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Legal Adaptation for Muslim Minorities: A Reconstruction of Fiqh al-Aqalliyyat through the Methodological Frameworks of Abdullah bin Bayyah and Muhammad Yusri Ibrahim

Nur Solikin[1], Syaiful Ahyar[2], Muhamad Zaenal Muttaqin[3], Mochamad Syaefudin[4], Hilmi Ridho[5]

Universitas Islam Negeri Syarif Hidayatullah, Indonesia[1]
Universitas Islam Negeri Syarif Hidayatullah, Indonesia [2]
Universitas Islam Negeri Syarif Hidayatullah, Indonesia [3]
Universitas Islam Negeri Syarif Hidayatullah, Indonesia [4]
Universitas Islam Negeri Sunan Kalijaga, Indonesia

Corresponding author: nursalikin31s3@gmail.com

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Abstract

This article examines the reconstruction of fiqh al-aqalliyyat as a framework for legal adaptation addressing the complex socio-legal challenges faced by Muslim minorities in non-Muslim majority societies. It focuses on the methodological frameworks developed by Abdullah bin Bayyah and Muhammad Yusri Ibrahim, two prominent contemporary scholars whose works have significantly shaped minority jurisprudence. Employing a comparative doctrinal and analytical approach, this study examines their primary writings sinaʿat al-Fatwa wa Fiqh al-Aqalliyyat and Fiqh al-Nawazil li al-Aqalliyyat al-Muslimah to identify the epistemological foundations, legal reasoning patterns, and normative objectives underlying their approaches. The findings demonstrate a clear methodological divergence: Ibn Bayyah emphasizes maqāṣid al-shariʿah, tahqiq al-manat, and contextual legal reasoning rooted in the Maliki tradition to enable adaptive and purpose-oriented rulings, while Yusri Ibrahim adopts a more textualist and precedent-based framework within the Hanbali school, prioritizing juristic continuity and doctrinal restraint. This article argues

that fiqh al-aqalliyyat should be understood not merely as a collection of legal concessions (rukhaṣ), but as a systematic methodological paradigm that negotiates normative fidelity and contextual responsiveness. By reframing minority fiqh through the lens of legal adaptation, this study contributes to contemporary debates on Islamic legal methodology, minority rights, and the future development of Islamic jurisprudence in pluralistic societies.

Keywords: Fiqh al-Aqalliyyat; Legal Adaptation; Islamic Legal Methodology; Maqasid al-Shariʿah; Muslim Minorities

Introduction

The existence of the Qur'an and As-Sunnah as the main sources of Islamic law presents two texts, namely universal texts (*al-kulliyyat*) and partial texts (*al-juz`iyyat*).[1] Universal texts are texts that contain messages of humanity, whether related to race, tribe, nation, language, skin color, and so on. The target of this text is aimed at all human beings anywhere and anytime, not limited by time and space. Partial texts, on the other hand, are texts that address specific issues and cases. Its presence is a response to answer the problems of mankind that occurred at that time.[2] Therefore, to answer the problems of mankind today, the partial text must be interpreted contextually, because the changing times become one of the factors of changing the law. The majority of scholars categorize partial texts into the discussion of *mutasyabihat* (verses that are still unclear) because they are still multi-interpretive and can be contextualized with the times.[3]

Universal texts contain fundamental principles, or in the current context can be referred to as general principles of humanity as contained in the UDHR (Universal Declaration of Human Rights). According to Sayyid Qutb (d. 1386 H/1966 M), this principle is called *khasa`is al-tasawwur al-Islami* (Islamic concept or worldview). In ushul fiqh, this is known as *maqashid al-`ammah* (general objectives).[4] Al-Raysuni said that maqashid al-`ammah is the lofty goal derived from the collection of Qur'anic laws.[5] This definition is in line with the explanation of Al-Ghazali and Ibn `Ashur (d. 1394 H/1973 M) who said that *maqashid al-`ammah* (general objectives) is the purpose of the text related to the

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[1] Yusuf Al-Qardlawi, *Malamih Al-Mujtami` Al-Muslim Alladzi Nanshuduhu* (Kairo: Maktabah Wahbah, 1993), 51.

[2] Abdullah Saeed, *Interpreting the Qur`an; Towards a Contemporary Approach* (London: Routledge, Taylor & Francis Group, 2006), 89.

[3] Halimah B, "Tafwid Method In Understanding Mutashabihat Verses," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 21, no. 2 (2020): 293–312, https://doi.org/https://doi.org/10.14421/qh.2020.2102-03.

[4] Sayyid Qutb, *Khasa'is Al-Tasawwur Al-Islami Wa Muqawwimatuhu* (Kairo: Dar al-Shuruq, 1997), 98.

[5] Ahmad Al-Raysuni, *Maqasid Al-Maqasid: Al-Ghayat Al-'Ilmiyyah Wa Al-'Amaliyyah Li-Maqasid Al-Shari'Ah* (Beirut: al-Shabakah al-'Arabiyyah li al-Abhas wa al-Nashr, 2013), 24.

maintenance of the social order of human life as a whole, both at the individual level, social, and civilization of the people.[6]

One of the characteristics of Islamic law that supports the characteristics of universality is flexibility and elasticity. The emergence of various madhhabs in fiqh matters shows that the text of Islamic law is universal, flexible, and not rigid given the problems of the times. This is proof that the teachings of Islam are always by time and place (*sholihun li kulli zaman wa makan*) so that its presence can answer all the casuistic problems faced by Muslims throughout the world. The problems of Muslims in the world are very diverse, depending on the geographical situation and environmental conditions they face.[7] In other words, a Muslim who lives in an Islamic country (*dar al-Islam*) as the majority will certainly have different problems with a Muslim minority living under the rule of a state other than Islam (*dar al-harbi*). The term minority does not use the rules of number or quantity, but rather the issue of Muslims living in non-Muslim areas, communities, contexts, governments, or under non-Muslim governments.[8]

The differences in the problems faced by majority Muslims (*Muslim al-aghlabiyyat*) and minority Muslims (*Muslim al-aqalliyyat*) are influenced by three factors; first, the study of fiqh emerged and developed in Muslim-majority countries, so it can be assumed that the fiqh answers that developed were a response to the real conditions faced. Second, the majority of Muslims living in Islamic countries relatively have the same view of Islamic Sharia law, so social and ethical conflicts tend to be minimal. Third, the assumption of vertical conflict between Muslims and the government, and horizontal conflict between Muslims and non-Muslim citizens is very small. These three factors are difficult to find and feel by Muslim minorities, on the contrary, they often face conflicts, either vertically or horizontally as Muslim minorities living in the Eurasian continent (Europe and Asia).[9]

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[6] Yusuf Al-Qardlawi, *Fi Fiqh Al-Aulawiyyat: Dirasah Jadidah Fi Daw Al-Qur'an Wa Al Sunnah*, VII (Kairo: Maktabah Wahbah, 2005), 28–30.

[7] Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48, https://doi.org/10.15408/ajis.v23i1.32549.

[8] Khoirul Anwar et al., "Muslim Minorities in the Context of Citizenship in Western Countries According to Fiqh Al-Aqalliyat; Challenges and Obligations," *Tribakti: Jurnal Pemikiran Keislaman* 36, no. 1 (2025): 1–24, https://doi.org/https://doi.org/10.33367/tribakti.v36i1.6401.

[9] Shadia Husseini de Araújo, Sônia Cristina Hamid, and André Gondim do Rego, "Urban Food Environments and Cultural Adequacy: The (Dis)Assemblage of Urban Halal Food Environments in Muslim Minority Contexts," *Food, Culture and Society* 25, no. 5 (2022): 899–916, https://doi.org/10.1080/15528014.2021.1933773. Read more: Walid Jumblatt Abdullah, "Conflating Muslim 'Conservatism' with 'Extremism': Examining the 'Merry Christmas' Saga in Singapore," *Journal of Muslim Minority Affairs* 37, no. 3 (2017): 344–56, https://doi.org/10.1080/13602004.2017.1379690. Claire Alkouatli et al., "Something More Beautiful: Educational and Epistemic Integrations Beyond Inequities in Muslim-Minority

As a minority group, Muslims living in Western countries find it very difficult to implement the teachings of Islam like the majority of Muslims in general. The psychological, political, social, and legal barriers are certainly not the same as what is practiced in Islamic countries.[10] In Abdullah Saeed's language, there is a problem of adjusting traditional Islamic norms to Western contexts experienced by Muslim minorities in Western countries.[11] This is a strong reason for the emergence of *Fiqh al-Aqalliyyāt* (Minority Jurisprudence), which is a set of Islamic teachings that are considered capable of accommodating all contemporary problems faced by Muslim minorities so that they can still practice religious teachings even though in a different format.[12]

According to Thaha Jabir `Alwani, minority fiqh is not merely a matter of fatwa related to Islamic law, but a paradigm and method of Islamic law for Muslim minority communities with the majority of non-Muslims and among Muslims themselves.[13] Several problematic aspects of Islamic law occur in Muslim minorities in Western countries, ranging from political, economic, positive law, and social, to worship problems. Abdul Muqsith Ghazali said that the complaints of Muslim minorities about the implementation of Islamic teachings in the West touched almost all aspects of Islam.[14] Yusuf Al-Qardlawi mentioned some examples of Muslim minority problems, such as the mixing of Muslim graves with non-Muslims, the purchase of houses that must be through banking, holiday greetings to adherents of other religions, and so on.[15] In addition, Abdullah bin Bayyah also mentioned some of the problems of Muslim minorities in the West, including wives of converts who remain married to non-Muslim husbands to maintain family relationships that have been built since before entering Islam, the problem of the boundaries of the hijab, the law of enzymes made from pork, the inheritance rights of Muslims and non-Muslims, and others.[16] Several other contemporary scholars reveal the problems of Muslim minorities in their works,

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Contexts," *Journal for Multicultural Education* 17, no. 4 (2023): 406–18, https://doi.org/https://doi.org/10.1108/JME-05-2022-0062.

[10] Munazza Akram, "Issues of Muslim Minorities in Non-Muslim Societies: An Appraisal of Classical and Modern Islamic Legal Discourses with Reference to Fiqh Al-Aqalliyyāt," *Islamic Studies* 58, no. 1 (2019): 107–25.

[11] Abdullah bin Syekh Mahfudz bin Bayyah, *Shina'ah Al-Fatwa Wa Fiqh Al-Qaliyyat* (Dubai: Muwaththa Centre, 2018), 167.

[12] Hilmi Ridho, Hamim Maftuh Elmi, and Muhammad Sibawaihi, "Fiqh Al-Aqalliyat; Jurisprudence For Muslim Minorities As A Guide To Living In Non-Muslim Countries," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023): 93–106, https://doi.org/10.18592/sjhp.v23i1.8611.

[13] Thaha Jabir Al-`Alwani, *Towards a Fiqh For Minorities; Some Basic Reflections*, 18th ed. (Washington DC: International Institute of Islamic Thought (IIIT), 2010), 30.

[14] Khalid Muhammad Abdul Qadir, *Min Fiqh Al-Aqalliyat Al-Muslimah* (Qatar: Wazarah Al-Auqaf Wa Al-Shu'an, 1998), 82.

[15] Yusuf Al-Qardlawi, *Fi Fiqh Al-Aqalliyat Al-Muslimah Hayat Al-Muslimina Wasat Al-Mujtama`at Al-Ukhra* (Beirut: Dar al-Syuruq, 2001), 154.

[16] Bayyah, *Shina'ah Al-Fatwa Wa Fiqh Al-Qaliyyat*, 361–409.

such as Taha Jabir Alwani, Abdul Majid an-Najjar, Kholid Abdul Qodir, and Muhamad Yusri Ibrahim.

Of the many contemporary scholars who pursue the study of minority fiqh, the author only limits the study of minority fiqh methodology to Abdullah bin Bayyah and Muhammad Yusri Ibrahim. The author considers both of them to be quite representative and have high credibility in international influence. In fact, in 2022 Abdullah bin Bayyah ranked 16th out of 50 influential Muslim figures in the world. He is a figure who masters Islamic studies in depth, his thoughts are formed from classical-traditionalist treasures that are quite conservative in Murtania, so the majority of his work always relies on the views of classical scholars, but his opinions can be in harmony with complex modern problems.[17] Meanwhile, Muhammad Yusri Ibrahim, apart from being a member of the Supreme Council of *Rabithah al-Ulama al-Muslimin* or the Muslim Scholars Association, is also the Secretary General of the Commission at the Islamic Legitimate Body of Rights and Reformation (ILBRR), an independent organization engaged in scientific studies of moderatism and rights reform.

Departing from the dialectic above, it gave birth to a question of how the minority fiqh method was formulated by Abdullah bin Bayyah and Muhammad Yusri Ibrahim to answer all the problems of Muslim minorities in Western countries. The purpose of this research is to find out the concept of minority fiqh developed by Abdullah bin Bayyah and Muhammad Yusri Ibrahim. In addition, it also wants to know the different approaches used by the two contemporary scholars in reconstructing minority fiqh.

In this research, the author uses comparative study research, which compares two variables, groups, or phenomena to find similarities or differences. This research aims to find facts or answers about the object under study. In other words, this comparative study approach is used to examine in depth Abdullah bin Bayyah's and Muhammad Yusri Ibrahim's thoughts in their works. The main data sources in this study are the book *Sana'at al-Fatwa wa Fiqh al-Aqalliyyat* (Fatwa Production and Minority Jurisprudence) by Abdullah bin Bayyah and the book *Fiqh al-Nawazil li al-Aqalliyyat al-Muslimah Ta'shilan wa Thatbiqan* (Contemporary Jurisprudence for Muslim Minorities Theory and Practice) by Muhammad Yusri Ibrahim. The secondary data is taken from several journals, books, and classical and contemporary books that discuss minority fiqh and are related to this research. Such as the book Min Fiqh al-Aqalliyat al-Muslimah by Khalid Muhammad Abdul Qadir, the book *Fi Fiqh al-Aqalliyat al-Muslimah Hayat al-Muslimina Wasat al-Mujtama`at al-Ukhra* by Yusuf Al-Qardlawi, and so on.

[17] David H. Warren, *Rivals in the Gulf: Yusuf Al-Qaradawi, Abdullah Bin Bayyah, and the Qatar-UAE Contest Over the Arab Spring and the Gulf Crisis*, *Routledge* (Milton: Routledge, 2021), https://doi.org/10.4324/9780429299490.

Discussion

History of the Development of Minority Jurisprudence

The presence of minority jurisprudence originated from the accumulation of anxiety of Muslim minority communities in the West when they had to carry out activities related to religion. On the one hand, they are required to obey Allah, who is believed to be the author of the perfect teachings of Islam. On the other hand, there is a discrepancy between the classical fiqh that they understand and the socio-cultural realities of the place where they live.[18]

Ideally, Muslims live by the guidelines of the sharia compiled in fiqh, but the problem that arises is when the Islamic law they understand is no longer difficult to adapt as a guide to life and making a living.[19] The difficulty of applying classical fiqh in this context creates two options when they have to survive to be a good Muslim. First, leave the West and return to their home countries where the Islamic law they understand can be implemented easily. Second, to reinterpret Islamic law itself based on courage and enthusiasm that Islam is indeed suitable for all places and times. As in the legal maxim Islamic law can change according to changes in time and place, and the existence of the law depends on the reason (*illat*).[20]

Minority jurisprudence is a legal doctrine introduced in the 1990s. It asserts that Muslim minorities, especially those residing in the West, are entitled to specialized legal disciplines to address their specific religious needs. Al-Alwânî first introduced minority jurisprudence in 1994 at the North American Jurisprudence Council, under whose chairmanship he issued a fatwa allowing American Muslims to vote in elections in the country, even though there were no Islamic political parties or Muslim candidates.[21]

Tâhâ Jâbir Al-Alwânî through his book, Toward a Fiqh for Minorities: Some Basic Reflections, and Yusuf al-Qardâwî in *fî Fiqh al-'Aqalliyyat al-Muslimah*, is considered the first to introduce the terminology of fiqh of minorities (*fiqh al-aqalliyyat*). Indeed, the problems of Islamic law among minorities have occurred

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[18] Gugun El Guyanie and Aji Baskoro, "The Constitutional Rights of Indigenous Beliefs Adherents in Minority Fiqh Perspective," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 2 (2021): 155–75, https://doi.org/10.18326/ijtihad.v21i2.155-175.

[19] Moh Wahib, "Implementation of the Minority Fiqh Concept for the Papuan Muslim Community," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 1 (2021): 97–112, https://doi.org/10.18860/j-fsh.v13i1.11930.

[20] Mohanad Mustafa and Ayman K. Agbaria, "Islamic Jurisprudence of Minorities (Fiqh Al-Aqalliyyat): The Case of the Palestinian Muslim Minority in Israel," *Journal of Muslim Minority Affairs* 36, no. 2 (2016): 1–19, https://doi.org/10.1080/13602004.2016.1180889.

[21] N. Gafoordeen and M.M.M.Sabir, "Thaha Jabir Al-Alwani &Yusuf Al-Qardlawi Founders of Minority Fiqh (FIQH AL AQALLIYAT)," *International Journal of Research and Scientific Innovation (IJRSI)* X, no. IV (2023): 78–83, https://doi.org/https://doi.org/10.51244/IJRSI.2023.10410.

before this term appeared, and some legal opinions regarding the problems of Muslim minorities have been many and varied. However, it was these two figures who initiated the need for a special and complete form of fiqh in terms of material and methodology. Their idea then received a wide response so that it became a public discourse, both in the form of formal studies of religious organizations and academic studies in various universities and other scientific institutions. Writings in the form of books and articles began to be published, such as the writings of Abdullah bin Bayyah, Muhammad Khalid Mas'ud, Shammai Fishman, Mathias Rohe, and Wahbah Az-Zuhaily.[22]

In his work, Al-`Alwani explains that four points are the essence of his discussion, namely; first, providing an interpretation of minorities developed from their historical roots, excellence, and goodness. Secondly, codifying the elements of the minority, and assembling the relationships between them. Thirdly, assembling excellence and building some civilization formulas that express the excellence of minorities. Fourth, to ensure the security of life and guarantee sociality.[23]

Yûsuf al-Qardâwî is a Muslim scholar from Egypt and is known as a mujtahid in this modern era. His book entitled *Fî Fiqh al-Aqaliyyât al-Muslimah: Hayâh al-Muslimîn Wasat al-Mujtama'ah al-Ukhrâ* contains his ideas about Islamic law in answering contemporary problems of Muslim minorities in the West.[24] For him, the religious problems of Muslim minority communities in the West cannot and cannot be solved by sending them back to Muslim countries, because in fact the problem does not lie in their existence in the West, but because of the inadequacy of classical fiqh to answer their problems. For this reason, Yusuf al-Qardâwî founded *al-Majlis al-Urubi li al-Ifta wa al-Buhût* (ECFR) with 15 Muslim scholars in London, in 1997 M, which seeks to provide new fatwas resulting from research and reinterpretation of Islamic law.[25]

In addition to the two retainers of minority fiqh above, many scholars discuss it, Muhammad Khâlid 'Abd al-Qadir with the title *"Min fiqh al-Aqalliyat al-Muslimat"* (1998 M), Abdullah bin Bayyah wrote in more detail along with fatwa rules entitled *"Sinât al-Fatwa wa Fiqh al-'Aqalliyat"* (2007 M), Ali bin Nayif al-syahud entitled *"al-Khulasâh fî Fiqh al-'Aqalliyat"* (2008 M), 'Abd al-Majîd al-Najjar

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[22] Ahmad Imam Mawardi, "Fikih Mayoritas Versus Fikih Minoritas: Melacak Akar Konflik Sosial Atas Nama Syariat," *Justicia Islamica* 9, no. 2 (2016): 105–18, https://doi.org/https://doi.org/10.21154/justicia.v9i2.348.

[23] Thaha Jabir Al-`Alwani, *Nazâriyat Ta'sis Fî Fikh Al-'Aqalliyat* (Mesir: Dar al-Minhaj, 2003), 2.

[24] Zainul Mun'im, "Peran Kaidah Fikih Dalam Aktualisasi Hukum Islam: Studi Fatwa Yūsuf Al-Qaraḍāwī Tentang Fiqh Al-Aqalliyāt," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 151–72, https://doi.org/10.24090/mnh.v15i1.4546.

[25] Ahmad Imam Mawardi, *Fiqh Minoritas: Fiqh Al-Aqalliyyât Dan Evolusi Maqâshid Al-Syarî 'ah Dari Konsep Ke Pendekatan*, ed. Ahmala Arifin (Yogyakarta: LKiS, 2010), 103.

with the title *"Fiqh al-Muwâtanah li al-Muslimîn fî Urubâ"* (2009 M), Muhammad Yusri Ibrahim *"Fiqh al-Nawâil li al-'Aqalliyat al-Muslimah Ta'sil wa Tatbiq"* (2013 M).

There are also many other writings scattered in various places, including: Sulaiman Muhammad's *"al-Ahkam al-Siyâsat li al-'Aqalliyyat al-Muslimah fî Fiqh al-Islamî"* (1995 M), Umar Mundzir Muhammad *"al-Ahkam al-Syar'iyyah al-Nazîmah li al-Adat al-Ijtimaiyyâh li al-Aqalliyat al-Muslimah fî America"* (2001 M), Muhandi Fuad Istyti *"al-Tandzim al-Qad'i li al-Aqalliyat al-Muslimah"* (2006 CE), Yusuf al-Qawâsimî *"Fiqh al-Aqalliyat al-Muslimah fî Masâil al-Akhwal al-Syahsiyah"* (2006 CE), and so on.

This conception of fiqh about Muslim minorities has a different meaning from the developed meaning of fiqh. The word fiqh in fiqh al-aqalliyyat follows the definition of the meaning of fiqh in the general meaning of the hadith: "Whoever Allah wills to be good, He will make him understand (*yufaqqihhu*) in his religious matters".[26] Similarly, religious matters are not only matters of law but also matters of creed, morals, and other aspects. Therefore, Imam Abû Hanîfah named his book *al-Fiqh al-Akbar* with a discussion that covers all dimensions of religion. For this reason, minority fiqh (*fiqh al-aqalliyyat*) does not only respond to legal issues but all the problems of life experienced by Muslim minorities.[27]

From the foregoing discussion, it becomes evident that *fiqh al-aqalliyyāt* differs from classical fiqh not merely in its subject matter, but in its conceptual scope and normative orientation. First, the term *fiqh* in minority jurisprudence tends to recover its earlier, broader meaning as a comprehensive religious framework extending beyond technical legal rulings to guide Muslim minorities in determining permissible and impermissible conduct within non-Muslim majority societies. Second, minority fiqh opens the possibility of a recalibrated maqāṣid discourse, in which the traditional focus on *al-ḍarūriyyāt al-khams* (the five essential protections) is expanded toward wider civilizational objectives such as social justice, communal coexistence, and the preservation of public order as integral components of the public good (*maṣlaḥah 'ammah*). These conceptual shifts carry significant jurisprudential implications, particularly in politically sensitive issues such as citizenship, military service, and loyalty in plural legal environments. For instance, the legal evaluation of a Muslim serving in a non-Muslim state's armed forces may yield different conclusions depending on whether that state is framed through classical territorial categories (e.g., *dār al-Islām* or *dār al-ḥarb*) or through contemporary notions of citizenship and contractual obligation.

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[26] Hasse Jubba et al., "Changes in the Political Behavior of Towani Tolotang as a Minority Religious Group: Fiqh Al-'Aqaliyyāt Perspective," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 392–419, https://doi.org/10.19105/al-lhkam.v18i2.10184.

[27] Nurhayati, "Fikih Minoritas: Suatu Kajian Teoretis," *Ahkam : Jurnal Ilmu Syariah* 13, no. 2 (2013): 193–200, https://doi.org/http://dx.doi.org/10.15408/ajis.v13i2.932.

Jurisprudence of Minorities in the View of Abdullah bin Bayyah and Muhammad Yusri Ibrahim

It seems to be no secret that the majority of Muslims believe that Muslim minorities living in the West are an integral part of Muslim society in general. This belief is not wrong and has strong textual evidence, both in the Qur'an and Hadith. However, this belief can be problematic when it is followed by the belief that they should be governed by Islamic law as they are in their home countries. Meanwhile, the country of origin that is expected to provide humanitarian, political, and financial assistance has failed to do so. Such beliefs imply two main things: first, their existence as residents of non-Muslim countries is not recognized and they are considered temporary migrants, even though they have lived for generations. Secondly, they are regarded as colonies of the Muslim world and are considered so dangerous that they can ruin the name of the country they live in.[28]

Therefore, the urgency of minority fiqh (*fiqh al-aqalliyyât*) will be felt if the difficulties and problems of living as a Muslim minority amid a non-Muslim majority can be understood properly and correctly. The social, political, cultural, and religious problems they face require special and in-depth study as a single problem. Minority jurisprudence (*fiqh al-aqalliyyât*) will be the solution and answer to this problem if it can become a complete set of rules for the religious life of Muslim minority communities.[29] Sheikh Muhammad Yacuobi, a teacher at the American Zaytuna Institute Tunisia said, "torn between their devotion to Islam and their need to integrate to the same degree into American society". The nasal approach alone is not enough to solve their problems, only a multidisciplinary approach with a comprehensive methodology in ijtihad is considered capable of providing the right solution for them.[30]

According to Muhammad Yusri Ibrahim, there are 4 urgencies in forming the concept of minority fiqh (*fiqh al-aqalliyyât*), namely; first, maintaining the existence of minority Muslim groups. This model of jurisprudence has a clear difference in the form of encouragement to open the door to relief in law (*rukhsah*) and also interacts with laws that are exceptions (*mustasnayat*).[31] The approach used by Muhammad Yusri Ibrahim in maintaining the existence of minorities living in various countries uses two major things, namely directing more to relief (*rukhsah*)

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[28] Edi Gunawan et al., "Interfaith Marriage of North Sulawesi Multicultural Community in Minority Fiqh Perspective," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024): 384–412, https://doi.org/10.19105/al-lhkam.v19i2.8072.

[29] Fikret Karčić, "How Islamic Law Is Studied Today: An Overview," *Journal of Muslim Minority Affairs* 39, no. 1 (2019): 129–34, https://doi.org/10.1080/13602004.2019.1587955.

[30] Ahmad Imam Mawardi, "Fiqh Aqalliyat: Pergeseran Makna Fiqh Dan Usul Fiqh," *Asy-Syir'ah; Jurnal Ilmu Syari'ah Dan Hukum* 48, no. 2 (2014): 315–32, https://doi.org/https://doi.org/10.14421/ajish.v48i2.119.

[31] Muhammad Yusri bin Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan* (Qatar: Wizarah Awqaf Wa Su'un Al Islamiyyah, 2013), 232.

whose purpose is to alleviate and find the best solution, and directing the concept of law based on exceptions (*al-hukm al-istisnaiyyah*).

At the end of the discussion related to the first urgency, Yusri Ibrahim emphasized the credibility of a jurist. He said, "All of this, of course, the conception of the issuance of fatwas in this (minority) problem must come from jurists who can be proficient and do jurisprudence, and close tightly the lay people who are ignorant who can cause damage and look for loopholes in the application of Islamic Sharia". Without this restriction, there will be a lot of chaos in the name of religion, when it is actually from personal desires and lust. The increasing size and number of Muslim immigrants scattered around the world means that many problems arise. So the hard work of a mujtahid is needed to solve the problems that occur so that Muslim minorities can interact well and maintain harmonious relations with the majority population of the country.

Second, implementing religious practices while being a Muslim minority. Maintaining the creed and implementing Islamic law when being a minority group is the most important medium in applying religious teachings and protecting them. So that minorities can represent the noble religion of Islam, it will even indirectly invite non-Muslims to convert to Islam by showing kindness. Therefore, Yusri Ibrahim said, "*Fiqh al-aqalliyyât* does not only speak at the level of scientific concepts that are only focused on extracting sharia law but also the concept of da'wah which is based on Islamic values by inviting people to enter and carry out the mission of Islam".[32] Even the concept of minority fiqh (*fiqh al-aqalliyyât*) is one of the efforts to introduce Islam to non-Muslims by adopting approaches in psychological, social, cultural and intellectual aspects.

Third, there is turmoil and confusion (*ittirab*) in many situations in the laws relating to minorities. The reason for the existence of Muslim minorities in the West is partly influenced by the necessities of life to seek a better income, further education, or scientific research. In other words, there are external factors that are strong reasons for them to migrate to the West.[33]

Fourth, renewing religion with universality. Exploring the fiqh of minorities (*fiqh al-aqalliyyât*) means exploring the renewal (*tajdîd*) of Islamic law.[34] This point emphasizes that providing solutions to problems that occur in Muslim minorities is the nature of the elasticity of Islamic law to the times. Muslims are strong when the civilization of thought, science, and ijtihad experiences renewal, not stagnant and rigid. Therefore, if the door to ijtihad is said to be closed, it means that Muslims are experiencing defeat and weakness.

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[32] Ibrahim, 237.

[33] Abd. Moqsith Ghazali, "Fikih Mayoritas Dan Fikih Minoritas; Upaya Rekonstruksi Fikih Lama Dan Merancang Fikih Baru," *Tashwirul Afkar* 31, no. 1 (2012): 42–62.

[34] Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan*, 238–49.

Not much different from Yusri Ibrahim who details the urgency of minority fiqh (*fiqh al-aqalliyyât*), bin Bayyah in his work *Ṣinâ'ah al-Fatwâ* writes several functions of the need to conceptualize fiqh for this minority Muslim, including;[35] First, Ibn Bayyah frames fiqh al-aqalliyyāt as a mechanism to preserve religious faith (ḥifẓ al-dīn) not only at the individual level but also as a communal identity that must be sustained within non-Muslim majority societies. In this regard, he carefully differentiates between the normative role of 'urf (custom), which operates as a collective and socially embedded source of legal consideration, and legal change driven by shifting historical circumstances (taghayyur al-aḥkām bi taghayyur al-azminah), which functions primarily as a temporal adjustment of rulings. Second, minority jurisprudence serves to remind Muslim minorities of their ethical and civic responsibilities within the broader society, discouraging isolationism and reinforcing constructive engagement with the majority population. Such interaction, in Ibn Bayyah's view, strengthens Islam's role as a merciful mode of da'wah grounded in mutual respect across religious and social boundaries. Third, fiqh al-aqalliyyāt aims to facilitate religious practice by reducing unnecessary hardship and preventing social fragmentation, particularly the tendency of minorities to withdraw into closed communal enclaves. By encouraging balanced integration without normative dissolution, minority fiqh becomes a preventive framework against polarization and the emergence of extremist tendencies.

In the aspect of *maqasid al-shariah*, Abdullah bin Bayyah[36] and Muhammad Yusri Ibrahim[37] mutually discuss the purpose of minority fiqh (*fiqh al-aqalliyyât*), namely; first, the general purpose of minority fiqh is to maintain the religious life of Muslim minority groups at the personal and communal levels. Second, to increase the spread of Islamic preaching to the majority of non-Muslims, Third, as a source of relational fiqh or relationships in modern times and globalization. Fourth, as a source of communal fiqh in the lives of minorities who move from personal to communal circumstances. Then, Yusri Ibrahim added another thing related to the purpose of minority fiqh regarding the rule of *al-Taisir wa al-Raf'u al-Harj* (easing and eliminating difficulties), namely that the essence and purpose of this fiqh is only to ease the burden on Muslim minority groups living in non-Muslim majority countries.[38]

Furthermore, Abdullah bin Bayyah revealed the characteristics of minority fiqh other than those derived from the Qur'an and Hadith, including; first, the use of the argument of the universality of the Shari'a which is determined

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[35] Bayyah, *Shina'ah Al-Fatwa Wa Fiqh Al-Qaliyyat*, 167.

[36] Haidar Masyhur Fadhil, "Reshaping Minority Fiqh: The Ideas of 'Abd Allah Ibn Bayyah," *Australian Journal of Islamic Studies* 9, no. 2 (2024): 37–65, https://doi.org/10.55831/ajis.v9i2.629.

[37] Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan*, 269–79.

[38] Ibrahim, 280.

by the rule of *"raf'i al-harj"* (eliminating distress), *"tanzil ahkam al-ḥājah ala ahkam al-dlarurat"* (positioning hajat as a substitute for emergency law), *"i`tibar umum al-balwa fi al-ibadah wa al-muamalah"* (taking into account the potential for generality that has occurred in matters of worship and muamalah), *"tanzil hukum taghyir al-makan ala hukum taghyir al-zaman"* (positioning changes in law based on place over changes in law based on time), *"dar'ul mafasid"* (eliminating damage) and others.[39] Secondly, minority fiqh uses arguments from partial texts that are by the problems that occur in the Muslim minority area, where the law from the source of the text is part of the law used by the majority group. Third, minority fiqh also uses special arguments formulated by several scholars when Muslim groups are in non-Muslim countries. This is a form of leniency from Islamic law to maintain the existence of Islamic teachings to remain valid anywhere and anytime. Such as the prohibition of carrying out *hudud* (sanctions) in enemy territory, based on the Prophet's hadith: "Do not cut off the hand (as a sanction for stealing) on the way".[40]

Looking at the characteristics of minority fiqh above, the author sees three models of approach in Abdullah bin Bayyah's ijtihad, among others; first, *ijtihad jadîd* (new ijtihad), which is to explore the law on the latest problems by analogizing to the text, both the Qur'an and Hadith. Second, *ijtihad tahqîq manaṯ*, namely by applying the agreed rules to new problems. Third, *ijtihad tarjihi* is choosing an opinion that is sometimes marjuh (weak) at a time, but the opinion is chosen by some scholars.[41]

Formulation of Jurisprudence Rules Abdullah bin Bayyah and Muhammad Yusri Ibrahim

The existence of fiqh rules has an important role in determining Islamic law. The scholars explain that there are at least two important roles of the rules of fiqh to date.[42] First, the rules of fiqh are a generalization of various legal cases that have been divided into general principles. Therefore, by adhering to the rules of fiqh, scholars will find it easier to categorize new problems by analogizing them to the rules of fiqh by the character of the new problem.[43] Without the rules of

[39] Ibnu al-Qayyim Al-Jauziyyah, *I'lām Al-Muwaqqi'in 'an Rabb Al-'Ālamin* (Beirut: al-Maktabah al-'Aṣriyyah, 2004), 3.

[40] Sulaiman Al-Sijistāni, *Sunan Abī Dāwud* (Beirut: Dār al-Fikr, 1997), 4408.

[41] Bayyah, *Shina'ah Al-Fatwa Wa Fiqh Al-Qaliyyat*, 181.

[42] Arip Purkon, "Rethinking of Contemporary Islamic Law Methodology: Critical Study of Muhammad Shahrūr's Thinking on Islamic Law Sources," *HTS Teologiese Studies / Theological Studies* 78, no. 4 (2022): 1–7, https://doi.org/10.4102/hts.v78i4.7152.

[43] Ahmad Yani and Megawati Barthos, "Transforming Islamic Law in Indonesia from a Legal Political Perspective," *Al-Ahkam* 30, no. 2 (2020): 159–78, https://doi.org/10.21580/ahkam.2020.30.2.6333.

fiqh, a scholar will face difficulties when analogizing a case with another case, so the laws determined may be contradictory and essentially different.[44]

Second, the rules of fiqh can be the basis for the footing in the process of actualizing Islamic law amid socio-cultural and political developments that continue to be dynamic. The basic concept of fiqh rules which is a general conclusion of various laws can maintain the essential purpose of Islamic law, namely realizing the benefit and avoiding the evil. This role is very important considering that Islamic law is required to be dynamic and follow the times. A law that was considered to provide benefits in the past, may have a mafsadat impact today due to differences in the social realities that surround it.[45]

In formulating fiqh al-aqalliyyāt, both Abdullah bin Bayyah and Muhammad Yusri Ibrahim employ legal maxims (qawāʿid) as methodological instruments derived from universal juristic propositions (kulliyyāt), which function to guide and balance legal determination in minority contexts. A key difference lies in their classification: Ibn Bayyah does not sharply separate qawāʿid uṣūliyyah from qawāʿid fiqhiyyah, whereas Yusri Ibrahim systematically distinguishes between the two categories. In Ṣināʿat al-Fatwā, Ibn Bayyah articulates six principal maxims, while in Fiqh al-Nawāzil li al-Aqalliyyāt al-Muslimah, Yusri Ibrahim outlines eight major frameworks that further expand into forty-one subsidiary principles. This methodological distinction matters because the reconstruction of minority fiqh depends not only on substantive legal outcomes, but also on the clarity and coherence of the epistemic structure through which fatwas are justified and made transferable across changing minority contexts. Given the scope of these formulations, this article focuses selectively on one representative uṣūlī maxim and one fiqhī maxim employed by Yusri Ibrahim.

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[44] Aula Damayanti, "Contribution Of Islamic Law To Legal Development In Indonesia," *MILRev; Metro Islamic Law Review* 1, no. 1 (2022): 17–33.

[45] Wildani Hefni, Imam Mustofa, and Rizqa Ahmadi, "Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 30–57, https://doi.org/10.29240/jhi.v10i1.10694. Read more: Mohammad Hashim Kamali, "Legal Maxims and Other Genres of Literature in Islamic Jurisprudence," *Arab Law Quarterly* 20, no. 1 (2006): 77–101, https://www.jstor.org/stable/27650538. Mohammad Hashim Kamali, "Maqasid Al-Shari'ah and Ijtihad as Instrument s of Civilisational Renewal: A Methodological Perspective," *Islam and Civilisational Renewal (ICR)* 2, no. 2 (2011): 245–71, https://doi.org/10.52282/icr.v2i2.647.

Table.1
Differences in the approach of the rules of Abdullah bin Bayyah and Muhammad Yusri Ibrahim

Abdullah bin Bayyah	Muhammad Yusri Ibrahim	
	Fiqh Rules	Ushul Fiqh Rules
التيسير ورفع الحرج	**المشقة بالرخص والمشقات**	
	المشقة تجلب التيسير	الشريعة مبناها على رفع الحرج
العرف و تغير الفتوى بتغير الزمان	**المتعلقة بالعرف**	
	لاينكر تغير الاحكام بتغير الزمان	-
تنزيل الحاجة منزلة الضرورة	**المتعلقة بالضرورات والحاجيات**	
	الحاجة تنزل منزلة الضرورة	الشريعة مبنية على المحافظة على الضرورات الخمس
النظر الى المآلات	**المتعلقة بالمآلات**	
	درء المفاسد مقدم على جلب المصالح	النظر الى المآلات معتبر مقصود شرعا
تنزيل الجماعة منزلة القاضي	**المتعلقة بالولايات او السياسة**	
	التصرف على الرعية منوط بالمصلحة	-
-	**المتعلقة بالإجتهاد**	
	لامساغ للإجتهاد في موارد النص	الشريعة بحسب المكلفين كلية عامة
	المتعلقة بالمقاصد	
	الأمور بمقاصدها	وضع الشريعة انما هو لحفظ مقاصدها إقامة مصالح العباد في العاجل او الآجل
	المتعلقة بالتعارض والترجيح بين المصالح والمفاسد	
	اذا تعارض المانع والمقتضي يقدم المانع	عند تعارض المصالح تقدم اولاها ارجحها

Principal Rules in Minority Jurisprudence

After analyzing the formulation of fiqh rules by Abdullah bin Bayyah and Muhammad Yusri Ibrahim above, the author decided to choose only five fiqh rules that have great potential and have a strong influence in determining Islamic law for minority Muslim groups living in non-Muslim majority areas, among others;

1. Rule of Easing and Relieving Distress (at-Taisir wa Raf'u al-Haraj)

The rule of *taysir* (ease) is universal as a foundation in Islamic law, even Wahbah Az-Zuhaili emphasized that among the basic principles of Islamic law

are the principles of convenience (*al-yusr wa al-tashil*), tolerance, and balance (*al-tasahul wa al-i'tidal*), and avoiding difficulties in the provisions of sharia law (*al-masyaqqah tajlib al-taysir*), either explicitly indicated by the text of the Qur'an and Hadith, or determined by jurists and mujtahids. Therefore, scholars of ushul fiqh agree that human beings cannot be burdened with actions that are beyond their ability (*taklif bi mâ lâ yuṯaq*).[46]

Muhammad Alwi Al-Maliki emphasized that the principle of ease is the main principle in the imposition of law (*taklif*). He also explained that Islamic law is a light and easy religious teaching for its adherents, as has been written in the Qur'an. All the commands of Allah SAWT to the people of the Prophet Muhammad SAW, both contained in the Qur'an and Hadith all contain ease and lightness.[47] This statement is in line with Asy-Syatibi who says that Allah SWT does not intend to burden his servants with something heavy and troublesome.[48] If Allah SWT intends to give difficulty to his servants in giving responsibility, there will be no relief (*rukhsah*) in Islamic teachings.[49]

In this *taysir* (convenience) rule, Yusri Ibrahim stipulates several conditions that must be met to apply it, so as not to be liberal or conservative in using this rule, including;[50] [1] The existence of driving factors such as urgency and emergency;[51] [2] There is great potential for achieving the objectives of the implementation of the *taysir* (convenience) rule; [3] The implementation of the *taysir* (convenience) rule must not conflict with Islamic law; [4] The application of the rule of *taysir* (convenience) must be guided by the established arguments; [5] It is not allowed to take only light things (*tatabu' rukhas*);[52] [6] There are no consequences of damage, either directly or indirectly;[53] [7] Must pay attention and know the circumstances of the person asking for a fatwa.

It can be understood from the above description that fiqh contains elements of convenience and relief for its adherents. However, the element of

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[46] Sami E. Baroudi and Vahid Behmardi, "Sheikh Wahbah Al-Zuhaili on International Relations: The Discourse of a Prominent Islamist Scholar (1932–2015)," *Middle Eastern Studies* 53, no. 3 (2017): 363–85, https://doi.org/10.1080/00263206.2016.1263190.

[47] Muhammad Alwi Al-Maliki, *Al-Risalah Al-Islamiyah Kamaluha Wa Khuluduha Wa Allamiyatuha*, ed. Abdul Mustaqim (Yogyakarta: eLSAQ Press, 2003), 61.

[48] Ibrāhīm ibn Musa Al-Syāthibi, *Al-Muwāfaqāt Fi Uṣūl Al-Syari'ah* (Beirut: Dār al-Fikr, 2002), 210–12.

[49] Al-Qardlawi, *Fi Fiqh Al-Aqalliyat Al-Muslimah Hayat Al-Muslimina Wasat Al-Mujtama`at Al-Ukhra*, 20.

[50] Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan*, 420.

[51] Izzuddin ibn Abdi Al-Salām, *Qawa'id Al-Ahkām Fi Maṣāliḥi Al-Anām* (Beirut: Dārul Ma'ārif, 2000), Juz ll, 7-8.

[52] Wahbah Az-Zuhaily, *Al-Rukhas Al-Syariyah Ahkamuha Wa Dawabituha,* (Saudi Arabia: Dar al-Khair, 2010), 92.

[53] Taqiyuddin Abu al-Abbās Taimiyyah, *Majmū' Al-Fatāwā* (Madinah: al-Mamlakah al-Arabiyah, 1995), XXVII, 198.

convenience by using the approach of the rule of *taysir* (convenience) must follow the provisions that have been set. Similarly, a contemporary scholar, he should not just quote textually only, because anyone can do with the condition of having a good vocabulary. He should apply this rule by staying grounded in the views of classical scholars and contextualizing them with existing problems and realities. A balanced and generous attitude in issuing a fatwa is an important element in the spread of Islam in this modern era, not burdensome, but the essence of religion is still achieved.

2. Rule of Change of Fatwa Due to Changing Times and Traditions (Taghayyur al-Fatwa bi Taghayyur al-Zaman wa al-'Urf)

This rule is very suitable to answer all the problems presented by the transition of time. The main guideline of this rule is *qiyas* (analogy) which is used as an argument in determining the law to realize the benefit and purpose of Islamic law. Subhi al-Mahmashani, a contemporary scholar, said that the caliphs recognized the concept of legal changes influenced by time and place, as Caliph Umar ibn Khattab who often made ijtihad in interpreting the text by the time and development of the times and the wisdom of sharia.[54] Umar ibn Khattab once made ijtihad not to give zakat to the group of converts, he understood that the nature of converts is not forever attached to a person. So it would be better if the zakat was given to a group that was more in need.[55]

Wahbah Az-Zuhaily revealed that several factors cause the law to change due to changes in place, time, and circumstances, namely; changes in tradition, moral decay and religious understanding, changes in the interests of the people, and changes in the social order of society.[56] Under these conditions, Islamic law must change to realize benefits and reject damage. In line with the formulation of Ibn Qayyim's rule which says, *taghayyur al-fatwa wa ikhtilafuha bi hasabi taghayyur al-azminah, wa al-amkinah, wa al-ahwal wa an-niyat wa al-'awa`id* (changes and differences in fatwa due to changes in time, place, situation, goals, and habits).[57]

Ibn Qayim's statement above, it clear that he has played an important role in the social situation and conditions of the Muslim community which continues

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[54] Subhi Al-Mahmashani, *Turas Al-Khulafâ Al-Rasyidîn Fî Al-Fiqh Wa Al-Qaḍa* (Beirut: Dar al-Ilm al-Malayin, 1984), 589.

[55] Ishaq Ishaq and Muannif Ridwan, "A Study of Umar Bin Khatab's Ijtihad in an Effort to Formulate Islamic Law Reform," *Cogent Social Sciences* 9, no. 2 (2023): 1–10, https://doi.org/10.1080/23311886.2023.2265522.

[56] Asman and Tamrin Muchsin, "Maqasid Al-Shari'ah in Islamic Law Renewal: The Impact of New Normal Rules on Islamic Law Practices during the Covid-19 Pandemic," *Mazahib: Jurnal Pemikiran Hukum Islam* 20, no. 1 (2021): 77–102, https://doi.org/http://doi.org/10.21093/mj.v20i1.2957.

[57] Asrul Hamid and Dedisyah Putra, "The Existence of New Direction in Islamic Law Reform Based on The Construction of Ibnu Qayyim Al-Jauziyah's Thought," *JURIS: Jurnal Ilmiah Syariah* 20, no. 2 (2021): 247–57, https://doi.org/10.31958/juris.v20i2.3290.

to develop dynamically along with the times. He has laid down the fiqh rule of the need to consider social conditions in the process of determining and applying a law. All of this is intended to realize the benefit of the people, by the purpose and substance of sharia. Ibn Qayyim's expression as a Hanbali scholar above seems to describe the fiqh law built by Umar bin Khatab. In essence, the rules of fiqh have the nature of renewal, along with the development of social life, the situation of society, the differences in the character of each nation, tradition, culture, civilization, and dynamic patterns of life behavior. This is the real fiqh that is understood from the character of Umar ibn al-Khattab's thought, a wise Caliph in determining the law by considering the spirit of the Qur'an, even though sometimes it is not by the text.

This rule is still debated among scholars, but its existence and application are not denied. In other words, all Islamic rulings can't change due to changes in time, such as the obligations of prayer, fasting, zakat, hajj, doing good to parents, and other rulings that are *qath`iy* (certain). Therefore, bin Bayyah said, "Prohibitions such as killing, stealing, rape, consuming other people's wealth unlawfully, treason, usury, cheating, and others that are clear in the Shari'ah, cannot be categorized as laws that are subject to change, but may be done in cases of emergency and urgency." He added that the purpose of this rule is to win a benefit that has not been won in the past or to prevent damage that has not yet occurred. To use this rule in determining the law, Yusri Ibrahim wrote several rules in his work, including; [1] Changes in the law must not violate or contradict the clear text in the Qur'an. [2] The change must be to the objectives of the Shari'ah. [3] The change must be recognized by the Shari'ah. [4] Changes in the law must come from the mujtahids.[58]

3. The Rule of Placing Needs in the Position of Emergency (Tanzil al-Hâjah Manzilata al-Dlarurat)

Imam Haramain Al-Juwaini is a scholar who first popularized the rule of *al-hâjah tanzilu manzilata al-dlarûrat* (necessity can occupy an emergency position). Then, this rule became popular among scholars after him, such as Al-Sam'ani, al-Ghazali, Ibn Arabi, and Izzudin Ibn Abd al-Salam until the generation of As-Suyuthi, Ibn Nujaim, and other scholars who wrote the book of fiqh rules (*al-qawaid al-fiqhiyah*) explained in detail, until immortalized in contemporary books today, such as *Majallatu al-Ahkam al-Adliyyah*. However, this does not mean that this history shows that the legal provisions of *al-hajah* included with the emergency began to appear at the time of Imam al-Haramain because the fatwas of the Companions and Tabi'in about *al-hajah* (necessity) were already numerous.

According to this rule, any need that is very urgent to fulfill can be equated with an emergency. Moreover, if the need is general and collective, it will

[58] Abdullah bin Syekh Mahfudz bin Bayyah, *Maqashid Al-Mu'amalat Wa Marashid Al-Waqi'at* (Kairo: Al-Madani, 2009), 86.

undoubtedly turn into an emergency.[59] This rule also shows that leniency does not only apply to something related to an emergency, but also applies to general and special needs.[60] This rule consists of two major concepts, namely *al-hajah* (need) and *al-dlarurat* (emergency).[61] In the science of ushul fiqh, both have different meanings and consequences. *Al-dlarurat* is a need that is urgent and can threaten lives if not fulfilled, while al-hajah is a need that is important and can make it difficult for humans if it is not there, but not to the point of threatening human life.[62]

Abdullah bin Bayyah makes an important note that the issue of emergency is closely related to hardship and distress, but these hardships have their levels. Therefore, from that level comes different legal products according to the status of the degree of difficulty. However, bin Bayyah distinguishes between *al-hâjah* and *al-faqr*, because not necessarily a poor person is in need, and a person in need is not necessarily poor. So it can be understood that the word *al-hajah* is more general than the word *al-faqr*.[63] Jalaluddin As-Suyuthi details *al-hajah* into two types, namely; *hâjah al-'âmah* (general needs) relating to all people, such as government and trade, and *hâjah al-khâṣah* (special needs) relating to individuals, such as *rukhsah* (relief) from the Sharia.[64]

From the explanation above, it can be understood that the concept of *al-hâjah* (necessity) which can occupy the position of *al-ḍlarûrat* (emergency) is very influential in the determination of Islamic law for minority Muslim groups living in Western countries. Many fatwas of scholars arise from the concept of this rule, such as the permissibility of collecting two prayers (*dzuhur-ashar or maghrib-isya'*) with no cause, or in the language of the Shafi`i school of fiqh called *jama' bi al-haḍar*. This fatwa specifically applies only to Muslim minorities, either because of work demands or the difficulty of finding a place of worship. The keyword that becomes the reference for determining the law in this rule is the word *al-hâjah*.

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[59] Teguh Ifandi and Idaul Hasanah, "Maslahat (Benefits) in Fiqh Awlâwiyât: A Comparison between Yûsuf Al-Qarâdhawî's View and Abdus Salam Alî Al-Karbulî's," *Al-`Adalah* 21, no. 1–24 (2024): 353, https://doi.org/https://dx.doi.org/10.24042/adalah.v21i1.21316.

[60] Muhammad Aminuddin Shofi, Imam Bayhaki, and Mochammad Hesan, "The Multidimensional-Progressive Logic of Al-Maqasid Al-Syari'Ah for the Development of Humanitarian Fiqh," *Al-Qalam; Jurnal Penelitian Agama Dan Sosial Budaya* 29, no. 2 (2023): 304, https://doi.org/10.31969/alq.v29i2.1309.

[61] Abdul Mukti Tabrani, "Maqâshid Revitalization in Global Era: Istidlâl Study from Text to Context," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (2018): 310, https://doi.org/10.19105/al-ihkam.v13i2.1814.

[62] Hudzaifah Achmad Qotadah et al., "Cultured Meat for Indonesian Muslim Communities: A Review of Maslahah and Prospect," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 329–46, https://doi.org/10.29240/jhi.v7i2.5476.

[63] Bayyah, *Shina'ah Al-Fatwa Wa Fiqh Al-Qaliyyat*, 198–200.

[64] Bitoh Purnomo, "Maqâshid Al-Syarî'ah and Human Rights Problems," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, no. 1 (2020): 1–12, https://doi.org/10.19109/nurani.v20i1.5631.

The word when translated simply means necessity, but in this rule means an urgent need that must be met. If not fulfilled, it will make it difficult for the community, especially in fulfilling related needs.

4. The Rule of Considering the Final Condition of Legal Consequences (al-Naḏar ila al-Mâalat)

The rule of *al-Naḏar ila al-Mâalat* is a rule that functions to consider the benefits that are more important, or between benefit and damage. According to the concept of this rule, a mufti must consider the legal consequences of speech or action that will determine its legal status. In this context, something that is considered *maslahat* at that time may later end up with *mafsadah*. Conversely, something that is considered a *mafsadah* at the time may end up being a *maslahat* at the end. The Mufti must be careful in this matter so that his decision does not contradict the existing provisions and can produce general *maslahat*. Differences in such considerations often make opinions in minority fiqh (*fiqh al-aqalliyyât*) different from fiqh in general.[65]

This rule is often referred to as *fiqh tawaqu'* (fiqh of anticipation), which is leaning the law on something that has great potential to occur as a result of the legal decision. According to Yusri Ibrahim, three things must be fulfilled to apply the *al-mâalât* rule, namely; first, it must consider the results carefully, both benefit and damage, at least with great potential (*ẓan*). Second, the implementation of these rules must be by the objectives of the sharia (*maqhasid sharia*). Third, the case that will occur can be measured regarding the *illat* (reason) and the law. If the above elements are not met, it will be very difficult to apply this rule.

As an example of the application of the *al-mâalat* rule for Muslim minorities, the European Fatwa Council prohibits mosque imams from carrying out marriage contracts before they are officially recorded in the government, even though all the conditions have been met in Islamic law. The reason is due to consideration of the consequences, namely when there is a dispute or quarrel one day, it will not be able to defend the rights of his wife and children without an official record from the local government.

If examined more deeply, the discussion in this *al-mâlât* rule is almost the same as the concept of *sadd al-ẓariah* (closing opportunities). Wahbah Az-Zuhaily defines sadd *al-ẓariah* as the meaning of rejecting everything that can lead to forbidden to prevent damage and danger. However, some scholars distinguish it, he said that the concept of *sadd al-ẓariah* usually occurs on issues that were originally allowed, then the law changes to a prohibition because it anticipates

[65] Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan*, 582.

problems that will occur. Meanwhile, the concept of *al-maâlât* usually occurs in issues that are initially prohibited, then the law changes to become permissible.[66]

In addition, other fiqh rules can be used as the basis for *al-mâalât* as a method of exploring law and legal guidance, namely the rule of *dar'u al-mafasid muqaddamun ala jalb al-mashalih* (rejecting damage is more important than bringing good). In conclusion, the scholars in the rule of *al-maalat* look at the consequences of work, not at the nature of the law. It may be that the law is what is required, but it may cause greater harm, so it is necessary to consider the consequences.

There is an interesting rule written by bin Bayyah and often used by adherents of the Maliki school, namely the rule of *jariyan al-amal*.[67] Al-Masnawi said, that if there is an act or saying of a great scholar that contradicts the well-known law in the community for a reason and benefit, then it is necessary to follow the scholar if it is evident that it causes benefits continuously. However, if the benefit has ceased to exist, then the community must go back to the previously established ruling.[68]

5. The Rule of Placing the General Public in the Position of Judge (Qiyam Jama'ah al-Muslimîn Maqam al-Qâḍî)

This rule is actually to legitimize a kind of association as a form of representation of minority Muslim groups in non-Muslim majority areas. In judicial matters, the requirements for a judge to decide the law must be knowledgeable and Muslim. Because of the rarity of someone who meets these criteria in non-Muslim majority areas, it is permissible for Islamic headquarters to become a bridge in solving problems that occur in Muslim minority groups.

This rule was also applied by many Nusantara scholars during the colonial period. When there is no legitimate government, ulama has an important role in solving problems in society. This rule is widely applied in cases of marriage and divorce. Until now, one of the legacies is the problem of *nikah sirri*, which is usually married by great scholars, but not recorded in government archives.

According to Yusri Ibrahim, the rule of *qiyam jama'ah al-muslimîn maqam al-qâḍî* (placing the Muslim community in the position of judge) was first proposed by Islamic political scientists, then established and much further discussed by jurists from the Maliki school. On another occasion, Yusri Ibrahim used the term, *yaqum ahlu al-hâlli wa al-'aqd 'inda al-iqtiḍa maqam al-Imâm wa naibihi*. It is not difficult to trace the term "*ahl al-hâlli wa al-`aqd*", even since the time of Abu Hasan Al-

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[66] Muhammad Hafis, Nia Elmiati, and Juliani Syafitri, "Contemporary Issues of Islamic Family Law: The Waithood Phenomenon and the Impact of the Sex Recession in Indonesia in Review of Sadd Al-Dzari'ah," *Legitima: Journal of Islamic Family* 07, no. 01 (2024): 18–39, https://doi.org/https://doi.org/10.33367/legitima.v7i1.6178.

[67] Bayyah, *Shina'ah Al-Fatwa Wa Fiqh Al-Qaliyyat*, 264.

[68] Al-Banani, *Hasyiyah Ala Al-Zarqani* (Beirut: Dar al-Kutub al-Ilmiyah, 2002), Juz VII, 124.

Ashari (w. 936 M) the term has been used.[69] Furthermore, Abu Bakar Al-Baqilani (w. 1013 M),[70] Abu Hasan al-Mawardi (w. 1058 M),[71] and many other fiqh books.

In addition to the above terms, several other terms are quite familiar in classical books, including; *Jama'ah al-muslimîn al-udul yaqûmûnâ maqam al-hakîm* (a group of just Muslims who can position themselves as judges), *Fi'lu al-jama'ah fî adami al-imâm ka hukmi al-imâm* (action of a group of people in the absence of leaders such as legal justification of the leadership),[72] *Jama'ah al-muslimîn taqûmu maqâm al-sulṯan* (a group of Muslims can occupy the position of ruler).[73] Of the various terms of the rule, the important point is the existence of representatives of the people who can legally bind in solving the problems of minority Muslim groups that have no recognition of Islamic law.

Many examples can be taken from the concept of this rule, one of which is the issue of divorce requests from the wife (*khulu'*) because it is not valid only by the decision of a judge who is not guided by Islamic law. In addition to the wife registering her divorce case with the general court, she must take her case to the headquarters established by Muslims in a non-Muslim majority country, as a legal representative of the judge according to the above fiqh rule. Thus, both state and religious law have legality. This is in contrast to the case of divorce, where a husband may directly divorce his wife, and then take his case to the state court officially.

Conclusion

This article demonstrates that fiqh al-aqalliyyāt should be approached not merely as a collection of legal dispensations (rukhaṣ), but as a coherent methodological paradigm for legal adaptation in Muslim-minority contexts. Through a comparative doctrinal analysis of Abdullah bin Bayyah and Muhammad Yusri Ibrahim, the study confirms that the two scholars share a common normative objective preserving religious commitment while enabling social integration yet diverge significantly in epistemological orientation, juristic strategy, and the structure of legal reasoning.

The findings show that Abdullah bin Bayyah develops minority jurisprudence through a maqāṣid-oriented and context-sensitive methodology rooted in the Maliki tradition. His approach prioritizes tahqīq al-manāṭ, al-naẓar

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[69] Abu Al-Hasan Al-Asyari, *Al-Ibanah `an Ushul Al-Diyanah* (Mesir: Dar Al-Atrak, 1976), 251.

[70] Abu Bakar Al-Baqilani, *Tambid Al-Awail Wa Talbis Al-Dalail* (Beirut: Muasasah al-Kutub al-Tsaqafiyah, 1978), 467.

[71] 'Ali ibn Muḥammad Al-Māwardi, *Al-Aḥkām Al-Sulṭaniyyah* (Kairo: Mushthafa al-Bābi al-Ḥalabi, n.d.), 6.

[72] Muhammad bin Yusuf bin Abu al-Qasim Al-Mawwaq, *Al-Taj Wa Al-Iklil Li Mukhtashar Khalil*, 1st ed. (Beirut: Dar al-Kutub al-Ilmiyah, 1994), Juz V, 498.

[73] Muhammad Al-Shinghiti, *Mawahib Al-Jalil* (Murtania: Dar al-Ridwan, 2010), Juz V, 496.

ilā al-ma'ālāt, and pragmatic juristic mechanisms such as jaryān al-'amal, allowing adaptive rulings that respond to lived realities without abandoning normative fidelity. In contrast, Muhammad Yusri Ibrahim constructs minority jurisprudence within a more textualist and precedent-driven Hanbali framework. His legal reasoning emphasizes doctrinal continuity, caution against excessive flexibility, and a detailed systematization of legal maxims into broader and more technical subdivisions.

This methodological divergence has direct implications for contemporary minority fatwa-making. Ibn Bayyah's model tends to expand interpretive space through purposive reasoning and contextual evaluation, while Yusri Ibrahim's model restricts interpretive movement by anchoring rulings more tightly to inherited legal precedents. Nevertheless, both models converge in framing minority jurisprudence as a legitimate arena of ijtihād that must be guided by qualified jurists, legal maxims, and the objectives of the Sharī'ah especially the principles of easing hardship, safeguarding faith, and maintaining communal stability. By reframing fiqh al-aqalliyyāt as a methodological discourse of legal adaptation, this study contributes to Islamic legal theory in three ways: (1) it clarifies the internal methodological architecture of minority jurisprudence beyond descriptive narratives; (2) it maps how madhhab-based orientations shape contemporary ijtihād in pluralistic societies; and (3) it highlights the central role of legal maxims and maqāṣid reasoning in negotiating normative fidelity and contextual responsiveness. Future research may extend this framework by examining how these two methodological patterns operate in actual contemporary fatwa institutions (e.g., ECFR, national councils, or diaspora scholarly bodies) and by testing their practical outcomes across concrete case studies in family law, finance, and civic participation.

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References

Akram, Munazza. "Issues of Muslim Minorities in Non-Muslim Societies: An Appraisal of Classical and Modern Islamic Legal Discourses with Reference to Fiqh Al-Aqalliyyāt." *Islamic Studies* 58, no. 1 (2019): 107–25.

Al-`Alwani, Thaha Jabir. *Nazâriyat Ta'sis Fî Fikh Al-'Aqalliyat*. Mesir: Dar al-Minhaj, 2003.

———. *Towards a Fiqh For Minorities; Some Basic Reflections*. 18th ed. Washington DC: International Institute of Islamic Thought (IIIT), 2010.

Al-Asyari, Abu Al-Hasan. *Al-Ibanah `an Ushul Al-Diyanah*. Mesir: Dar Al-Atrak,

1976.

Al-Banani. *Hasyiyah Ala Al-Zarqani*. Beirut: Dar al-Kutub al-Ilmiyah, 2002.

Al-Baqilani, Abu Bakar. *Tamhid Al-Awail Wa Talhis Al-Dalail*. Beirut: Muasasah al-Kutub al-Tsaqafiyah, 1978.

Al-Jauziyyah, Ibnu al-Qayyim. *I'lām Al-Muwaqqi'in 'an Rabb Al-'Ālamīn*. Beirut: al-Maktabah al-'Aṣriyyah, 2004.

Al-Mahmashani, Subhi. *Turas Al-Khulafâ Al-Rasyidîn Fî Al-Fiqh Wa Al-Qaḏa*. Beirut: Dar al-Ilm al-Malayin, 1984.

Al-Maliki, Muhammad Alwi. *Al-Risalah Al-Islamiyah Kamaluha Wa Khuluduha Wa Allamiyatuha*. Edited by Abdul Mustaqim. Yogyakarta: eLSAQ Press, 2003.

Al-Māwardi, 'Ali ibn Muḥammad. *Al-Aḥkām Al-Sulṭaniyyah*. Kairo: Mushthafa al-Bābi al-Ḥalabi, n.d.

Al-Mawwaq, Muhammad bin Yusuf bin Abu al-Qasim. *Al-Taj Wa Al-Iklil Li Mukhtashar Khalil*. 1st ed. Beirut: Dar al-Kutub al-Ilmiyah, 1994.

Al-Qardlawi, Yusuf. *Fi Fiqh Al-Aqalliyat Al-Muslimah Hayat Al-Muslimina Wasat Al-Mujtama`at Al-Ukhra*. Beirut: Dar al-Syuruq, 2001.

———. *Fi Fiqh Al-Aulawiyyat: Dirasah Jadidah Fi Daw Al-Qur'an Wa Al Sunnah*. VII. Kairo: Maktabah Wahbah, 2005.

———. *Malamih Al-Mujtami` Al-Muslim Alladzi Nanshuduhu*. Kairo: Maktabah Wahbah, 1993.

Al-Raysuni, Ahmad. *Maqasid Al-Maqasid: Al-Ghayat Al-'Ilmiyyah Wa Al-'Amaliyyah Li-Maqasid Al-Shari'Ah*. Beirut: al-Shabakah al-'Arabiyyah li al-Abhas wa al-Nashr, 2013.

Al-Salām, Izzuddin ibn Abdi. *Qawā'id Al-Ahkām Fī Maṣāliḥi Al-Anām*. Beirut: Dārul Ma'ārif, 2000.

Al-Shinghiti, Muhammad. *Mawahib Al-Jalil*. Murtania: Dar al-Ridwan, 2010.

Al-Sijistāni, Sulaiman. *Sunan Abī Dāwud*. Beirut: Dār al-Fikr, 1997.

Al-Syāthibi, Ibrāhīm ibn Musa. *Al-Muwāfaqāt Fi Uṣūl Al-Syarī'ah*. Beirut: Dār al-Fikr, 2002.

Alkouatli, Claire, Nadeem Memon, Dylan Chown, and Youcef Sai. "Something More Beautiful: Educational and Epistemic Integrations Beyond Inequities in Muslim-Minority Contexts." *Journal for Multicultural Education* 17, no. 4 (2023): 406–18. https://doi.org/https://doi.org/10.1108/JME-05-2022-0062.

Anggraeni, Rr Dewi. "Islamic Law and Customary Law in Contemporary Legal

Pluralism in Indonesia: Tension and Constraints." *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48. https://doi.org/10.15408/ajis.v23i1.32549.

Anwar, Khoirul, Hilmi Ridho, Muhammad Sibawaihi, Muhamad Sofi Mubarok, and Aizat Khairi. "Muslim Minorities in the Context of Citizenship in Western Countries According to Fiqh Al-Aqalliyat; Challenges and Obligations." *Tribakti: Jurnal Pemikiran Keislaman* 36, no. 1 (2025): 1–24. https://doi.org/https://doi.org/10.33367/tribakti.v36i1.6401.

Asman, and Tamrin Muchsin. "Maqasid Al-Shari'ah in Islamic Law Renewal: The Impact of New Normal Rules on Islamic Law Practices during the Covid-19 Pandemic." *Mazahib: Jurnal Pemikiran Hukum Islam* 20, no. 1 (2021): 77–102. https://doi.org/http://doi.org/10.21093/mj.v20i1.2957.

Az-Zuhaily, Wahbah. *Al-Rukhas Al-Syariyah Ahkamuha Wa Dawabituha,*. Saudi Arabia: Dar al-Khair, 2010.

B, Halimah. "Tafwid Method In Understanding Mutashabihat Verses." *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 21, no. 2 (2020): 293–312. https://doi.org/https://doi.org/10.14421/qh.2020.2102-03.

Baroudi, Sami E., and Vahid Behmardi. "Sheikh Wahbah Al-Zuhaili on International Relations: The Discourse of a Prominent Islamist Scholar (1932–2015)." *Middle Eastern Studies* 53, no. 3 (2017): 363–85. https://doi.org/10.1080/00263206.2016.1263190.

Bayyah, Abdullah bin Syekh Mahfudz bin. *Maqashid Al-Mu'amalat Wa Marashid Al-Waqi'at*. Kairo: Al-Madani, 2009.

———. *Shina'ah Al-Fatwa Wa Fiqh Al-Qaliyyat*. Dubai: Muwaththa Centre, 2018.

Damayanti, Aula. "Contribution Of Islamic Law To Legal Development In Indonesia." *MILRev; Metro Islamic Law Review* 1, no. 1 (2022): 17–33.

Fadhil, Haidar Masyhur. "Reshaping Minority Fiqh: The Ideas of 'Abd Allah Ibn Bayyah." *Australian Journal of Islamic Studies* 9, no. 2 (2024): 37–65. https://doi.org/10.55831/ajis.v9i2.629.

Gafoordeen, N., and M.M.M.Sabir. "Thaha Jabir Al-Alwani &Yusuf Al-Qardlawi Founders of Minority Fiqh (FIQH AL AQALLIYAT)." *International Journal of Research and Scientific Innovation (IJRSI)* X, no. IV (2023): 78–83. https://doi.org/https://doi.org/10.51244/IJRSI.2023.10410.

Ghazali, Abd. Moqsith. "Fikih Mayoritas Dan Fikih Minoritas; Upaya Rekonstruksi Fikih Lama Dan Merancang Fikih Baru." *Tashwirul Afkar* 31, no. 1 (2012): 42–62.

Gunawan, Edi, Budi Rahmat Hakim, Reza Adeputra Tohis, and Imam Mash'ud. "Interfaith Marriage of North Sulawesi Multicultural Community in Minority Fiqh Perspective." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19,

no. 2 (2024): 384–412. https://doi.org/10.19105/al-lhkam.v19i2.8072.

Guyanie, Gugun El, and Aji Baskoro. "The Constitutional Rights of Indigenous Beliefs Adherents in Minority Fiqh Perspective." *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 2 (2021): 155–75. https://doi.org/10.18326/ijtihad.v21i2.155-175.

Hafis, Muhammad, Nia Elmiati, and Juliani Syafitri. "Contemporary Issues of Islamic Family Law: The Waithood Phenomenon and the Impact of the Sex Recession in Indonesia in Review of Sadd Al-Dzari'ah." *Legitima: Journal of Islamic Family* 07, no. 01 (2024): 18–39. https://doi.org/https://doi.org/10.33367/legitima.v7i1.6178.

Hamid, Asrul, and Dedisyah Putra. "The Existence of New Direction in Islamic Law Reform Based on The Construction of Ibnu Qayyim Al-Jauziyah's Thought." *JURIS: Jurnal Ilmiah Syariah* 20, no. 2 (2021): 247–57. https://doi.org/10.31958/juris.v20i2.3290.

Hefni, Wildani, Imam Mustofa, and Rizqa Ahmadi. "Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law." *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 30–57. https://doi.org/10.29240/jhi.v10i1.10694.

Husseini de Araújo, Shadia, Sônia Cristina Hamid, and André Gondim do Rego. "Urban Food Environments and Cultural Adequacy: The (Dis)Assemblage of Urban Halal Food Environments in Muslim Minority Contexts." *Food, Culture and Society* 25, no. 5 (2022): 899–916. https://doi.org/10.1080/15528014.2021.1933773.

Ibrahim, Muhammad Yusri bin. *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan*. Qatar: Wizarah Awqaf Wa Su'un Al Islamiyyah, 2013.

Ifandi, Teguh, and Idaul Hasanah. "Maslahat (Benefits) in Fiqh Awlâwiyât: A Comparison between Yûsuf Al-Qarâdhawî's View and Abdus Salam Alî Al-Karbulî's." *Al-`Adalah* 21, no. 1–24 (2024): 353. https://doi.org/https://dx.doi.org/10.24042/adalah.v21i1.21316.

Ishaq, Ishaq, and Muannif Ridwan. "A Study of Umar Bin Khatab's Ijtihad in an Effort to Formulate Islamic Law Reform." *Cogent Social Sciences* 9, no. 2 (2023): 1–10. https://doi.org/10.1080/23311886.2023.2265522.

Jubba, Hasse, Ahmad Sunawari Long, Zuly Qodir, Umar Werfete, and Muhamad Nastain. "Changes in the Political Behavior of Towani Tolotang as a Minority Religious Group: Fiqh Al-'Aqaliyyāt Perspective." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 392–419. https://doi.org/10.19105/al-lhkam.v18i2.10184.

Jumblatt Abdullah, Walid. "Conflating Muslim 'Conservatism' with 'Extremism':

Examining the 'Merry Christmas' Saga in Singapore." *Journal of Muslim Minority Affairs* 37, no. 3 (2017): 344–56. https://doi.org/10.1080/13602004.2017.1379690.

Kamali, Mohammad Hashim. "Legal Maxims and Other Genres of Literature in Islamic Jurisprudence." *Arab Law Quarterly* 20, no. 1 (2006): 77–101. https://www.jstor.org/stable/27650538.

———. "Maqasid Al-Shari'ah and Ijtihad as Instrument s of Civilisational Renewal: A Methodological Perspective." *Islam and Civilisational Renewal (ICR)* 2, no. 2 (2011): 245–71. https://doi.org/10.52282/icr.v2i2.647.

Karčić, Fikret. "How Islamic Law Is Studied Today: An Overview." *Journal of Muslim Minority Affairs* 39, no. 1 (2019): 129–34. https://doi.org/10.1080/13602004.2019.1587955.

Mawardi, Ahmad Imam. "Fikih Mayoritas Versus Fikih Minoritas: Melacak Akar Konflik Sosial Atas Nama Syariat." *Justicia Islamica* 9, no. 2 (2016): 105–18. https://doi.org/https://doi.org/10.21154/justicia.v9i2.348.

———. "Fiqh Aqalliyat: Pergeseran Makna Fiqh Dan Usul Fiqh." *Asy-Syir'ah; Jurnal Ilmu Syari'ah Dan Hukum* 48, no. 2 (2014): 315–32. https://doi.org/https://doi.org/10.14421/ajish.v48i2.119.

———. *Fiqh Minoritas: Fiqh Al-Aqalliyyât Dan Evolusi Maqâshid Al-Syarî 'ah Dari Konsep Ke Pendekatan*. Edited by Ahmala Arifin. Yogyakarta: LKiS, 2010.

Mun'im, Zainul. "Peran Kaidah Fikih Dalam Aktualisasi Hukum Islam: Studi Fatwa Yūsuf Al-Qaraḍāwī Tentang Fiqh Al-Aqalliyāt." *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 151–72. https://doi.org/10.24090/mnh.v15i1.4546.

Mustafa, Mohanad, and Ayman K. Agbaria. "Islamic Jurisprudence of Minorities (Fiqh Al-Aqalliyyat): The Case of the Palestinian Muslim Minority in Israel." *Journal of Muslim Minority Affairs* 36, no. 2 (2016): 1–19. https://doi.org/10.1080/13602004.2016.1180889.

Nurhayati. "Fikih Minoritas: Suatu Kajian Teoretis." *Ahkam : Jurnal Ilmu Syariah* 13, no. 2 (2013): 193–200. https://doi.org/http://dx.doi.org/10.15408/ajis.v13i2.932.

Purkon, Arip. "Rethinking of Contemporary Islamic Law Methodology: Critical Study of Muhammad Shahrūr's Thinking on Islamic Law Sources." *HTS Teologiese Studies / Theological Studies* 78, no. 4 (2022): 1–7. https://doi.org/10.4102/hts.v78i4.7152.

Purnomo, Bitoh. "Maqâshid Al-Syarî'ah and Human Rights Problems." *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, no. 1 (2020): 1–12. https://doi.org/10.19109/nurani.v20i1.5631.

Qadir, Khalid Muhammad Abdul. *Min Fiqh Al-Aqalliyat Al-Muslimah*. Qatar: Wazarah Al-Auqaf Wa Al-Shu'an, 1998.

Qotadah, Hudzaifah Achmad, Ali Chamani Al Anshory, Maisyatusy Syarifah, and Adang Darmawan Achmad. "Cultured Meat for Indonesian Muslim Communities: A Review of Maslahah and Prospect." *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 329–46. https://doi.org/10.29240/jhi.v7i2.5476.

Qutb, Sayyid. *Khasa'is Al-Tasawwur Al-Islami Wa Muqawwimatuhu*. Kairo: Dar al-Shuruq, 1997.

Ridho, Hilmi, Hamim Maftuh Elmi, and Muhammad Sibawaihi. "Fiqh Al-Aqalliyat; Jurisprudence For Muslim Minorities As A Guide To Living In Non-Muslim Countries." *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023): 93–106. https://doi.org/10.18592/sjhp.v23i1.8611.

Saeed, Abdullah. *Interpreting the Qur`an; Towards a Contemporary Approach*. London: Routledge, Taylor & Francis Group, 2006.

Shofi, Muhammad Aminuddin, Imam Bayhaki, and Mochammad Hesan. "The Multidimensional-Progressive Logic of Al-Maqasid Al-Syari'Ah for the Development of Humanitarian Fiqh." *Al-Qalam; Jurnal Penelitian Agama Dan Sosial Budaya* 29, no. 2 (2023): 304. https://doi.org/10.31969/alq.v29i2.1309.

Tabrani, Abdul Mukti. "Maqâshid Revitalization in Global Era: Istidlâl Study from Text to Context." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (2018): 310. https://doi.org/10.19105/al-ihkam.v13i2.1814.

Taimiyyah, Taqiyuddin Abu al-Abbās. *Majmū' Al-Fatāwā*. Madinah: al-Mamlakah al-Arabiyah, 1995.

Wahib, Moh. "Implementation of the Minority Fiqh Concept for the Papuan Muslim Community." *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 1 (2021): 97–112. https://doi.org/10.18860/j-fsh.v13i1.11930.

Warren, David H. *Rivals in the Gulf: Yusuf Al-Qaradawi, Abdullah Bin Bayyah, and the Qatar-UAE Contest Over the Arab Spring and the Gulf Crisis*. *Routledge*. Milton: Routledge, 2021. https://doi.org/10.4324/9780429299490.

Yani, Ahmad, and Megawati Barthos. "Transforming Islamic Law in Indonesia from a Legal Political Perspective." *Al-Ahkam* 30, no. 2 (2020): 159–78. https://doi.org/10.21580/ahkam.2020.30.2.6333.