure they fully understand the opinion they are following from the scholar. *Taqlid* does not mean blindly following without comprehension or thoughtful consideration.
4. Flexibility. *Taqlid* is not absolute and cannot be applied to every legal matter. In some situations, particularly when no clear opinion exists from the scholar being followed, a *muqallid* may refer to other authorities or even perform *ijtihad* (independent reasoning) themselves if capable.
5. Choice Based on Conviction. *Taqlid* should be practiced based on confidence and trust, not blind following. Individuals should choose a scholar whom they trust to have authority and expertise in Islamic jurisprudence.

#### d. Controversies Surrounding the Legal Status of Taqlid

Scholars such as Ibn Qayyim have prohibited *taqlid* for both scholars and the general Muslim population[14]. Hassan argued that *taqlid*—blindly following someone else's legal opinion without understanding the evidence—is forbidden by Allah. According to him, the only permissible form of adherence is *ittiba'*—following something with knowledge of the evidence, as derived from the Qur'an and Hadith. For those unable to perform *ijtihad*, *ittiba'* is obligatory[15].

A. Hassan strongly opposed *taqlid*, equating adherence to a school of thought (*madhhab*) with *taqlid*. He believed both were prohibited by Allah, the Prophet Muhammad, the Companions, and even the imams whose opinions were being followed. According to A. Hassan, abandoning adherence to a particular *madhhab* is not only permissible but obligatory. Entering a *madhhab* is not obligatory but rather prohibited.

Ibn Hazm held that Muslims are not permitted to follow a *mujtahid*—whether living or deceased. Instead, every individual must perform *ijtihad* to the best of their ability. On the other hand, scholars who permit *taqlid* or *ittiba'* argue that individuals unable to perform *ijtihad* are left with two options in cases of legal questions to have no obligation whatsoever regarding religious rulings, which would contravene *ijma'* (scholarly consensus) also to have an obligation to worship, which requires either investigating the evidence for the ruling or practicing *taqlid*[16].

## 4. Conclusion

The term *taqlid* originates from the word *qallada*, which means "to hang a rope around the neck." In the context of Islamic jurisprudence and epistemology, *taqlid* refers to refraining from performing *ijtihad* or relying on independent reasoning when determining legal rulings. Instead, it involves following the opinion of someone qualified to derive legal judgments.

The concept of *taqlid* cannot be conclusively categorized as obligatory, permissible, or prohibited in an absolute sense. It is an approach to understanding Islamic law in which individuals rely on the opinions or fatwas of scholars considered authoritative in religious knowledge.

Muhammad Baqir Sadr, in his book *Hurmatu al-Taqlid fi Usul al-Din (The Prohibition of Taqlid in the Fundamentals of Faith)*, argues that *taqlid* is not permissible in *usul al-din* (the fundamentals of faith). However, it is permitted in *furu' al-din* (secondary rulings), such as issues of *halal* and *haram*.

In contemporary times, *ijtihad* is particularly necessary because, after the passing of the Prophet Muhammad, the issues faced by Muslims have increased while the Qur'an and Hadith remain constant[8]. Few individuals possess the capacity for *ijtihad*, and even fewer achieve the level of a *mujtahid*. This makes *taqlid* and *mukallid* a necessity to prevent deviation in the practice of *shariah*. Regarding whether laypeople are obligated to adhere to a particular *madhhab*, the majority of scholars argue that it is not obligatory to follow a single imam's *madhhab* in all matters. Instead, a layperson may follow any *mujtahid* they trust. However, some scholars, such as Ibn Qayyim, A. Hassan, and Ibn

Hazm, strongly oppose *taqlid*.

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