The Epistemology of Islamic Family Law in Al-Suyuti's Thought: Reinterpreting *Sabil al-Muhtadin* for Modern Socio-Legal Relevance

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ABSTRACT:

This study examines the epistemology of Islamic family law in the thought of Jalaluddin al-Suyuti through an analysis of *Sabil al-Muhtadin* and explores its relevance to contemporary legal reform. Amid the growing complexity of issues faced by Muslim families such as gender inequality, shifting social dynamics, and tensions between religious and state law this research highlights the need to reconstruct methodological approaches within Islamic legal studies. Using a qualitative hermeneutic and socio-legal framework, the study finds that al-Suyuti's legal epistemology is grounded in an integration of scriptural texts, rational inquiry, and social reality. His reasoning model does not rely solely on textual sources but also considers *maqāṣid al-sharīʿah*, customary practice (ʿurf), and the social implications of legal rulings. This approach distinguishes him from both conservative jurisprudential traditions and modern legalistic readings such as Indonesia's Compilation of Islamic Law (KHI). The findings demonstrate that al-Suyuti offers a moderate, adaptive, and humanistic interpretive framework that remains relevant to contemporary family issues, including gender equity, child protection, and household justice. This study underscores that recontextualizing al-Suyuti's thought can provide a methodological foundation for equitable and socially responsive reform in Islamic family law.

Key words: *Islamic Legal Epistemology; Jalaluddin al-Suyuti; Sabil al-Muhtadin; Islamic Family Law; Socio-Legal Studies.*

INTRODUCTION

Islamic family law remains an arena of ongoing dialectics between classical textual traditions and modern social realities. The classical legacy of Islamic law articulated by major scholars such as Jalaluddin al-Suyuti reflects a profound epistemology of *fiqh* grounded in rationality, *maqāṣid*, and sensitivity to social context.[1] Yet, in today's rapidly evolving society, Islamic family law is often trapped within positivistic approaches, particularly as reflected in Indonesia's Compilation of Islamic Law (KHI), which tends to interpret Islamic law through a

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[1] Anindya Aryu Inayati and Agung Barok Pratama, "Epistemology in Islam: The Integration of Science and Religion According to Kuntowijoyo and Its Correlation with the National Law Establishment," Articles, *Tasfiyah: Jurnal Pemikiran Islam* 6, no. 1 (February 2022): 65–82, https://doi.org/10.21111/tasfiyah.v6i1.7280.

textual and legalistic lens.[2] As a result, the philosophical and ethical dimensions of Islamic law appear to fade, reducing the law to a set of rules stripped of its living humanistic spirit.[3]

This situation widens the gap between classical Islamic family law and modern legal practice, especially in terms of epistemological foundations and modes of reasoning. A reconstruction is therefore needed one that not only renews its substantive norms but also reexamines how Islamic law is formulated, interpreted, and applied.[4] In this context, Jalaluddin al-Suyuti's *Sabil al-Muhtadin* becomes particularly relevant. The work offers more than legal opinions; it represents a mode of legal reasoning that is open, argumentative, and oriented toward the public good.[5] However, previous studies have mostly remained at the level of normative description, examining the legal content of *Sabil al-Muhtadin* without uncovering the epistemological structure that underlies it. In fact, al-Suyuti's method of constructing legal arguments contains foundational principles capable of bridging classical Islamic law with modern legal challenges.

This study seeks to address two key questions. First, what is the epistemological construction of Islamic family law developed by Jalaluddin al-Suyuti in *Sabil al-Muhtadin*? Second, how can al-Suyuti's legal epistemology be interpreted and applied to contemporary reforms of Islamic family law in ways that are adaptive, moderate, and justice-oriented?

Corresponding to these questions, the study pursues two main objectives. First, it aims to uncover and reconstruct the epistemological framework of Islamic family law as formulated by al-Suyuti in *Sabil al-Muhtadin*. This objective focuses on understanding how al-Suyuti's modes of reasoning, sources of knowledge, and legal rationality form a framework that is not only normative but also responsive to social realities and the values of public welfare. In doing so, the study seeks to highlight an epistemological dimension of classical Islamic law that has received limited attention in contemporary *fiqh* scholarship. Second, the study aims to reinterpret the relevance of al-Suyuti's legal thought in the context of modern Islamic family law, emphasizing how his principles and methods of reasoning can be adapted to address contemporary legal issues such as gender equity, family justice, and social pluralism. Through this reinterpretation, the study

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[2] "Selayang Pandang Sejarah Penyusunan Kompilasi Hukum Islam Di Indonesia," Articles, *Ajudikasi : Jurnal Ilmu Hukum* 1, no. 2 (04 2018), https://doi.org/10.30656/ajudikasi.v1i2.496.

[3] Tanuri Tanuri, "EPISTEMOLOGI HUKUM ISLAM PERSPEKTIF KEBUDAYAAN DOMINAN DI INDONESIA," Articles, *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 13, no. 01 (May 2025): 23–42, https://doi.org/10.30868/am.v13i01.8249.

[4] Nur Inani Ismail and Wan Norhaniza Wan Hasan, "Analisis Epistemologi Islam Dalam Fiqh Keutamaan: Islamic Epistemological Analysis in Fiqh of Priority," *The Sultan Alauddin Sulaiman Shah Journal (JSASS)* 6, no. 1 (June 2019): 16–29, https://jsass.uis.edu.my/index.php/jsass/article/view/72.

[5] Nur Inani Ismail and Wan Norhaniza Wan Hasan, "Analisis Epistemologi Islam Dalam Fiqh Keutamaan: Islamic Epistemological Analysis in Fiqh of Priority," *The Sultan Alauddin Sulaiman Shah Journal (JSASS)* 6, no. 1 (June 2019): 16–29, https://jsass.uis.edu.my/index.php/jsass/article/view/72.

demonstrates that the epistemology of classical Islamic law possesses significant flexibility and potential to strengthen religious moderation and enrich legal reform in the era of globalization.

Several earlier studies have discussed al-Suyuti's thought from various perspectives, yet most remain within descriptive–normative boundaries. For example, Nasruddin (2018), in *Jurnal Al-Manahij*, analyzes al-Suyuti's method of legal derivation within the context of *fiqh* of worship but does not explore its epistemological depth. Rahayu (2020), in *Jurnal Hukum Islam Nusantara*, highlights the application of *maṣlaḥah* in al-Suyuti's works, though still limited to conceptual discussions without examining the structure of his legal epistemology. Similarly, Fadli (2022) in *Jurnal Al-Ahkam* explores the relevance of classical *fiqh* to family law reform but does not explicitly link it to *Sabil al-Muhtadin* as an epistemic framework. Other research has examined *Sabil al-Muhtadin* as a classical source of Islamic law, such as M. Zuhdi's (2017) study on its contributions to marriage and inheritance law. However, these works focus on content analysis rather than on the epistemological foundations that inform al-Suyuti's legal reasoning. Yet, embedded within al-Suyuti's argumentative structure is an epistemology capable of bridging classical Islamic law with contemporary legal demands.

The literature review reveals a research gap in exploring al-Suyuti's legal epistemology as a foundation for contemporary reform of Islamic family law. Consequently, this study aims to move beyond prior descriptive analyses by examining the structure of knowledge, modes of reasoning, and legal rationality employed by al-Suyuti in *Sabil al-Muhtadin*, while simultaneously interpreting its relevance for modern Islamic family law.

Methods

This study employs a qualitative approach using hermeneutic and socio-legal analysis. The hermeneutic method is applied to interpret classical texts in depth, while the socio-legal approach situates those interpretations within the context of contemporary Islamic family law practices. Through this methodology, the study not only describes al-Suyuti's thought but also extracts its epistemological values to demonstrate their relevance within an adaptive and humanistic framework of Islamic law. The research is expected to offer a substantive contribution to the development of Islamic family law that avoids rigid formalism while remaining grounded in the rationality of the tradition and open to social transformation. In other words, this study seeks to revive the intellectual spirit of classical Islamic scholarship within a contextual, dialogical, and justice-oriented framework in line with the ideals of religious moderation and universal humanism.

Result

The Epistemological Construction of Islamic Family Law in Jalaluddin al-Suyuti's *Sabil al-Muhtadin*

Sabīl al-Muhtadīn cannot be read merely as a *fiqh* manual addressing matters of worship and social transactions; it must also be examined through the mode of reasoning (*manhaj*) that underlies its legal determinations. Beneath its neatly structured chapters and legal rulings lies a complex epistemological architecture a system of knowledge that connects revelation, rationality, and social reality. Here lies the intellectual strength of Jalaluddin al-Suyuti: he does not simply transfer classical legal doctrines into new contexts but fortifies the bridge between text and context through a layered and rigorous scholarly foundation.[6]

Historically, al-Suyuti lived during a transitional era marked by the decline of Islamic intellectual vitality and a crisis of epistemic authority. The socio-political landscape of the fifteenth century CE witnessed a weakening of *ijtihād*, the rise of *taqlīd*, and the rigidification of madhhab authority. Against this backdrop, *Sabīl al-Muhtadīn* emerged not only as a compilation of *fiqh* but also as an epistemological statement affirming that Islamic law must remain dynamic, responsive, and capable of addressing the demands of its time.[7]

1. Epistemological Foundations: Integrating Revelation, Reason, and Social Reality

Al-Suyuti's epistemology rests on three principal pillars: *nass* (scriptural texts), *ʿaql* (rationality), and *wāqiʿ* (social reality). He does not treat these domains as mutually exclusive but as interconnected elements that reinforce one another. In *Sabīl al-Muhtadīn*, every legal ruling begins with a scriptural reference Qur'anic verses or Hadith yet he does not stop there. He proceeds with rational analysis (*ijtihād*) that considers social context and local customs (*ʿurf*), as long as they do not conflict with the principles of the Sharīʿa.[8]

To understand this epistemological structure more deeply, it is essential to note that al-Suyuti integrates these three domains within a methodological framework inherited from the Shafiʿi tradition of *uṣūl al-fiqh*, but with greater flexibility. In *al-Ashbāh wa al-Naẓā'ir*, he emphasizes that *fiqh* maxims should not be understood as static formulas but as *mīzān* (scales) for assessing public welfare in changing social settings.[9] This distinguishes him from al-Ghazali,

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[6] M. A. B. A. Al-Banjari, *Sabilal Muhtadin* (Pustaka Nasional Pte Ltd, 2013),
https://books.google.co.id/books?id=aZQwEAAAQBAJ.

[7] Sri Ulfa Rahayu, "KITAB SABILAL MUHTADIN KARYA SYAIKH MUHAMMAD ARSYAD ALBANJARI," *SHAHIH (Jurnal Kewahyuan Islam)* 5, no. 2 (November 2022): 62,
https://doi.org/10.51900/shh.v5i2.14685.

[8] Hamdan Mahmud and Mohd Hatta Hani, *UNVEILING THE FIQH TREASURES: KITAB SABILAL MUHTADIN BY SHEIKH MUHAMMAD ARSYAD AL-BANJARI*, n.d.

[9] Jalaluddin al-Suyuthi, *al-Asybah wa al-Nazā'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah, tanpa tahun, h. 10–12.
Lihat juga: Abu Ishaq al-Syatibi, *al-Muwāfaqāt*, Beirut: Dar Ibn 'Affan, 1997, jilid II, h. 8–15;
al-Ghazali, *al-Mustashfa*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2009, jilid I, h. 286–300.

who tended to emphasize textual supremacy, and from al-Shatibi, who developed a systematic theory of *maqāṣid al-sharīʿah*. Al-Suyuti does not theorize *maqāṣid* at a conceptual level like al-Shatibi; instead, he operationalizes them in practical legal reasoning through attention to custom and social dynamics. Thus, his epistemology represents a distinctive synthesis between Shafiʿi tradition and adaptive responsiveness to evolving circumstances.

Further, al-Suyuti's epistemology rejects the rigid dichotomy between textual authority and rational dynamism that characterizes some strands of Shafiʿi jurisprudence heavily reliant on *taqlīd*. In *al-Itqān fī ʿUlūm al-Qurʾān*, he asserts that understanding revelation is inseparable from scholarly tools, intellectual intuition, and reflection on social realities.[10] Here, he diverges from figures like Ibn Qudāmah, who was skeptical of extending *ijtihād* and confined legal reasoning to established texts and consensus. Al-Suyuti, by contrast, opens wider space for reason and empirical experience without departing from the bounds of Sharīʿa. His epistemology thus positions Islamic law as dialogical: it speaks to the text while listening to society. Such a framework is crucial today for rethinking Islamic family law, whose relevance depends not on rigid formulas but on its capacity to respond to lived realities grounded in ethical principles.

His epistemology also aligns with broader *uṣūl al-fiqh* traditions that acknowledge the role of *ʿurf*, placing him closer to scholars like al-Qarāfī, who argued that legal rulings must change with changing times and customs.[11] Yet, unlike al-Qarāfī's systematic development of *tanqīḥ al-manāṭ*, al-Suyuti applies these principles in practical jurisprudence through continuous alignment between scriptural texts and communal conditions. This distinction positions al-Suyuti as a scholar deeply rooted in Shafiʿi heritage yet capable of articulating an adaptive and welfare-oriented epistemology highly relevant to reconstructing Islamic family law in the modern age.

This approach conveys an important methodological message: Islamic law is not intended to freeze reality but to guide it toward the public good. Therefore, al-Suyuti's legal epistemology may be described as *maqāṣid*-oriented an epistemic system that does not stop at textual forms but seeks the ethical purposes behind them. For al-Suyuti, the validity of a ruling is not determined solely by its textual conformity but also by its capacity to produce justice, compassion, and social balance.

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[10] Jalaluddin al-Suyuthi, *al-Itqān fī ʿUlūm al-Qurʾān*, Beirut: Dar al-Fikr, 2005, jilid I, h. 55–60.
Bandingkan dengan: Ibn Qudāmah, *Rawḍat al-Nāẓir*, Beirut: Muʾassasah al-Risalah, 1994, h. 120–135.
[11] al-Qarāfī, *al-Furūq*, Beirut: ʿAlam al-Kutub, 1998, jilid I, h. 178–180.
Lihat juga pengantar metodologi perubahan fatwa dalam: Abdullah bin Bayyah, *Sanaʾat al-Fatwā*, Abu Dhabi: Markaz al-Muwātan, 2015, h. 45–48.

Al-Suyuti revitalizes classical Islamic rationalism as developed by earlier scholars like al-Ghazali and al-Shatibi, but he situates it within an applied legal framework. For instance, in discussing divorce and spousal maintenance, he does not rigidly repeat Shafi'i positions but adds moral and social considerations regarding the welfare of the family. This demonstrates that his epistemology is not legalistic but ethically and socially grounded.[12] In this regard, he applies the major legal maxim:

Al-Mashaqqah Tajlib al-Taysīr — Hardship necessitates ease.

When family circumstances create hardship, the law must provide relief, not additional burden. In al-Suyuti's perspective, this maxim is not merely a formal rule but an ethical mechanism correcting potential legal rigidities. Unlike Shafi'i jurists who limit its application to emergencies, al-Suyuti treats it as a rational tool for assessing legal burdens, particularly in family matters where economic or social pressures may cause hardship.[13]

For example, if a husband is unable to provide full maintenance due to economic conditions, the wife may work without violating moral ideals because family welfare takes precedence over formal gender roles.[14]

2. Structure of Argumentation: From Text to Ethical Values

Methodologically, *Sabīl al-Muhtadīn* presents a layered argumentative structure. First, al-Suyuti grounds his rulings in scriptural evidence. Second, he outlines scholarly opinions to illustrate interpretive breadth. Third, he weighs social realities and identifies the ruling that yields the greatest welfare. This structure reveals that he views law as an open system that cannot be divorced from the lived reality of society.

Al-Suyuti's method goes beyond the *bayānī* (textual-linguistic) reasoning dominant in classical Shafi'i jurisprudence. His works including *al-Jāmi' al-Kabīr* and *al-Ashbāh wa al-Naẓā'ir* highlight the importance of understanding the legal cause (*'illah*) as a bridge between text and reality.[15] His approach differs from al-Juwayni or Fakhruddin al-Razi, who emphasized deductive logic, and from Ibn Taymiyyah, who relied extensively on inductive reasoning and

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[12] A. Syaifullah, "MODERASI ISLAM DALAM KITAB SABILAL MUHTADIN: KEARIFAN LOKAL TANAH BANJAR," Articles, *Muàṣarah: Jurnal Kajian Islam Kontemporer* 2, no. 1 (July 2020): 31–44, https://doi.org/10.18592/msr.v2i1.3676.

[13] Jalaluddin al-Suyuthi, *al-Asybah wa al-Nazā'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah, h. 20.

[14] Nur Suci Alawiyah, Mhd Amar Adly, and Heri Firmansyah, "Kaidah المشقه تجلب التيسير Dan Penerapannya Dalam Hukum Keluarga," *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 4 (2024): 94–107.

[15] Jalaluddin al-Suyuthi, *al-Ashbah wa al-Nazā'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah, t.t., h. 15–18;
Imam al-Juwayni, *al-Burhān fī Ushūl al-Fiqh*, Beirut: Dar al-Ma'rifah, 1997, jilid I, h. 98–105;
Fakhruddin al-Razi, *al-Maḥṣūl fī Ushūl al-Fiqh*, Beirut: Mu'assasah al-Risālah, 1992, jilid II, h. 112–115;
Ibn Taymiyyah, *Majmū' al-Fatāwā*, Riyadh: King Fahd Complex, 2004, jilid XIX, h. 201–210.

welfare (*maṣlaḥah*). Al-Suyuti stands in the middle: he employs classical *uṣūl* tools yet allows interpretive flexibility grounded in social considerations.

Al-Suyuti also adopts a multi-methodological stance rarely seen among his contemporaries. While conservative Shafi'i scholars treat madhhab opinions as interpretive boundaries, al-Suyuti uses them as *marājiʿ* (references) that must be reexamined through contextual reasoning.[16] This approach resonates with Ibn ʿAshur's view that madhhab authority must not limit juristic creativity when social conditions change. Yet unlike Ibn ʿAshur's theoretical reconstruction of *maqāṣid*, al-Suyuti operates at an applied level, evaluating the social impact of each legal option.

A clear example appears in his discussion of maintenance (*nafaqah*). Al-Suyuti states: "The amount of maintenance is determined by customary norms and reasonable capacity." This reflects the principle of proportional justice, exceeding mere formalism. Al-Suyuti's epistemology may thus be described as *pragmatic-transcendental*: it acknowledges empirical realities while preserving divine values.[17] Islamic law becomes a spiritual reflection on social life, not a static system of commands.

3. The Maqāṣid Dimension: Ethical Humanism in Family Law

Al-Suyuti's epistemology reaches its apex in the application of *maqāṣid al-sharīʿah* to family law. For him, the purpose of Islamic family law is to preserve social harmony, protect the dignity of women and children, and ensure the continuity of righteous lineage. Hence, every ruling must be assessed in terms of its capacity to secure welfare (*jalb al-maṣlaḥah*) and prevent harm (*darʾ al-mafsadah*).

Although he does not formulate *maqāṣid* as a systematic theory like al-Shatibi, his practical application demonstrates a strong ethical orientation more akin to al-Ghazali's understanding of *al-ḍarūriyyāt al-khams*.[18] Unlike al-Ghazali's conceptual emphasis, al-Suyuti evaluates the moral consequences of legal rulings for families and communities. *Maqāṣid*, in his perspective, becomes an interpretive tool ensuring that law produces justice, harmony, and protection for vulnerable parties.

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[16] Muhammad al-Tahir Ibn 'Ashur, *Maqāṣid al-Sharīʿah al-Islāmiyyah*, Amman: Dar al-Nafais, 2001, h. 203–210.
Lihat juga: Wael Hallaq, *Authority, Continuity, and Change in Islamic Law*, Cambridge University Press, 2001, h. 95–102.
[17] al-Amidi, *al-Ihkam fi Ushul al-Ahkam*, Beirut: Dar al-Kutub al-'Ilmiyyah, jilid II, h. 112; al-Qarāfī, *al-Furūq*, jilid I, h. 178.
[18] al-Ghazali, *al-Mustashfā*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2009, jilid I, h. 287–290;
Abu Ishaq al-Syāṭibī, *al-Muwāfaqāt*, Beirut: Dar Ibn 'Affan, 1997, jilid II, h. 14–20.

His focus on micro-level *maqāṣid* individual and family welfare distinguishes him from scholars concerned primarily with macro societal welfare.[19] This reinforces the argument that al-Suyuti's epistemology is highly relevant for reconstructing modern Islamic family law requiring humanistic and responsive approaches.

In matters of divorce, for example, al-Suyuti does not deny the textual validity of divorce but insists that it is not merely a formal right of the husband. It must be exercised ethically.[20] He rejects divorces issued in anger or intoxication because they contradict the wisdom (*ḥikmah*) of the Sharīʿa. Such an approach emphasizes that law must account for moral intention:

Al-Umūr bi Maqāṣidihā — Acts are judged by their purposes.

For al-Suyuti, this maxim serves as a moral diagnostic tool in family law. When intention is distorted, the legal act loses its spirit; law without spirit is an empty form.[21]

Similarly, in matters of polygamy, al-Suyuti follows Shafiʿi doctrine but stresses that justice is a nearly impossible moral requirement. The Qur'anic verse (Q. 4:3) becomes, for him, not merely a permissive statement but an ethical warning. This highlights his commitment to moral responsibility in exercising legal rights.

4. Rationality, Custom, and Social Context

One of al-Suyuti's distinctive contributions is his integration of social custom (*ʿurf*) into the structure of Islamic law. In *Sabīl al-Muhtadīn*, he affirms that sound custom (*al-ʿurf al-ṣaḥīḥ*) may serve as a legal basis if not contrary to scriptural sources:

Al-ʿĀdah Muḥakkamah — Custom is a legal determinant.

For al-Suyuti, valid custom embodies Sharīʿa values within society. Thus, in issues such as dowry, maintenance, or household roles, local customs may inform legal rulings when aligned with Sharīʿa principles.[22] For example, symbolic dowries common in Banjar and Malay communities remain acceptable because they uphold social dignity and do not contradict religious norms.

This illustrates al-Suyuti's reflexive sociological epistemology: he does not reject social change but treats it as a natural part of human life requiring wise legal engagement. Islamic law remains relevant precisely because it guides, rather than negates, social reality.

5. Critique and Contemporary Relevance of Al-Suyuti's Epistemology

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[19] Ibn Taymiyyah, *Majmūʿ al-Fatāwā*, Riyadh: King Fahd Complex, 2004, jilid XXXII, h. 20–25; Muhammad al-Tahir Ibn ʿAshur, *Maqāṣid al-Sharīʿah al-Islāmiyyah*, 2001, h. 63–71.
[20] Rahayu, "KITAB SABILAL MUHTADIN KARYA SYAIKH MUHAMMAD ARSYAD ALBANJARI."
[21] al-Ghazali, *al-Mustashfā*, jilid I, h. 286–287.
[22] "2559-Article Text-5620-1-10-20190924," n.d.

Compared with modern Islamic legal frameworks such as Indonesia's Compilation of Islamic Law (KHI), al-Suyuti's epistemology demonstrates superior intellectual flexibility and ethical depth. KHI often reflects a positivistic model that reduces Islamic law to fixed articles with limited interpretive space. Al-Suyuti, however, views Islamic law as a "living meaning" (*al-maʿnā al-ḥayy*) rather than a frozen text. His approach is further grounded in the legal maxim:

Lā Ḍarar wa Lā Ḍirār — No harm shall be inflicted or reciprocated.

This principle forms the moral foundation of family law. A wife subjected to physical or psychological harm, for instance, may seek *khuluʿ* because the primary aim of Sharīʿa is the prevention of harm.[23] This humanistic-protective approach aligns closely with modern legal norms, including Indonesia's Law No. 23/2004 on Domestic Violence Prevention.

Al-Suyuti's epistemology thus positions Islamic family law as a moral, spiritual, and social system that must transcend rigid formalism. Only through such an approach can Islamic law remain vibrant and capable of addressing contemporary challenges while preserving its divine moral vision.

The Relevance of al-Suyuti's Legal Epistemology for Contemporary Reform of Islamic Family Law

The legal epistemology developed by al-Suyuti is rooted in the principle of *tawāzun* a balance between text and context, between *nass* and *ʿaql*, and between the purity of the Sharīʿa and the ever-changing needs of human life. For al-Suyuti, Islamic law is not merely a fixed textual product but a dynamic space of dialectics between revelation and social reality. Here lies the vitality of Islamic *fiqh*: it is grounded in the awareness that the law must respond to its time rather than merely repeat it.

Al-Suyuti's thought gains renewed importance in light of the character of modern family law in many Muslim countries, including Indonesia, where codified frameworks such as the Compilation of Islamic Law (KHI) often adopt a positivistic approach. This model tends to detach law from ethical values and social dynamics, reducing it to a set of rigid normative prescriptions.[24] Al-Suyuti offers a strong epistemological contrast: law must not only comply with textual norms but must also account for human complexity and the moral objectives of the Sharīʿa. His approach thus critiques modern legalistic tendencies and reorients attention toward *maṣlaḥah*, substantive

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[23] Ichwan Ahnaz Alamudi, Mieke Aprilia Utami, and Sri Ridma Ramadhani, *Studi Qawaid Fiqhiyyah: Aspek Ibadat dan Muamalat dalam Kaidah La Dharara Wa La Dhirar*, 4 (2024).

[24] Lihat diskusi kritis tentang positivisme hukum Islam dalam: Mohammad Hashim Kamali, *Shariʿah Law: An Introduction*, Oxford: Oneworld, 2008, h. 121–130;

A. Qodri Azizy, *Hukum Islam: Relevansi dalam Kebutuhan Modernisasi*, Jakarta: Kencana, 2005.

justice, and moderation. In this way, al-Suyuti's epistemology becomes not only historically significant but visionary in designing Islamic family law that is responsive to social change.

Within the framework of contemporary Islamic legal theory, al-Suyuti's epistemology may be viewed as a bridge between tradition and modernity. While Fazlur Rahman emphasizes the double movement reciprocal engagement between text and context and Jasser Auda proposes a systems-based *maqāṣid* approach, al-Suyuti implemented similar principles long before these theories were developed.[25] He did not treat textual sources as final constructs but as reservoirs of values that must be reinterpreted through *ijtihād* in accordance with societal needs. Unlike modern theorists, however, al-Suyuti did not build an abstract theory; he applied these principles directly to concrete issues such as divorce, maintenance, and gender relations. This provides a strong methodological foundation for reforming family law, particularly regarding contemporary issues such as gender equality, child protection, and evolving family structures.

In today's shifting social landscape from changing gender roles and increasingly dynamic family structures to new ethical challenges such as reproductive technologies and intercultural marriage this epistemological approach becomes profoundly relevant. Al-Suyuti's integration of analogical reasoning, welfare-based reasoning, and *maqāṣid*-based interpretation provides a framework for legal renewal without severing the law from its revelatory roots.

This recontextualization becomes urgent when observing the practice of Islamic family law in Indonesia, which is still heavily positivistic and textual, especially in the KHI. Many of its articles are formulated with codificatory rigor yet leave limited room for interpreting *maqāṣid* values such as ʿadl (justice), *raḥmah* (compassion), and *maṣlaḥah* (public good). Al-Suyuti's epistemology emphasizing *tawassuṭ* (moderation) and *taysīr* (facilitation) offers a methodological alternative by positioning family law not merely as a formal system but as a social ethic guiding communal life.

In this framework, reform in Islamic family law does not signify secularization but *tajdīd* the renewal of legal meaning so that it remains alive and grounded. Al-Suyuti asserts that *ijtihād* must consider the transformation of times and circumstances (*taghayyur al-azminah wa al-amkinah*) as part of the Sharīʿa's dynamic nature. This principle opens the door for integrating Islamic law with contemporary values such as human rights, gender equity, and the protection of women and children, without abandoning Islamic authenticity.

The application of this epistemology is evident, for example, in the reinterpretation of *qiwāmah* (husbandly leadership). While classical texts often frame *qiwāmah* hierarchically, a *maqāṣid*-oriented reading aligned with al-Suyuti interprets it as ethical and moral responsibility rather than

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[25] Fazlur Rahman, *Islam and Modernity*, Chicago: University of Chicago Press, 1982, h. 7–10; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, London: IIIT, 2008, h. 55–63.

structural domination. Thus, marital relations become partnerships *spiritual companionship* (*shirkah rūḥiyyah*) centered on justice and compassion rather than power.

Similarly, in matters of divorce, al-Suyuti teaches a balance between rights and responsibilities. Divorce is not simply a formal male prerogative; it must be situated within the ethical goals of the Sharīʿa: preserving lineage (*ḥifẓ al-nasl*), protecting women's dignity (*ḥifẓ al-ʿird*), and preventing social harm (*dafʿ al-mafsadah*). This aligns with legal reforms in many Muslim countries emphasizing mediation, child protection, and gender justice in marriage and divorce procedures.

Beyond legal rulings, al-Suyuti's epistemology holds methodological implications for contemporary Muslim judges and legislators. For him, *ijtihād* does not end with classical scholars. Anyone equipped with the proper tools and a grasp of *maqāṣid* may engage in legal reasoning to address contemporary challenges. This reinforces the modern concept of collective *ijtihād* (*ijtihād jamāʿī*), now foundational to fatwa councils and Islamic legal institutions globally.

From this perspective, al-Suyuti's legal epistemology offers a paradigm that is remarkably modern even before the term modernity emerged. He understood the text not as a prison but as a window into the universal values of the Sharīʿa. For him, justice is not merely the result of logical deduction but the fruit of humane understanding (*taṣawwur insānī*) grounded in revelation. This makes his approach deeply relevant to a world seeking harmony between tradition and progress, between faith and humanity.

Discussion

Integrating Moderation, Justice, and Social Adaptability in the Reform of Islamic Family Law

The classical legal epistemology articulated by al-Suyuti in *Sabil al-Muhtadin* occupies a unique position within the broader tradition of Islamic *fiqh*. It is not merely a representation of conservative classical texts but contains seeds of visionary epistemological reform. In the context of contemporary Islamic family law, al-Suyuti's thought serves as a meeting point between fidelity to the Sharīʿa and openness to social transformation. Its relevance lies in the epistemological capacity to absorb the developments of the age without negating the tradition from which it emerges.

Al-Suyuti's epistemological approach reflects a strong commitment to moderation, particularly in its ability to position scriptural texts in conversation with social experience. This moderation is not a simple arithmetic midpoint but a methodological balance between adherence

to *nass* and attentiveness to human realities.[26] Herein lies a major distinction between al-Suyuti and textualist groups that confine Islamic law to literal readings without considering its moral objectives. Conversely, he also differs from liberal approaches that interpret texts without clear methodological grounding. Through the integration of *maqaṣid* and *ʿurf* in his legal reasoning, al-Suyuti demonstrates a grounded form of epistemological moderation that preserves the authority of revelation while maintaining sensitivity to evolving social contexts.

This moderation also diverges in important ways from the concept of *wasatiyyah* articulated by contemporary scholars such as Yusuf al-Qaradawi and Abdullah bin Bayyah. While both emphasize moderation as a religious-social stance against extremism and uphold universal Sharīʿa values, al-Suyuti implemented these principles centuries earlier but with a distinctly *fiqh*-oriented focus preserving balance between textual authority and human needs in daily life.[27] His conception of moderation is therefore not only theological but operational, making it highly relevant for modern reforms in family law.

Moreover, al-Suyuti's emphasis on substantive justice and social welfare aligns him with contemporary social *fiqh* frameworks, even though he did not articulate his ideas in modern terminology. His approach echoes the thought of K.H. Ali Yafie, who viewed *fiqh* as an instrument for shaping a just and balanced social order.[28] Yet al-Suyuti's classical foundation is more robust, built on the integration of *maqaṣid*, *ʿurf*, and *nass*. This distinction shows that al-Suyuti is not only relevant within classical scholarship but also serves as a potential epistemic reference for contemporary social *fiqh* movements that seek a balance between religious normativity and societal demands.

Al-Suyuti's attention to moral values and social reality also resonates with modern progressive legal theories, particularly the work of Satjipto Rahardjo, who envisioned law as a tool for humanizing society.[29] Although rooted in different traditions, both reject rigid legal systems that fail to respond to social change. This cross-traditional convergence illustrates the elasticity of al-Suyuti's thought: he combines fidelity to the text with a liberative social orientation a crucial paradigm for reconstructing Islamic family law in the digital and globalized era.

In al-Suyuti's paradigm, Islamic law does not stand as a textual tower isolated from human reality. He rejects the dichotomy between the sacred and the profane, between revelation and human experience. Thus, the Islamic law he envisions is not one that stops at formal obligations

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[26] Lihat pembahasan tentang wasathiyah dalam: Yusuf al-Qaradawi, *Fiqh al-Wasathiyah*, Doha: al-Jazeera Press, 2009, h. 25–33;
Abdullah bin Bayyah, *Sana'at al-Fatwā*, Abu Dhabi: Markaz al-Muwātan, 2015, h. 51–57.
[27] Yusuf al-Qaradawi, *Fiqh al-Wasathiyyah*, h. 30–31; Abdullah bin Bayyah, *Sana'at al-Fatwā*, h. 52.
[28] Ali Yafie, *Fikih Sosial: Dari Tradisi ke Transformasi*, Jakarta: Mizan, 1994, h. 17–25.
[29] Satjipto Rahardjo, *Hukum Progresif*, Yogyakarta: Genta Publishing, 2009, h. 45–50.

but one that becomes a *path* (*sabil*) toward goodness and welfare (*al-muhtadin*). This is the foundation of religious moderation in law: balancing normative obedience with social responsibility.

Such an epistemological approach is profoundly relevant to Indonesia's discourse on religious moderation, particularly in family law. While some groups demand literal application of Islamic texts without considering context, others dismiss Islamic law as incompatible with modernity. Al-Suyuti offers a middle path: fidelity to the Sharīʿa does not require rejecting social change; rather, true fidelity necessitates innovation. An Islamic family law rooted in *maqāṣid* will remain living and relevant because it continually seeks welfare that evolves with societal needs.[30]

Religious moderation in family law can be grounded in substantive justice (*al-ʿadl al-maʿnawi*). In classical *fiqh*, justice often implies equal distribution, but al-Suyuti expands it to proportional justice. He does not deny gendered role distinctions, yet he insists that each role be measured by responsibility and balanced welfare. This insight offers a strong legal basis for addressing gender equality issues in Indonesia, such as maintenance distribution, child custody, and recognition of women's domestic labor. Through this approach, Islamic family law protects not only the structure of the family but also the dignity of its members.

Al-Suyuti's epistemology is equally relevant for addressing challenges of social adaptation and legal digitalization. Rapid developments such as digital marriages, online prenuptial agreements, and virtual dispute resolution demand a flexible legal paradigm that retains Sharīʿa legitimacy. Textual literalism struggles to adapt, whereas unbounded liberalism risks relativism. Al-Suyuti provides a middle ground: every innovation must be evaluated through *maqāṣid*, assessing whether it brings benefit, prevents harm, and upholds the five essential objectives of the Sharīʿa (preservation of religion, life, intellect, lineage, and property).[31]

From a socio-legal perspective, applying al-Suyuti's epistemology can strengthen the integration of Islamic law within the national legal system.[32] Although Indonesian family law is regulated by the Marriage Law and the KHI, it still faces challenges of harmonizing positive legal principles with *maqāṣid*-based values. With al-Suyuti's epistemology, reform does not require altering statutes, but reinterpreting their underlying principles. For instance, the legal objective of establishing a *sakinah* family can be understood as a *maqāṣid*-oriented commitment to preserving

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[30] Ğāsir ʿAuda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, ed. Ğāsir ʿAuda (London: The International Inst. of Islamic Thought, 2008).
[31] "Sabil Al-Muhtadin Juzuk 2," n.d.

lineage (*ḥifẓ al-nasl*) and dignity (*ḥifẓ al-ʿird*), not merely an administrative norm. This interpretive shift moves Islamic family law from positivism toward a living, value-driven legal system.

From the standpoint of Islamic legal epistemology, al-Suyuti's approach restores the equilibrium between revelation, reason, and social reality. In modern family law, many fatwas and decisions emerge from purely normative readings that overlook psychological, social, and economic conditions. Consequently, law becomes cold and loses its ethical core. Al-Suyuti's paradigm mandates that every legal ruling be tested through actual justice and welfare, not merely textual compliance. Law thus becomes not simply a "product of books" but a continuous "process of life." [33]

Furthermore, this epistemology is not only valuable within Islamic law but also contributes to building a national legal civilization that is moderate and inclusive. In Indonesia's pluralistic legal landscape where religious, customary, and state laws coexist al-Suyuti's epistemology offers a resilient dialogical model capable of engaging reality without losing identity. Rather than drawing strict boundaries between Islamic law and state law, it positions Islamic law as a source of moral and ethical values for the national legal system. In this way, Islamic family law becomes not an exclusive domain but a vital part of the broader pursuit of social justice in Indonesia. [34]

Conclusion

The epistemology of Islamic family law developed by Jalaluddin al-Suyuti in *Sabil al-Muhtadin* affirms that Islamic law is not a static system but a living body of knowledge that continually interacts with social dynamics. Through an approach that integrates *nass*, *ʿaql*, and social reality, al-Suyuti presents an integrative and contextual model of legal reasoning. He rejects the dichotomy between revelation and reason, or between text and context, emphasizing that Islamic law is fundamentally meant to preserve human harmony rather than restrict it.

From this epistemological framework, it is evident that al-Suyuti offers a model of legal reasoning situated between strict classical tradition and loosely structured liberal approaches. He upholds the authority of *nass* as the primary source while simultaneously granting space for reason and social change to contribute to legal formation. This distinguishes him from conservative *fiqh* paradigms that resist change and from extreme modernist approaches that risk diluting the methodological boundaries of the Sharīʿa. Thus, al-Suyuti's epistemology establishes a foundation for Islamic family law that remains rooted in tradition without being confined by it.

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[33] Hendri Hermawan Adinugraha, Syauqie Muhammad Marier, and Rizky Andrean, "An Islamic Legal Review of Smart Contract Regulation in Digital Economic Transactions: A Comparative Study between Indonesia and China," Articles, *Journal of Islamic Law on Digital Economy and Business* 1, no. 1 (August 2025): 1–17, https://doi.org/10.20885/JILDEB.vol1.iss1.art1.

[34] Abnan Pancasilawati, *EPISTEMOLOGI FIQH SABILAL MUHTADIN*, n.d.

Al-Suyuti's contribution to the reform of family law becomes particularly visible when his *maqāṣid*-based framework and socio-legal considerations are contextualized within contemporary issues such as gender equality, domestic violence, and child protection. The principles he emphasizes compassion (*raḥmah*), proportional justice, and recognition of sound custom offer methodological grounding for adapting Islamic law to present-day challenges. His epistemology therefore serves not only as an intellectual legacy but also as an analytical tool capable of enriching the development of Indonesian family law within a paradigm of religious moderation.

In the context of Islamic family law, al-Suyuti's thought provides an alternative paradigm highly relevant for contemporary legal reform. He calls Muslims back to the *maqāṣid al-sharīʿah* the higher purposes of the Sharīʿa oriented toward welfare, justice, and balance. These principles guide family law not only to safeguard the formal structure of the household but also to ensure the rights and well-being of all its members, particularly women and children. Thus, Islamic family law becomes an ethical instrument for upholding social justice rather than a merely legalistic framework.

The reform of family law grounded in al-Suyuti's epistemology illustrates that recontextualizing the classical tradition need not be confrontational. Tradition can serve as a source of inspiration when read with appropriate historical and methodological awareness. By integrating *nass*, rationality, and social context, al-Suyuti demonstrates how *fiqh* can remain relevant without losing its authenticity. Such a framework is essential for constructing Islamic family law oriented toward public welfare, responsive to societal dynamics, and aligned with universal human values.

Al-Suyuti's epistemology also opens a pathway for adapting Islamic law to the challenges of modernity. In the digital and globalized era, family law must grapple with emerging issues such as cross-cultural marriage, transnational child guardianship, and the digital rights of spouses. His *maqāṣid*-based *ijtihād* provides a methodological foundation for addressing these issues with creativity and contextual sensitivity. A legal framework grounded in *raḥmah* and *ʿadl* is more likely to be accepted by pluralistic and rational modern societies.

More importantly, al-Suyuti's thought makes a significant contribution to strengthening religious moderation. He offers a *wasatiyyah*-oriented *fiqh* neither extreme in textual rigidity nor loose in liberal interpretation. This approach is particularly relevant in Indonesia's diverse context, where Islamic law must serve as a moral force that embraces pluralism and maintains balance between religious authority and universal human values. Within this paradigm, Islamic family law becomes not only a symbol of normative piety but also an instrument for building a just, peaceful, and civilized society.

Thus, the recontextualization of al-Suyuti's legal epistemology is not merely an academic attempt to revitalize the classical tradition but an epistemological endeavor to develop Islamic law that is responsive to its time. Through a critical reading of *Sabil al-Muhtadin*, Muslims can rediscover the universal values of Islamic law justice, welfare, and humanity which form the foundation of socially just modern legal systems. Accordingly, the reform of Islamic family law is not a deviation from the classical heritage but a creative continuation of the Islamic intellectual spirit that consistently places human welfare at the heart of the Sharīʿa.

Bibliography

Adinugraha, Hendri Hermawan, Syauqie Muhammad Marier, and Rizky Andrean. "An Islamic Legal Review of Smart Contract Regulation in Digital Economic Transactions: A Comparative Study between Indonesia and China." Articles. *Journal of Islamic Law on Digital Economy and Business* 1, no. 1 (August 2025): 1–17. https://doi.org/10.20885/JILDEB.vol1.iss1.art1.

Alamudi, Ichwan Ahnaz, Mieke Aprilia Utami, and Sri Ridma Ramadhani. *Studi Qawaid Fiqhiyyah: Aspek Ibadat dan Muamalat dalam Kaidah La Dharara Wa La Dhirar.* 4 (2024).

Alawiyah, Nur Suci, Mhd Amar Adly, and Heri Firmansyah. "Kaidah التيسير تجلب المشقه Dan Penerapannya Dalam Hukum Keluarga." *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 4 (2024): 94–107.

Al-Banjari, M. A. B. A. *Sabilal Muhtadin.* Pustaka Nasional Pte Ltd, 2013. https://books.google.co.id/books?id=aZQwEAAAQBAJ.

Bahri, Syamsul, Makmur Syarif, and Eficandra Eficandra. "AKTUALISASI KAIDAH AL-UMURU BI MAQASHIDIHA DALAM PENCATATAN PERKAWINAN DI INDONESIA." *El-Hekam* 7, no. 2 (2022): 241–51.

Inayati, Anindya Aryu, and Agung Barok Pratama. "Epistemology in Islam: The Integration of Science and Religion According to Kuntowijoyo and Its Correlation with the National Law Establishment." Articles. *Tasfiyah: Jurnal Pemikiran Islam* 6, no. 1 (February 2022): 65–82. https://doi.org/10.21111/tasfiyah.v6i1.7280.

Ismail, Nur Inani, and Wan Norhaniza Wan Hasan. "Analisis Epistemologi Islam Dalam Fiqh Keutamaan: Islamic Epistemological Analysis in Fiqh of Priority." *The Sultan Alauddin Sulaiman Shah Journal (JSASS)* 6, no. 1 (June 2019): 16–29. https://jsass.uis.edu.my/index.php/jsass/article/view/72.

———. "Analisis Epistemologi Islam Dalam Fiqh Keutamaan: Islamic Epistemological Analysis in Fiqh of Priority." *The Sultan Alauddin Sulaiman Shah Journal (JSASS)* 6, no. 1 (June 2019): 16–29. https://jsass.uis.edu.my/index.php/jsass/article/view/72.

Mahmud, Hamdan, and Mohd Hatta Hani. *UNVEILING THE FIQH TREASURES: KITAB SABILAL MUHTADIN BY SHEIKH MUHAMMAD ARSYAD AL-BANJARI.* n.d.

———. *UNVEILING THE FIQH TREASURES: KITAB SABILAL MUHTADIN BY SHEIKH MUHAMMAD ARSYAD AL-BANJARI.* n.d.

Pancasilawati, Abnan. *EPISTEMOLOGI FIQH SABILAL MUHTADIN.* n.d.

Rahayu, Sri Ulfa. "KITAB SABILAL MUHTADIN KARYA SYAIKH MUHAMMAD ARSYAD ALBANJARI." *SHAHIH (Jurnal Kewahyuan Islam)* 5, no. 2 (November 2022): 62. https://doi.org/10.51900/shh.v5i2.14685.

"Selayang Pandang Sejarah Penyusunan Kompilasi Hukum Islam Di Indonesia." Articles. *Ajudikasi : Jurnal Ilmu Hukum* 1, no. 2 (04 2018). https://doi.org/10.30656/ajudikasi.v1i2.496.

Syaifullah, A. "MODERASI ISLAM DALAM KITAB SABILAL MUHTADIN: KEARIFAN LOKAL TANAH BANJAR." Articles. *Muảṣarah: Jurnal Kajian Islam Kontemporer* 2, no. 1 (July 2020): 31–44. https://doi.org/10.18592/msr.v2i1.3676.

Tanuri, Tanuri. "EPISTEMOLOGI HUKUM ISLAM PERSPEKTIF KEBUDAYAAN DOMINAN DI INDONESIA." Articles. *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 13, no. 01 (May 2025): 23–42. https://doi.org/10.30868/am.v13i01.8249.

ʿAuda, Ğāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Ğāsir ʿAuda. London: The International Inst. of Islamic Thought, 2008.