

AL-GHAZALI'S THEORY OF ISLAMIC LAW AND ITS RELEVANCE IN THE DEVELOPMENT OF USUL FIQHEmbrizal¹, and Sofia Ridha²¹ Sjech M. Djamil Djambek State Islamic University Bukittinggi, Bukittinggi, Indonesia² Sjech M. Djamil Djambek State Islamic University Bukittinggi, Bukittinggi, Indonesia**Corresponding Author:**

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Abstract

This article examines in depth Imam Al-Ghazali's Islamic legal theory as one of the main foundations in the development of classical ushul fiqh methodology and its relevance to the dynamics and challenges of contemporary Islamic law. This study focuses on the epistemological construction of Al-Ghazali's thought, the ijihad method he formulated, and the orientation of maqāṣid al-syarī'ah which is the hallmark of his legal approach. Al-Ghazali lived in a period marked by intellectual tension, conflict between schools of thought, and a moral crisis among the people, so that his thinking was not only normative, but also responsive to the social and religious realities he faced. This research uses a qualitative method with a library research approach, by critically examining Al-Ghazali's main works, especially al-Mustashfa min 'Ilm al-Usul, which is positioned as a magnum opus in the field of ushul fiqh, as well as other supporting works such as al-Mankhul and Ihya' 'Ulum al-Din. Furthermore, this research utilizes relevant, cutting-edge academic literature to strengthen the analysis and conceptual dialogue with contemporary thought. The results of the study indicate that Al-Ghazali successfully established a methodological synthesis between revealed texts (naṣṣ) and rationality ('aql) through the bayānī, qiyāsī, and istiṣlāhī approaches, which positioned benefit as a crucial principle in establishing law. This synthesis not only addressed the intellectual problems of his time but also offered an adaptive, moderate, and contextual theoretical framework for the development and renewal of Islamic law in the modern era.

Keywords: Al-Ghazali, Ijtihad, Islamic Legal Theory, Maqashid Al-Syari'ah, Ushul Fiqh



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INTRODUCTION

Imam Abu Hamid Al-Ghazali was one of the most influential Islamic intellectuals throughout history, particularly in the development of Islamic jurisprudence (fiqh), ushul fiqh (Islamic principles), theology, Sufism, and philosophy. He was born in Persia in the 11th century CE, during a period that marked the peak of cultural and religious interaction between the Persian and Arab Islamic worlds, where science flourished while simultaneously facing complex socio-political challenges. The dynamic and religious social environment of the time not only encouraged scholarly productivity but also created tensions between different religious sects, such as the Ahlus Sunnah, Mu'tazilah, and Ash'ariyah. This situation demonstrated intense competition between scholars from both the external and internal perspectives, leading to the need to find common ground between formal legal practice and the spiritual moral dimension of Muslim life. This context shaped Al-Ghazali's intellectual journey, transforming him into more than just a scholar of Islamic jurisprudence, but also a thinker who sought to unite texts with reason and the welfare of the community within the structure of Islamic law.

Al-Ghazali's life itself took place during a period of decline in the political power of the Abbasid Dynasty, while the Seljuk Dynasty assumed the position of actual ruler, significantly impacting the power structure and religious education of the time. These socio-political conditions gave rise to ideological and intellectual conflicts that influenced the thinking of various scholars, including Al-Ghazali, who emphasized the reconciliation between formal law and the moral context of Islamic law. In many of his works, particularly *Ihya' Ulum al-Din* and *al-Mustasfa min 'Ilm al-Usul*, he developed an approach to Islamic legal thought that integrates semantic, contextual, and textual aspects, thus opening up space for mujtahids to carry out *ijtihad* that is adaptive and relevant to the social context of the community. Furthermore, Al-Ghazali's legal thought did not stop at a rigid legal position, but instead placed *maqāsid al-syarī'ah* (objectives of sharia) and *maslahah* (benefit) as fundamental elements connecting sharia norms with moral and social goals, thus providing a theoretical basis for Islamic legal reform in response to the challenges of the times.

The socio-religious situation experienced by Al-Ghazali is important to understand because it influenced his thinking and theoretical constructions within the realm of Islamic law. The issues faced by Muslims at that time—ranging from methodological debates in establishing law to political and theological conflicts—were the driving force behind Al-Ghazali's assertion that Islamic law must address moral and social needs, not simply uphold texts. Therefore, research into Imam Al-Ghazali's biography, the socio-political and religious conditions of his time, and the Islamic legal theories he developed is crucial to providing a comprehensive picture of the relevance of his thought in historical and contemporary contexts.

This research is formulated through the following main questions: first, what is a brief biography of Imam Al-Ghazali as a major Islamic intellectual figure; second, what were the socio-political and religious conditions surrounding Imam Al-Ghazali's life; and third, how did Al-Ghazali's concepts and theories of Islamic law respond to the dynamics of thought in his time. Based on the formulation of the problem, the purpose of this paper is to describe the life and intellectual journey of Imam Al-Ghazali historically, explaining in detail the social, political, and scientific situations of his lifetime that influenced his thinking and contributions, and analyzing the Islamic legal theory he developed in his works so that readers can understand

his intellectual legacy comprehensively and contextually. Previous literature reviews indicate that academic attention to Al-Ghazali's thought has been growing, especially in the last five years. Soimah (2021) shows that Al-Ghazali's Islamic legal methodology consists of semantic, contextual, and textual approaches that provide opportunities for mujtahids to explore law according to the social context without abandoning the principles of Islamic law, thus opening up interpretative space in modern Islamic legal *ijtihad*. Research by Majid (2025) emphasizes the importance of *maqāṣid al-syarī'ah* in Al-Ghazali's framework for legal reform, especially in the context of family law in Indonesia, which shows the direction of Islamic law reform based on the objectives of the sharia, including in terms of gender justice and children's rights.

Furthermore, the study of Rosidi, al-Akiti, and Varyda (2025) highlights Al-Ghazali's contribution in forming the concept of religious moderation, where he integrates legal observation and spiritual ethics, thus presenting a moderate approach that is relevant in the context of current social pluralism. In addition, Nor Salam's research (2025) reviews the characteristics of marital legal thought in *Ihya' Ulum al-Din* which shows the normative and ethical dimensions in determining family law according to Al-Ghazali, especially in an effort to provide moral guidance for the community. Publication Journal Meanwhile, a broader article on Islamic law and *maṣlahah* in Indonesia by Saiful Badri (2025) shows how Al-Ghazali's concept of *maṣlahah* can be applied to the context of Islamic jurisprudence in Indonesia, thus bridging classical theory and contemporary practice of Islamic law.

Thus, this research is expected to contribute to the study of Islamic law and classical Islamic thought holistically, with a strong historical context and a review of relevant contemporary literature. This comprehensive approach aims not only to enrich the academic repertoire but also to provide a theoretical foundation for the interaction between classical intellectual traditions and the demands of contemporary Islamic law in various aspects of contemporary Muslim life.

RESEARCH METHOD

This study employs a qualitative approach with library research, aiming to deeply examine the ideas, concepts, and constructions of Imam Al-Ghazali's thought in the field of Islamic law. The qualitative approach was chosen because the objects of study are classical texts and discourses that require interpretation, understanding of meaning, and conceptual analysis, rather than statistical measurement. Through this approach, the research aims to systematically, coherently, and contextually uncover the structure of Al-Ghazali's thought, particularly in responding to the intellectual and socio-religious dynamics of his time.

The primary data sources in this study come from authentic works by Imam Al-Ghazali, which possess high scholarly authority and direct relevance to the study of *ushul fiqh* and Islamic law. The primary work used as a reference is *al-Mustashfa min 'Ilm al-Usul*, widely recognized as Al-Ghazali's magnum opus in the field of *ushul fiqh*. This book is analyzed in depth because it contains a methodological framework, the principles of *ijtihad*, the concept of *maslahat* (benefit), and Al-Ghazali's understanding of the relationship between texts, reason, and the objectives of sharia. Furthermore, other works such as *al-Mankhul*, *Syifa' al-Ghalil*, and *Ihya' 'Ulum al-Din* are also used as supporting primary sources to complement and enrich the understanding of Al-Ghazali's thought, particularly regarding the ethics, spirituality, and moral dimensions of Islamic law.

Secondary data is obtained from various relevant scientific literature, including academic books, articles from nationally and internationally accredited scientific journals, and the results of recent research discussing Al-Ghazali's thought, Islamic legal theory, *ushul fiqh* (Islamic jurisprudence), and *maqāṣid al-shari'ah* (the principles of Islamic jurisprudence). This secondary literature serves to strengthen the analysis, provide a critical perspective, and help map the development of Al-Ghazali's studies in contemporary academic discourse. Thus, this

research is not only descriptive-historical in nature, but also dialogical with the thoughts of modern scholars.

The data analysis technique in this study was conducted through several interrelated stages: descriptive, analytical, and interpretive methods. The descriptive method was used to systematically and structuredly explain key concepts in Al-Ghazali's Islamic legal thought. Next, the analytical method was applied to examine Al-Ghazali's methodological argumentation, including his reasoning patterns, epistemological foundations, and the logical consistency of his thinking. Meanwhile, an interpretive approach was used to interpret Al-Ghazali's texts, taking into account the linguistic context, the purpose of his writing, and the implicit meanings contained therein.

Furthermore, this research also employed a historical-contextual approach to place Al-Ghazali's thought within the social, political, and scientific context of his time, while assessing its relevance to the development of contemporary Islamic law. This approach allows researchers to understand Al-Ghazali's thought not as ahistorical ideas, but as an intellectual response to social realities and ideological conflicts in medieval Islam. With this combination of methods, this research is expected to be able to produce a comprehensive, objective, and contextual analysis of Imam Al-Ghazali's Islamic legal theory and his contribution to the development of Islamic legal thought to the present day.

RESULTS AND DISCUSSION

Biography and Intellectual Journey of Imam Al-Ghazali

His full name is Abu Hamid Muhammad ibn Muhammad al-Tusi al-Ghazali, a renowned Islamic thinker throughout Islamic history, theologian, philosopher, and Sufi. Al-Ghazali was born in the village of Gazala (Gazaleh), near Tusi, Northern Iran, in 450 AH/1058 CE and died there in 505 AH/1111 CE. He came from a religious family and led a simple life. His father, Muhammad (d. 1069 CE), was a scholar who actively preached Islam and educated his children at home.

After his father's death, he and his children were educated by a great Sufi scholar, Ahmad ibn Muhammad al-Razikani al-Tusi, a Sufi and prophet from Tusi, who had been entrusted with their care.

Then he continued his education to Nisyapur and then to Khurasan, which at that time was one of the important centers of knowledge in the Islamic world. In the city of Nisyapur and studied with Imam Haramain Al Juwaini with great sincerity. So that he succeeded in mastering the Syafi'i school of jurisprudence and khilaf jurisprudence very well, the science of debate, ushul, manthiq, wisdom and philosophy.

After Imam Haramain died, Imam Ghazali went to the camp of Wazir Nidzamul Malik to Baghdad. Then Nidzamul Malik was famous as a gathering place for scientists, because of his intelligence, Nidzamul Malik appointed him as a teacher at his madrasa in Baghdad and ordered him to move there. So in 484 H he went to Baghdad and taught at Madrasah An Nidzamiyah when he was in his thirties. This is where he developed and became famous and respected.

Imam Al-Ghazali's teachers, besides Imam al-Juwaini, were: Abu al-Qasim al-Ismaili, Isma'il ibn Mas'adah ibn Isma'il (407-477 AH); Abu 'Ali al-Fadal ibn Muhammad ibn Ali al-Faramazi (407-477 AH); Abu al-Fath Nasr ibn Ibrahim ibn Nasr al-Nabilisi al-Muqaddasi, an expert in hadith and fiqh of the Shafi'i school (410 AH-490 AH); Abu al-Fityan al-Ru'asi, Umar ibn 'Abd al-Karim ibn Sa'dawaih al-Dahsatani, an expert in hadith (428 AH-503 AH).

However, the one considered to have contributed most to developing Al-Ghazali into an expert in fiqh and the principles of fiqh is Imam Haramain. At the end of his teacher's life, Al-Ghazali began to show his existence as a great scholar who was admired by many circles, and began to teach and write a lot.

Imam al-Ghazali's love of knowledge earned him recognition as a philosopher, mantiqi, mutakallim, Sufi, faqih, and ushuli. In the field of kalam (theology), he was a prominent figure in the Ash'ariyah mutakallimin (theoreticians), while in the field of Islamic law (fiqh and ushul fiqh), he was a prominent figure in the Shafi'i school. As an ushuli of the Shafi'i school, he lived in Damascus. Many attended al-Ghazali's assemblies, who at that time taught at the Khaniqah of Sheikh Nashr Al-Maqdisi, which eventually became known as the Al-Ghazaliyah Madrasah. Al-Ghazali's islah movement would later give rise to the profile of rabhani scholars who played a significant role in the liberation of Bait Al-Maqdis. Imam Al-Ghazali's students who played an important role in the scientific movement and jihad against the Crusaders included Marwan bin Ali Ath-Thanzi, who was once a vizier in Mosul, and Jamal Al-Islam Abu Hasan Ali As-Sulami, who was influential in the Syam region. Both of them then gave birth to a generation of great scholars such as Al-Hafidz Ibnu Asakir, the main advisor to Imaduddin Zanki, Nuruddin Zanki, and Saladin Al-Ayyubi, as well as the author of the monumental work *Tarikh Dimasyq*. Apart from that, there are also Al-Hafidz As-Silafi, Saladin's hadith teacher; Najmuddin Al-Khubusyani who played a role in ending the Fatimid Dynasty; Ibnu Syaddad as military qadhi and writer of the book of jihad for Saladin; and Quthbuddin An-Naisaburi, author of the book of faith for the Ayyubid family and manager of a madrasa established by the authorities to support the development of science. These scholars are strong evidence that Al-Ghazali's scholarly legacy was preserved and developed through his students, who not only excelled in scholarship but were also active in the struggle to uphold the welfare of the people.

Thus, it is not surprising that Imam Al-Ghazali held a special place in Saladin's heart, endowing land for the Al-Ghazaliyah madrasah in Damascus, where he once taught. From this, Imam Al-Ghazali's students played a significant role in the jihad movement, both during the reigns of Imam Al-Din Zanki, Nur al-Din Zanki, and Saladin. They certainly influenced the character formation of these jihad leaders. As a result, although Imam Al-Ghazali did not directly witness the results of his reform movement, it continued and flourished under his students, and the emergence of a generation of liberators of Al-Quds was one of its results.

The political and religious climate during Imam Al-Ghazali's lifetime was in decline. The Abbasid Caliphate in Baghdad was merely a symbol, the real power lay with the rulers in the regions, they held the title of sultan or amir. Power struggles among the rulers were commonplace, even Nizamul Muluk himself died because of this issue in 1092/485 H. When he lived in Naisabur, his uncle, a Ulama named Tutusy, was killed by Sultan Barmuk by beheading him in 1106 AD. After traveling here and there, Imam Ghazali finally chose to return to Thus, and some time later, he died in his hometown in 505 H/1111 AD. During Imam Ghazali's time, Muslims were in a bad condition, fanaticism of schools of thought, and the rigidity of Islamic thought worsened the situation. And in conditions like this, Ghazali was called to improve the situation, and the areas that needed improvement included legal issues. For that, he wrote the book *al-Mustashfa* which is a reflection of Ghazali's legal thought. In this book, it is explained that religious law must be taken from the teachings of revelation, not the product of human reason. This thinking is an anticipatory form of Mu'tazilah thought which states that reason is a source of Islamic law. ¹⁶ This is contrary to Imam Ghazali's thought that revelation only functions as information about reason. Imam Al Ghazali saw the need to think about this problem when there was an increasingly diverse and highly influenced diversity of Muslim thought (Yayan Sopyan, *Tarikh Tasyri'*, 2018: 143).

Al-Ghazali left several specialized scientific works in various disciplines, namely: *Arba'in Fi Ushuluddin*, *Qawa'idul Aqa'id*, *Al Iqtishad Fil I'tiqad*, *Tahafut Al Falasifah*, *Faishal At Tafriqah Binal Wa Zanadiqah*, *Al Mustashfa Min Ilmil Ushul*, *Mahakun Nadzar*, *Mi'yarul Ilmi*, *Ma'ariful Aqliyah*, *Misykatul Anwar*, *Al Maqshad Al Asna Fi Syarhi Asma Allah Al Husna*, *Mizanul Amal*, *Ihya' Ulumuddin*, *Al Wasith*, *Al Wajiz*, *Al Basith* and others.

Among Al-Ghazali's numerous works in the field of Ushul Fiqh, al-Mustasfa is considered one of the main books that became a reference for the books of ushul al-fiqh Shafi'iyyah written in subsequent periods. The three main books of Syafi'iyyah ushul fiqh in question are: Al-Mu'tamad by Abu al-Husain al-Basri al-Mu'tazili (463 AH), Al-Burhan fi Ushul al-Fiqh by Abu al-Ma'ali Abd Allah al-Juwayni al-Naisaburi Imam al Haramain (478 AH) and Al-Mustasfa, by Al-Gazali (505 AH)

After Imam Al Ghazali left the Nizhamiyah Madrasah, Imam Al Ghazali visited Sham, Hujaz and Egypt and then returned to Naisabur. After that, he returned to Thus until he breathed his last breath on 14 Jumadil Akhir 505 H. Imam Al Ghazali left the mortal world, but it was as if he was saying words like those once spoken by Francis Bacon, the English philosopher (W. Th 1626 AD). "I present my spirit to God's day. Even though my body is buried in the ground, I will rise with my name in future generations and all mankind."

Socio-Political and Religious Setting

Al-Ghazali lived approximately five centuries after the Prophet Muhammad was proclaimed as a messenger of God. He was neither Arab nor of Arab descent, but rather of Persian descent. Al-Ghazali lived in the 11th century CE, a time after the Persian nation had undergone significant change. It is known that some native Persians began converting to Islam in the mid-7th century, abandoning their traditional religions of Zoroastrianism and Manicheanism. This culminated in a massive influx of Persians in the 9th century. Therefore, when Al-Ghazali was born, Persia was already heavily influenced by Islam, given that he was born three centuries after almost the entire population of his country had embraced Islam.

During this period, as Islamic teachings were widely embraced by the Persian population, Arab culture also came into closer contact with them. The intersection of two cultures, Arab and Persian, naturally created a unique and rich cultural context. Al-Ghazali lived during a time of increasing interest in studying Arabic and, in particular, the teachings of the Prophet Muhammad. At that time, the Persian people began to set aside the teachings and laws of Cyrus the Great. However, Persian culture was not completely replaced by Arab culture, although Islamic values were brought to Persia by the Arabs along with their own culture.

Judging from the history of the development of Islam, Al-Ghazali can be considered to have lived during the classical period (650-1250). However, considering the year of his birth, Al-Ghazali's life also approached the era of disintegration (1000-1250). During this period, the political power and authority of Islam, held by the Abbasid Caliphate, had declined and even weakened. This was due to numerous internal conflicts within the Abbasid government, coupled with several external clashes.

Al-Ghazali lived under the rule of the Seljuk Dynasty. He was born three years after Baghdad came under the rule of the Seljuk Dynasty in 1055. The Seljuk Dynasty itself was founded by Tughril Beg (d. 1063), and its power encompassed the regions of Khurasan, Rayy, Iraq, Persia, and Ahwaz for over 90 years (429-522 AH / 1037-1127 AD).

The Seljuk Dynasty is said to have reached the peak of its glory during the reign of Sultan Alp Arslan (d. 1072) who ruled between 1063-1072 AD and Sultan Malik Shah (d. 1092) who ruled between 1072-1092 AD, with his famous vizier Nizam Al-Mulk (d. 1092) who served between 1063-1092 AD. After that, the Seljuk Dynasty experienced a decline, caused by conflicts over the throne, coupled with disturbances to domestic security stability launched by the Bathiniyah group. It was under these conditions that Al-Ghazali lived. He witnessed both the triumph and decline of Islamic civilization and politics, indirectly shaping his views and personality.

In general, it can be said that Al-Ghazali lived in a political climate that was in decline or experiencing decline. During this period, several regions under the Abbasid Caliphate were controlled by sultans who established them as independent governments or sultanates. The Abbasid dynasty's power at that time was no longer in the hands of its caliphs, remaining only

nominally in the hands of the caliphs, while the Seljuk dynasty was the dominant power at that time. Although the Abbasid dynasty's existence was still recognized, the caliph at that time was little more than a spiritual symbol of Sunni Islamic leadership. Therefore, for the Seljuk dynasty, the Abbasids were not seen as a challenge to their territorial development.

This period was a period of decline for the Abbasid dynasty. This was because the dynasty was beset by two major challenges. First, the emergence of rival governments such as the Fatimids, the Umayyad dynasty in Spain, the Samanids in Khurasan, the Hamidid dynasty in Syria, and the Ghaznavid dynasty in Afghanistan. Second, an ideological war broke out between Shiites and Sunnis.

In fact, during this period, General Arselan (d. 1072) forced the people of Baghdad to convert to Shiism by arresting Al-Qaim Billah and attempting to erase the names of the Abbasid caliphs and replace them with those of the Fatimid caliphs. However, this was short-lived due to Arselan's defeat by the mercenaries of Tughril Beg.

During this period, turmoil occurred in many areas of Abbasid rule. Not only was there a struggle for political office, but ideological contestation was also very strong from the late 4th to early 5th centuries AH. The tug-of-war between Sunnis and Shiites cannot be ignored, and there was also unrest within the Sunnis themselves. Badawi explains that fanaticism within the Islamic school of thought was quite strong at that time, even leading to friction between the Hanbalis and Shafiis.

Furthermore, in the realm of faith, the early 5th century AH was also filled with debate between followers of Ahlus Sunnah, Mu'tazilah, and Ash'ariyah. This was due to their differing perspectives on determining the basis for establishing evidence (hujjah). For Ahlus Sunnah, there are no other sources than the Quran and hadith. According to the Mu'tazilah, reason plays a dominant role in matters of faith. Meanwhile, the Ash'ariyah combined texts and reason as the basis for establishing evidence. This situation also significantly influenced official government policies and the political attitudes of citizens during that period.

Based on this, it is known that during Al-Ghazali's lifetime, disintegration was not only occurring in the political sphere. Muslims were divided into various schools of jurisprudence (fiqh) and schools of kalam (theology), which competed to uphold their claims to truth from the pulpits of preaching. A dichotomy also emerged between the Sufi group, known as the Ulama Batin (Inner Scholars), and the jurists, known as the Ulama Zhahir (Religious Scholars). This battle of ideas dragged the people into a current of conflict, then left a deep mark that helped shape Al-Ghazali's perspective and intellectual journey.

Imam Al-Ghazali's Islamic Legal Theory

Imam Al-Ghazali was not an absolute mujtahid, but he pioneered and developed his own method or path of ijtiḥad. This was achieved after extensively studying existing ushul fiqh (Islamic jurisprudence), thus his ijtiḥad model is exclusive.

The systematization and hierarchy of Imam Al-Ghazali's ijtiḥad method are based on the Qur'an and the Sunnah of the Prophet Muhammad, as practiced by his companions. Imam Al-Ghazali argues that Allah permits ijtiḥad, specifically the commandments of the Qur'an and the Hadith of the Prophet Muhammad (peace be upon him) in establishing law. His reasoning is as stated in Surah An-Nisa', verse 59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ
بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning: O you who believe, obey Allah and obey the Messenger (His), and those in authority among you. Then if you differ in opinion about something, then refer it to Allah (Al Quran) and the Messenger (his sunnah), if you truly believe in Allah and the Last Day. That is more important (for you) and better in outcome.

Based on the above verse, Imam Al Ghazali applies the law in his *ijtihad* method by using the approach of the rules of language. Imam Al Ghazali also wants a method of using the approach method through the values and objectives of the *shari'ah* which are implicit in the majority of the *shari'ah* laws. For someone who only stops at things that are textual and bound by symbolic meaning without paying attention to the meanings, he will be trapped in error in *ijtihad*. Therefore, in *ijtihad*, it is appropriate to pay attention to where the verse is textually and contextually with various approaches.

Al-Ghazali can be evaluated as the figure of *ushuliyyin* of the Shafi'i school who spoke the most and paid attention to the *maslahah* of *mursalah*. Previously, the *Ushuliyyin* Shafi'iyah in the period before Al-Ghazali did not discuss it much. Thus, it is not an exaggeration to say that what Al Ghazali spoke about the benefits of the *mursalah* (especially those found in *al-Mustasfa*) had never been expressed by his predecessors. Al-Ghazali does talk about *maslahah mursalah* in his four works, namely *al-Mankhul*, *Asas al-Qiyas*, *Syifa' al-Galil*, and *al-Mustasfa*. How Al-Ghazali views this *maslahah mursalah*, we can examine critically through his final book *Al-Mustashfa*.

As for Imam Al Ghazali's method of *ijtihad* in establishing *syariah* law, it is the Qur'an, the Prophet's *Sunnah*, *Ijma'* and reasoning (*istishab*). This is in accordance with what Imam Al Ghazali mentioned in his book *al-mustashfa*, as follows:

1. The Qur'an and the Prophet's *Sunnah*

According to Imam Al Ghazali, there is only one source of *Sharia* law, namely the words of God contained in the Qur'an, because the *sabda* (words of the Prophet) in fact also come from the Qur'an, which is the Prophet's *bayan* (explanation) of the Qur'an. While the *Sunnah* of the Prophet comes from the words of God (the Qur'an) as well. As for reason (*aql*) is something that is not mentioned in the manuscripts of *syar'a* law (*Al-Qur'an* and *Sunnah*), which is born as the origin of reasoning according to the rules of thinking, but does not contradict the *Al-Qur'an* and *Sunnah*.

It is already a consensus among scholars that the Qur'an is the source of all fundamental sources of law. In the Qur'an there is an order to establish laws based on the Qur'an, as the word of Allah QS. *Al-Maidah* verse 48:

وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ فَاحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ

Meaning: "And We have sent down to you the Quran with the truth, confirming what was before it, the Scriptures (which were revealed before) and a touchstone for the other Scriptures; so judge their case according to what Allah has revealed."

Imam Al-Ghazali placed the *Sunnah* on a par with the Quran, because the Prophet's *Sunnah* is essentially a confirmation of the Quran, except for the *ahad* hadith, which is not equal in value to the Quran and the *mutawatir* hadith, although the power of the Prophet's *Sunnah* alone is not as strong as the Quran.

In practice, Imam Al-Ghazali adopted the method: if the evidence he was looking for could not be found in the Quran, he used the *mutawatir* hadith. If it could not be found in those hadith, he used the *ahad* hadith. If it could not be found in these three hadiths, Imam Al-Ghazali would seek the opinion of the Companions. If there was consensus among the Companions regarding what he was seeking, then that was the ruling he applied. Even though Imam Al Ghazali argued for the *ahad* hadith, he did not place it on a par with the Qur'an and *mutawattir* hadith, because only the Qur'an and *mutawatir* hadith are *qat'iy al-wurud*.

Imam Al Ghazali in accepting the *Sunnah* hadith, requires the following the narrator is trustworthy, he does not accept hadith from people who are not trusted, the narrator is intelligent, understands what he narrates, the narrator actually heard the hadith himself from the

person who conveyed it to him, and the narrator did not violate the scientific experts who also narrated the hadith.

2. Consent

Imam Al Ghazali emphasized that *ijma'* is proof and he placed it after the Koran and the Sunnah of the Prophet before *al-'aql* and *al-istishab*. Imam Al-Ghazali, like most scholars of Islamic jurisprudence (*usul al-fiqh*), defined *ijma'* as the agreement of the mujtahids from among the followers of Muhammad (peace be upon him) after his death, at a certain time, regarding the ruling on a particular issue.

From this definition, Imam Al-Ghazali concluded that there are two main elements of *ijma'*: the agreement of all mujtahids from among the Muslim community, and this agreement occurred during a period after the death of the Prophet (peace be upon him), concerning all issues within society.

In this regard, *ijma'* is used as a method for resolving legal issues concerning an event. This is supported by several verses of the Qur'an and the Prophet's Hadith. As Allah says in Surah An-Nisa' [4]: 59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning: O you who believe, obey Allah and obey the Messenger (His), and those in authority among you. Then if you differ about something, then refer it to Allah (Al Quran) and the Messenger (his Sunnah), if you truly believe in Allah and the Last Day. That is more important (for you) and better in outcome.

The word "al-amr" in the verse above means a matter, situation, or matter that is general, covering worldly affairs and religious affairs, those related to worldly affairs are kings, heads of state, leaders or rulers, while those related to the affairs of the hereafter or religion are the mujtahids.

If the mujtahids have reached a consensus on the shari'ah law of an event or occurrence, then that consensus should be followed, because it is impossible for them to reach an agreement in committing mistakes, disobedience, and lying. Thus, the law of consensus in the perspective of Imam Al Ghazali is obligatory to follow with the aim of establishing truth and welfare among the people.

3. Istishab

Imam Al Ghazali, like other scholars of Usul Fiqh, included *istishab* as a method of *ijtihad*. When talking about the definition of *istishab*, he stated that *istishab* is what has been established (its law) in the past, which basically, can still be preserved in the future as long as no evidence has been found that can change the law.

Imam Al Ghazali as a follower of the Shafi'i school argued with *istishab*. However, he divided it into four types, namely: (1) *istishab al-khashshah*; (2) *istishab al-umum*; (3) *istishab al-nash*; (4) *istishab al-ijma'*. Three of the first are allowed, and the last (*istishab al-ijma'*) is not allowed because there is no evidence to support it. While reason is meant to be the law that was enforced before the advent of the Sharia. According to Imam Al Ghazali, the old law has been automatically abolished by Islamic law, except for matters that the Sharia itself explicitly states will be enforced. This opinion is the strongest among ushul scholars.

It is also mentioned in the book Al-Mustashfa, where he states that there are 4 terms of ushul fiqh which actually do not include the sources of proofs to be used as istidlal, even though so far many have included those four things as sources of proof. The following are 4 terms in ushul fiqh following the argumentation developed by Imam Al Ghazali to deny it as a source of evidence:

1. Shar'u Man Qablana (law of the people before us)

Some people say that the Prophet SAW followed the sharia of the previous Prophet, while others say no. Some say that Prophet Muhammad SAW followed the sharia of Prophet Ibrahim, or Prophet Moses and some say that Prophet Jesus. And logically this is bound to happen, but in reality it is not so.

Imam Al Ghazali asserted that Prophet Muhammad SAW did not follow the previous Prophet's sharia. There are four underlying reasons:

- a. When the Messenger sent Mu'adh bin Jabal to Yemen, he asked Mu'adh; with what do you judge the issue? Then Mu'adh replied with the Qur'an, As Sunnah and Ijtihad, without mentioning the Torah, the Gospel and shar'u man qablana, then the Messenger confirmed it.
- b. If the Messenger of Allah (peace and blessings of Allah be upon him) was required to use Shar'u Man Qablana then he would certainly always use it in dealing with issues without waiting for revelation.
- c. If indeed Shar'u Man Qablana is still used then it must be obligatory to study, delve into and transform, including for the generation of the companions and after them
- d. It has become a consensus among Muslims that the shari'ah of the Prophet Muhammad is a shari'ah that overhauls previous teachings, and as a whole is derived from the shari'ah of the Messenger of Allah (peace and blessings of Allah be upon him).

2. Qaul al-sahaby (opinion of the companions)

The position of whether the opinions of the companions are a source of evidence or not is still a khilafiyah among scholars. There are some scholars who say that the opinions of the companions are an absolute source of evidence. Some other scholars are of the opinion that only the opinions of the companions of Abu Bakr and Umar can be used as a source of evidence, based on the words of the Prophet SAW;

اِفْتَدُوا بِاللَّذِينَ مِنْ بَعْدِي مِنْ أَصْحَابِي أَبِي بَكْرٍ وَعُمَرَ وَاهْتَدُوا بِهَدْيِ عَمَّارٍ وَتَمَسَّكُوا بِعَهْدِ ابْنِ مَسْعُودٍ

Meaning: "Follow the example of two of my companions after me, namely; Abu Bakr and Umar, walk with the guidance of 'Ammar, and hold fast to the promise of Ibn Mas'ud."

Meanwhile, other scholars are of the view that the opinions of the companions that can be used as a source of evidence are the opinions of the Rightly Guided Caliphs. According to Imam Al Ghazali, all of the above opinions are wrong. The reason is because what can be used as a source of evidence is only that which comes from people who are infallible, while the companions are not infallible.

3. Istihsan

There are three understandings or meanings for the term istihsan, and all of them are denied by Imam Al Ghazali, namely:

- a. Istihsan is something that is considered good by mujtahids based on logic. According to Imam Al Ghazali, such istihsan is invalid because legal issues should be referred to the text that is revealed, not reason that has the potential to follow lust.

- b. Istihsan is a proof that is difficult to express editorially by mujtahids. According to Imam Al Ghazali this istihsan is also invalid, because an unclear definition will result in the input and output of the law becoming ambiguous.
- c. Istihsan is moving from using arguments that are similar in similar cases due to certain things/arguments. An example of this istihsan is if someone says:

مالي صدقة او لله علي ان أتصدق بمالي

Based on analogy, he is obligated to give alms in the form of anything that can be considered wealth. However, according to Abu Hanifah, the wealth referred to here is zakat, not anything else. This is due to the Qur'anic stipulation:

خذ من اموالهم صدقة

According to Imam Al Ghazali, this method of istidlal is justified, but what is not correct is the term he uses as istihsan.

4. Istishlah

Istishlah is the determination of law based on maslahah. According to Imam Al Ghazali, there are three types of maslahah:

- a. Maslahah Mu'tabarah Mashalahat which is supported by syar'i evidence, this maslahah can be used as an argument, because this method is actually a qiyas method. For example, determining the prohibition of every intoxicating thing, both food and drink, which is qiyased with khamr.
- b. Maslahah Mulgah Mashalahat which is not supported by syar'i evidence, even contradicts that evidence. For example, the decree of expiation of fasting for two consecutive months for a rich person who breaks his fast by consensus, with the consideration that it would be too light if the sanction of freeing slaves was determined for him. This decree is clearly invalid because it contradicts the text.
- c. Maslahah Mursalah Mashalahat which is not prohibited or commanded by the text. This benefit includes three levels, namely: dharury (principal), hajiy (secondary), and tahsiny (complementary).

Imam Al Ghazali mentions the requirements for mashalahat mursalat in order to be accepted as an istidlal method, including mashlahat must be in accordance with maqashid al shari'ah (purpose of shari'ah), namely: protecting religion, soul, intellect, offspring and wealth, mashlahat must be really urgent (emergency), mashalahat must be based on certainty (qath'i), mashlahat is general, not special.

Imam Al Ghazali is of the view that, in principle, mashlahat mursalat can be used as an istidlal method, but not as a ushul al adillah (the principles of evidence). According to Syamsul Anwar in his dissertation, Imam Al Ghazali used three methodological theories to discover Islamic law, namely:

1. Linguistic method (Bayani)

Ijtihad bayani is ijtiḥad to find the law contained in the text, but its nature is dzanni, both in terms of its determination and in terms of its designation. The field of ijtiḥad bayani is only within the limits of understanding of the text and strengthens one of several different understandings. In this case, the law is written in the text, but does not provide a definite explanation. Ijtihad here only provides a definite legal explanation from the proof of the text.

2. Causation method (qiyasi)

Ijtihad qiyasi, i.e. ijihad to dig and establish the law for an event for which there is no legal evidence, nor is there any ijma' that has established the law. Ijtihad in this case is to determine the law of an event that already has a law, because between the two events there is a similarity in the law.

3. Teleological method (istishlahi)

Istishlahi ijihad is ijihad to dig, find, and formulate syar'i law by applying the kulli rules to events whose legal provisions do not have a text, either qath'i or zhanni, and it is not possible to find a connection with the existing text, nor has it been decided by consensus. Imam Al Ghazali was the first person to formulate the theory of Islamic law.

CONCLUSION

Imam Al-Ghazali's Islamic legal thought emphasized the importance of a balance between the authority of revealed texts (nash) and human rational capacity (akal) in the process of establishing law. The Qur'an and Sunnah are positioned as the primary and most authoritative sources, while ijma' (consensus) and reasoning methods such as qiyas (consensus), istishab (consensus), and consideration of the benefits of the law serve as methodological instruments for understanding and implementing law in accordance with social reality. Within this framework, Al-Ghazali did not position reason as a substitute for revelation, but rather as a means to uncover the meaning and purpose of sharia more comprehensively. This approach demonstrates the systematic and inclusive character of his thought and serves as an important foundation for the development of ushul fiqh (Islamic jurisprudence) as a mature methodological discipline.

Al-Ghazali's legal ideas emerged from the socio-political and religious context of the Muslim community, which was plagued by sectarian fragmentation, theological conflict, and a tendency toward legal formalism that often neglected ethical and spiritual dimensions. In this situation, Al-Ghazali sought to return Islamic law to its primary objective, namely realizing the welfare of the people and upholding the five fundamental principles of the maqāsid al-syarī'ah (objectives of Islamic law): religion, life, reason, lineage, and property. By making maqāsid the fundamental orientation, Islamic law is not understood merely as a set of formal legal rules, but rather as a value system aimed at establishing a just, moral, and civilized social order. This approach simultaneously critiques the fanaticism of narrow schools of thought and religious practices that have lost their ethical spirit.

Imam Al-Ghazali's contributions to the methodology of ushul fiqh (Islamic jurisprudence) have proven to be enduring and relevant across time. His methodological synthesis of texts, reason, and maqāsid al-syarī'ah provides a moderate and adaptive theoretical framework for the development of Islamic law in the contemporary era. In addressing complex modern issues, Al-Ghazali's thought offers a conceptual foundation for formulating Islamic law that is responsive to social change without losing its fundamental principles. Therefore, Al-Ghazali's intellectual legacy is not only of historical value but also serves as an important source of inspiration for efforts to reform and contextualize Islamic law today and in the future.

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