



NEGOTIATING TEXT AND REALITY: AN EPISTEMOLOGICAL ANALYSIS OF PERSIS HISBAH COUNCIL FATWAS ON CONTEMPORARY ISSUES

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ABSTRACT

This study analyzes the epistemology of the fatwa of the PERSIS Hisbah Council in responding to contemporary issues in the period 1996–2018, focusing on the relationship between textual authority and social reality. This research uses an interpretive qualitative approach through document analysis, institutional-historical contextualization, and epistemological analysis based on the framework of *bayānī*, *burhānī*, and *ʿirfānī* Muhammad Abid al-Jabiri. The main data were obtained from interviews with three institutional informants and an in-depth analysis of six fatwa cases selected purposively from the documentary corpus of the research period, with interview and observation data used as context clarification and verified through available documents and archives. The results of the study show that *bayānī* is the dominant reasoning pattern, characterized by the position of the Qur'an and Hadith as the main basis for the legitimacy of the law and the use of textual reasoning tools in establishing laws. At the same time, elements of *burhānī* are used instrumentally through empirical information, scientific studies, and expert opinion to understand and verify contemporary legal objects, but do not replace textual authority as a source of legitimacy. The element of *ʿirfānī* was not found as the basis for an explicit argument in the fatwa document analyzed. Based on these findings, this study formulated an adaptive epistemological model as an analytical formulation developed from the research data, which is characterized by a hierarchical integration between *bayānī* as a source of normative legitimacy and *burhānī* as an instrument of understanding reality. These findings show that the response of the PERSIS Hisbah Council to social change is more appropriately understood as an adaptation in the application of textual reasoning than an epistemological paradigm change. In the context of religious education, the pattern shows that fatwas not only convey legal provisions, but also transmit ways of connecting religious knowledge with real-life issues.

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Introduction

Fatwa is one of the important mediums in the production and transmission of religious knowledge in Muslim societies (Ilma et al., 2025; Suaedy et al., 2023). Fatwas not only provide normative answers on halal and haram issues, but also show how a religious institution understands the text, assesses social issues, and builds legal arguments (Abidin et al., 2025). In this context, fatwa has a dimension of religious education because through fatwas, knowledge about Islamic principles is conveyed, religious thinking patterns are formed, and the relationship between normative teachings and daily life problems is explained to the public. Examining fatwas does not only mean examining the products of Islamic law, but also examining the epistemic process that allows religious knowledge to be produced, legitimized, and transmitted.

The need for religious explanations that are able to respond to changing realities is increasingly important as new problems arise in Muslim life. The development of digital technology, changes in the economic system, health problems, the transformation of social relations, and various other contemporary problems present situations that are not always found explicitly in classical fiqh literature. This condition requires fatwa institutions to understand the issue in a more contextual way, while maintaining the normative basis that is the source of religious legitimacy. Therefore, the process of forming fatwas can be understood as a meeting space between religious texts and social reality. The way fatwa institutions manage these relationships is important to study because it helps determine how Islamic knowledge is contextualized and then conveyed to the public.

A number of studies show that fatwas cannot be separated from the social dynamics that surround them. Fatwas are the result of an interaction between texts, religious authorities, and changes in the reality of society (Attas et al., 2025). In the modern era, changes in the structure of Islamic legal authority have also encouraged the emergence of various forms of adaptation in the process of *ijtihad* and the determination of law (Hallaq, 2009). However, adaptation to reality does not necessarily mean a change in the epistemological foundations of a religious institution. An institution can face new problems and use more diverse empirical information, but still retain certain sources of knowledge as the main basis for its legal legitimacy. This is the question that is important to distinguish: changes in the object and context of fatwa do not in themselves indicate a change in the epistemological structure that underlies the process of forming fatwas.

In Indonesia, the diversity of religious institutions gives birth to different patterns in understanding the source of law, using rationality, and responding to social change. The Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), Muhammadiyah, and the Islamic Union (PERSIS), for example, have different intellectual and institutional traditions in formulating religious issues. These differences produce variations in fatwa products while showing the diversity of ways in which religious knowledge is built and legitimized (Muhammad, 2016). Therefore, research on the epistemology of fatwa institutions is important to understand not only what law is produced, but also why a certain type of knowledge is considered valid and how various forms of reasoning are placed in the process of establishing law.

One of the institutions that is important to study is the PERSIS Hisbah Hall. As an institution that has an important function in the process of formulating legal issues within PERSIS, the Hisbah Council develops in the tradition of *tajdid* that re-emphasizes the Qur'an and Sunnah as well as criticism of religious practices that are considered to have no solid basis in these sources (Basit, 2022; Tasliyah, 2018). This orientation gives a

certain character to the legal *istinbat* process of the Hisbah Council. The Qur'an and Hadith occupy an important position as a source of legitimacy, while the evolving social problems require these institutions to understand the increasingly complex objects of law. The meeting between the commitment to the text and the need to understand the reality makes the Hisbah Council a relevant case for analyzing how religious knowledge is built in the face of contemporary problems.

The period 1996–2018 in this study is treated as a historical and analytical boundary to examine the development of the reasoning of the Hisbah Council's fatwa, not as an assumption that all fatwas in that period form one homogeneous corpus. Previous literature reported that the Hisbah Council produced around 150 fatwas in that period, with a wide range of issues (Basit, 2022). However, this number does not automatically indicate the number of documents that are the object of this research's analysis. It is necessary to distinguish between the issues discussed in the trial, the decisions produced, and the fatwas that are formally issued. Therefore, this study focuses on the fatwa documents that are available and meet the research criteria. The limitation of the 1996–2018 period allows the study to examine how the Hisbah Council deals with various contemporary issues as well as to test whether the changes in these problems are accompanied by changes in the epistemological pattern of its reasoning.

Research on PERSIS and the previous Hisbah Council has made an important contribution to the understanding of the history, ideology, methodology of *istinbat*, and the development of its fatwa products. Darma, for example, discusses the historical and ideological contribution of PERSIS in the development of Islamic *da'wah* (Darma, 2023), while Latif examines the legal thinking of PERSIS scholars in marriage issues (Latif, 2019). Muhit et al. specifically discuss the *ijtihad* methodology of the Hisbah Council (Muhit et al., 2023), while other studies examine the use of *maqāsid al-syarī'ah* and the development of the Hisbah Council's fatwa products (Huda, 2014; Ridwan, 2020). Basit also examines changes in legal reasoning and fatwa formulation of the Hisbah Council (Basit, 2022). These studies are important because they explain the sources of the law, the method of *istinbat*, the consideration of *maqāsid*, and the changes in the legal products produced by the Hisbah Council.

However, these studies have not fully explained the epistemological structure underlying the process. The study of *istinbat* methodology mainly explains how a law is derived; The study of *maqāsid* explains the purpose and consideration of the benefits used; while the study of changes in fatwas highlights the development of legal products over time (Abbas, 2016; Basit, 2022; Juda, 2014; Muhit et al., 2023). A different epistemological question is: what form of knowledge is recognized as a legitimate basis in the formulation of fatwas; how is textual and rational knowledge placed against each other; how is information about reality used in the process of reasoning; and at what point does a form of knowledge become the basis for legal legitimacy? The question of the relationship between text, ratio, and reality is important in understanding the development of contemporary *ijtihad*, because the process of determining law is not only related to the application of methods, but also to the way in which a problem is recognized, understood, and connected to normative sources (Ahmad, 2015; Saefullah, 2026). This research does not just repeat the analysis of the *istinbat* method, but examines the knowledge structure that allows the method to work.

To answer this question, this study uses the epistemological framework of Muhammad Abid al-Jabiri, especially the distinction between the epistemology of *bayani*, *burhani*, and *irfani* (Al-Jabiri, 2000). The three categories in this study are not used only

as theoretical labels, but are operationally used as a tool to read the structure of arguments in fatwa documents. Bayani is identified through the use of the Qur'an and Hadith as the basis for argumentation, textual and linguistic interpretation, and the use of reasoning tools such as *qiyas*, *istidlal*, and rules of inference that connect the problem with normative sources. Burhani is identified through the use of rational argumentation, empirical evidence, causal reasoning, scientific information, and expert knowledge in understanding or supporting legal arguments. Meanwhile, irfani is traced through the use of spiritual experience, intuitive knowledge, *kasyf*, or a form of knowledge that gains legitimacy primarily from inner experience and spiritual intuition (Al-Jabiri, 2000; Riady, 2020).

This distinction is important because the use of empirical information cannot necessarily be categorized as burhani. Expert information or scientific data can be used only to understand legal objects (*tahqiq al-manat*) without becoming a source of independent legal legitimacy (Abbas, 2016; Muhit et al., 2023; EXACTLY, 2009). Therefore, this study distinguishes between information that serves to identify and explain reality and rational reasoning that actually functions in legal argumentation. A fatwa is not categorized solely on the basis of the existence of one type of source. When several forms of reasoning arise simultaneously, the classification is determined based on the function and position of that reasoning in the whole argument. An epistemology is seen as dominant if it is the main basis for the justification or legitimacy of a decision, while other forms of reasoning are understood as supportive or contextual if it only helps to explain the legal object or strengthen the main argument.

With this framework, this study focuses on the negotiation between text and reality in the process of forming the fatwa of the Hisbah Council (Miswanto, 2021). In this study, "negotiation" does not imply an equal or reciprocal relationship between text and reality; rather, it refers to the process by which textual norms are applied to a changing reality while maintaining their normative authority. The research does not assume that changes in the content of fatwas are evidence of epistemological changes. What is analyzed is whether information about reality only functions as a stage of problem identification, or whether it affects the way the problem is defined, understood, and connected to normative sources. The question is important to distinguish between contextual facts as verification material and epistemological reasoning that actually plays a role in legal legitimacy.

The approach also allows research to contribute to the study of religious education. Fatwa can be seen as a form of communication of religious knowledge that shows how new issues are translated into the framework of Islamic teachings (Pelu, 2020). When a fatwa institution uses texts, reasoning, scientific information, and an understanding of reality in explaining religious issues, the process not only produces legal decisions, but also provides a mindset that can be studied and transmitted to the religious community (Hakim & Azizi, 2023). In this case, the epistemological analysis of fatwa can help explain how Islamic knowledge is constructed, how the relationship between text and reality is implicitly taught through fatwas, and how a religious institution shapes a way of understanding contemporary issues based on Islamic sources (Firdaus & Achmad, 2024).

Based on these issues, this study aims to analyze the epistemology of the fatwa of the PERSIS Hisbah Council in responding to contemporary problems during the period 1996–2018, focusing on three things: (1) how the reasoning of bayani, burhani, and irfani appears in the argumentation of fatwa; (2) how textual and rational reasoning are placed in relation to each other when the Hisbah Council understands contemporary issues; and

(3) how the relationship between text and reality shapes epistemological patterns in the production and transmission of religious knowledge through fatwas. This study is not intended to measure public acceptance of fatwas or to prove the level of authority of the Hisbah Council among PERSIS members and the wider community. The focus is on the internal epistemological structure that can be traced from fatwa documents and clarified through institutional data.

This research is expected to contribute to the study of the epistemology of Islamic law as well as expand the study of religious education regarding the process of production and transmission of religious knowledge. In particular, this study seeks to show how a fatwa institution can maintain normative sources as a basis for legitimacy while using the information and reasoning necessary to understand contemporary issues. The contribution of the research is not to generalize the pattern of the Hisbah Council to all modern fatwa institutions, but to formulate a more measurable understanding of the epistemological pattern of the PERSIS Hisbah Council in managing the relationship between text and reality.

Method

This study uses an interpretive qualitative approach by combining document analysis, interviews, and observations to examine the epistemology of the PERSIS Hisbah Council fatwa in responding to contemporary problems in the period 1996–2018 (Creswell, 2018). This design was chosen because the research does not aim to measure the relationship between variables, but to understand the sources of knowledge, argumentation structures, and reasoning patterns used in the fatwa formulation process. The analysis is directed to see how the authority of religious texts relates to information about social realities in the process of legal *istinbat*. The period 1996–2018 is treated as the historical boundary of the analysis, while the practices of the Hisbah Council observed during the study period are used only as a context to understand contemporary institutional mechanisms.

The main data of this study come from the fatwa documents of the PERSIS Hisbah Council available for the period 1996–2018. This study does not consider the figure of about 150 fatwas as the total number of documents analyzed, but uses it as an illustration of the scale of fatwa production reported in the previous literature (Abbas, 2016; Muhit et al., 2023). From the available corpus, this study purposively selects six fatwa cases to be analyzed in depth, namely: (1) bank interest and Islamic economics, (2) Sufism and modern spirituality, (3) Friday prayers for travelers, (4) Zuhur prayers on Fridays, (5) mahdah worship, including bilingual prayers, zakat, and fasting, and (6) faith and the concept of monotheism. Six fatwa cases were purposively selected to represent different areas of Islamic legal reasoning, including *mu'āmalah*, *'ibādah*, and *'aqidah*. The selection also considered cases that allow comparison between continuity and change in the Council's legal reasoning across different periods. Where a fatwa was subsequently reconsidered or reaffirmed, the initial and subsequent decisions were treated as part of the same case trajectory rather than as unrelated cases. The selected corpus is presented in Table 1.

Table 1. Selected Fatwa Cases of the Dewan Hisbah PERSIS

No.	Case	Field	Year	Fatwa/Decision
1	Bank Interest and Islamic Economics	<i>Mu'āmalah</i>	1991	The initial fatwa classified prevailing bank interest as <i>ribā</i> and prohibited it. Subsequent developments are examined to identify changes in the Council's response to the modern economic system.
2	Sufism and Modern Spirituality	<i>'Aqīdah</i>	1996–2018	Fatwas and decisions concerning Sufism, showing continuity in the Council's cautious position with limited adaptation to contemporary spiritual needs.
3	Friday Prayer for Travelers	<i>'Ibādah</i>	2001–2007	In 2001, travelers were not exempted from the obligation of Friday prayer. In 2007, this decision was revised: travelers were permitted not to perform Friday prayer and were required to perform <i>Zuhr</i> instead.
4	<i>Zuhr</i> Prayer on Friday	<i>'Ibādah</i>	2014	A decision concerning the permissibility of performing <i>Zuhr</i> for persons having a recognized <i>'udhr shar'ī</i> , discussed in the 2014 Munas of the Dewan Hisbah PERSIS.
5	Ritual Worship (<i>'Ibādah Maḥḍah</i>): Bilingual Prayer, Zakāt, and Fasting	<i>'Ibādah</i>	1995–2018	Decisions concerning <i>'ibādah maḥḍah</i> . The 1995 decision held that prayer recitations in a language other than Arabic were invalid; the decision was reaffirmed at the 2018 Munas without changing its substantive legal position.
6	Faith and the Concept of Tawḥīd	<i>'Aqīdah</i>	1996–2018	Fatwas and decisions concerning faith and <i>tawḥīd</i> , demonstrating strong continuity in the Council's commitment to purification and normative sources.

The selected fatwas were then analyzed using the *bayānī–burhānī–'irfānī* framework. The analysis focused on the sources cited, the forms of reasoning employed, the role of empirical or contextual information, and the basis on which the final legal decision was legitimized. This distinction was important for determining whether empirical information functioned merely as contextual clarification or as an epistemically substantive component of legal reasoning.

To complete the document analysis, this study conducted a semi-structured interview with Jeje Zaenudin, Chairman of PERSIS; Zae Nandang, Chairman of the PERSIS Hisbah Council; and Ginanjar Nugraha, Head of Methodology and Cadre Regeneration of the Hisbah Council. Interviews were conducted in November 2025 using semi-structured interview guidelines and were recorded using mobile phone devices, then transcribed for analysis. The informants were selected purposively based on their institutional knowledge and involvement in the activities of the Hisbah Council. Since the interviews

were conducted retrospectively to the period 1996–2018, the informants' testimony was not treated as the only historical evidence, but was used to explain the institutional procedures, methodological principles, and context of fatwa formulation. The information is compared with the fatwa documents and archives available to reduce the possibility of memory bias and institutional position bias.

This study also observes the activities of the Hisbah Council during the research period, including the Hisbah Council sessions, study forums, and internal discussions on contemporary legal issues. Observations were used to obtain an overview of the practice of *istinbat*, interaction between members, and how legal issues are discussed in the current institutional context. However, contemporary observations are not used as direct evidence of the fatwa formulation process in 1996–2018. The historical evidence in the study comes from fatwa documents, organizational archives, and retrospective interviews, while observations serve as contextual data on the practices of the Hisbah Council today. This approach is used to avoid mixing contemporary institutional practices with historical reconstruction.

Data analysis was carried out thematically and comparatively using Muhammad Abid al-Jabiri's epistemological framework, namely *bayani*, *burhani*, and *irfani* (Al-Jabiri, 2000). *Bayani* is identified through the use of the Qur'an and Hadith as the basis for legitimacy, linguistic and textual interpretations, *qiyas*, and rules of reasoning that connect the problem with normative sources. *Burhani* is identified through the use of rational argumentation, cause-and-effect relationships, empirical data, expert knowledge, and analysis of social reality. However, empirical information that is only used to understand legal objects is not automatically categorized as *burhani*; The classification is given when rational reasoning or empirical evidence has an argumentative function in the law-making process (Syarif, 2022). *Irfani* is traced through indicators in the form of spiritual experience, intuition, *kasyf*, or inner knowledge as the basis for the legitimacy of the argument (Ma'rifah & Sudirman, 2025). A fatwa can contain more than one epistemological mode. The dominant mode is determined based on its function and reasoning position in the argument, especially the source that is the basis for the final legitimacy of the decision. Cases that show combinations or boundaries that are not strictly analyzed are analyzed as a form of epistemological interaction, rather than forced into a single category.

The validity of the data is maintained through triangulation of sources and methods by comparing fatwa documents, organizational archives, interview results, and observations. Where there are discrepancies between informant statements and documents, the available fatwa documents and archives are prioritized for claims about historical content and decisions, while interviews are used to explain the institutional context and processes (Abdussamad, 2021). The analysis also compared six cases based on their theme, period, argumentation structure, use of empirical information, and the basis of their legal legitimacy. In this way, the study does not intend to deduce the pattern of the entire fatwa of the Hisbah Council statistically, but to explain in depth the epistemological patterns found in the selected cases as well as how these patterns show the negotiation between the authority of the text and the reality in the PERSIS fatwa.

Results and Discussion

Results

Based on the analysis of six fatwa cases of the PERSIS Hisbah Council in the period 1996–2018, namely (1) bank interest and Islamic economics, (2) Sufism and modern

spirituality, (3) Friday prayers for travelers, (4) Zuhur prayers on Fridays, (5) mahdhah worship, including bilingual prayers, zakat, and fasting, and (6) faith and the concept of monotheism, it was found that the six cases showed the dominance of the *bayānī* reasoning pattern. Although the level of rational and contextual information use varies. In the six cases analyzed, the Qur'an and Hadith occupy a leading position in the legitimacy of legal decisions. This dominance can not only be seen from the frequency of use of evidence, but especially from the position of the Qur'an and Hadith as sources that determine the direction and validity of legal conclusions, through textual interpretation, linguistic analysis, *istidlāl*, *qiyās*, and other legal reasoning tools. The findings in six cases show that the difference in theme and character of the issue does not change the position of textual sources as the main foundation of fatwa legitimacy (Abbas, 2016; Al-Jabiri, 2000; Maftuh & Najib, 2021; Muhit et al., 2023; EXACTLY, 2009).

At the same time, elements of *burhānī* emerge in the form of the use of rational reasoning, empirical information, expert knowledge, and an understanding of factual conditions when the object of law requires a more in-depth explanation. This use is especially seen in problems that have higher object complexity, such as bank interest rates and Islamic economics, which require an understanding of transaction mechanisms and economic conditions, as well as in contemporary problems that require scientific or contextual information (Muhit et al., 2023). However, the results of the analysis show that the empirical information primarily serves to identify, explain, and verify legal objects, rather than as a stand-alone source of legal legitimacy. This finding is in line with Zae Nandang's statement that changes in community conditions need to be understood first before being linked to the instructions of the Qur'an and Sunnah through the *ijtihad* process (Z. Nandang, personal communication, 2025). Ginanjar Nugraha also explained that academic studies, data, expert opinions, and regulations can be used to gain a more complete understanding of the issue before the law is determined, while the final decision is still returned to sharia principles (G. Nugraha, personal communication, 2025). The existence of the element of *burhānī* in the cases analyzed is more appropriately understood as an instrumental function in understanding the reality and object of the law, rather than as the substitution of textual authority for rationality.

As for the element of *'irfānī*, the study found no indicators that showed that personal spiritual experiences, *kasyf*, mystical intuition, or inner knowledge were used as the basis for legal legitimacy in the six cases analyzed (Riady, 2020). Even in cases that are thematically related to Sufism and modern spirituality, the argumentation of fatwa can still be traced through textual sources and reasoning that can be communicated methodologically (J. Zaenudin, personal communication, 2025). These findings do not mean that members of the Hisbah Council did not have spiritual experiences or an inner dimension in their religious life, but do suggest that the element of *'irfānī* does not appear as a basis for formal argumentation documented in the corpus of research. In the structure of the legitimacy of the fatwa analyzed, *bayānī* has the main position, *burhānī* is present in a limited and instrumental way, while *'irfānī* is not identified as the basis for the establishment of the law (Syarif, 2022).

Comparisons between cases show that the level of use of contextual reasoning differs according to the character of the problem, but these differences do not indicate a fundamental change in the epistemological structure. Cases related to mahdhah and creed, such as Friday prayers for travelers, Zuhur prayers on Fridays, problems with bilingual prayers, zakat, fasting, as well as faith and monotheism, tend to rely more directly on the postulates of the Qur'an and Hadith as well as textual reasoning (Abbas,

2016). In contrast, the case of bank interest and Islamic economics requires a greater understanding of the mechanisms and empirical conditions of the objects discussed, while the case of Sufism and modern spirituality shows the need to understand religious phenomena in the modern context, although their legal legitimacy is still built primarily through normative sources (Satria et al., 2025). These differences suggest that the more complex the character of legal objects, the greater the need to use contextual information, but the increased use of empirical information is not directly proportional to the shift in sources of legitimacy. Overall, all six cases show a relatively consistent pattern: *bayānī* is the basis for normative legitimacy, *burhānī* functions instrumentally to understand and contextualize legal objects, whereas *ʿirfānī* is not found to be the basis for formal legitimacy. These findings suggest that the Hisbah Council's response to contemporary issues is more appropriately understood as an adaptation in the application of text-centered reasoning, rather than as a shift from *bayānī* epistemology to *burhānī* or a fundamental epistemological paradigm shift.

DISCUSSION

Bayānī Domination and the Negotiation between Textual Authority and Contemporary Reality in

The results of the study show that *bayānī* is the dominant reasoning pattern in the six fatwas of the PERSIS Hisbah Council analyzed in the period 1996–2018. This dominance is especially evident from the position of the Qur'an and Hadith as the main basis for the legitimacy of legal decisions. In this study, the dominance of *bayānī* is not only measured by the number of citations of the postulates, but also by the function of these postulates in the structure of the argument. A form of reasoning is understood as *bayānī* when the text and the text-based reasoning apparatus are the primary basis for determining whether an issue is legally acceptable or rejected (J. Zaenudin, personal communication, 2025). The existence of the Qur'an and Hadith in fatwas is not merely a complement to arguments, but is a source that determines the validity of legal conclusions.

These findings can be understood in the context of the intellectual character of PERSIS, which historically re-emphasizes the Qur'an and Sunnah and encourages the purification of religious practices based on these normative sources (Abbas, 2016; Dharma, 2023; Maftuh & Najib, 2021). This orientation provides an important context to understand why changes in the character of the issue do not automatically result in changes in the source of legal legitimacy. When the Hisbah Council faces problems that are different from the problems of classical fiqh, these problems still need to be placed in a normative framework that can be accounted for based on Islamic sources (Abbas, 2016; Muhit et al., 2023; EXACTLY, 2009). Changes in legal objects are not synonymous with underlying epistemological changes (Basit, 2022; Hallaq, 2009).

These findings also show that the authority of the text in the fatwa of the Hisbah Council is normative, while reality functions primarily as an object that must be understood before the norm is applied. This distinction is important because it shows that the relationship between text and reality does not take place in a completely equal position. Social realities may present new problems and require more complex explanations, but the existence of these problems does not in itself provide legal legitimacy. Legitimacy must still be built through normative sources recognized by the Hisbah Council (Supartini & Solehudin, 2025). In this sense, the negotiation between text

and reality takes place primarily at the level of the application of norms, not at the substitution of sources of legitimacy (Hallaq, 2009; Saefullah, 2026).

This pattern also explains why the existence of contemporary issues cannot be directly used as an indicator of a shift towards *burhānī* epistemology. Modern economic problems, technological developments, social changes, and other problems do present more complex legal objects (Nugroho & Bijaksana, 2025). However, the complexity of objects only increases the need to understand reality more deeply. It does not automatically change the epistemological basis used to determine the law. The findings of the study show that the Hisbah Council can expand the information used to understand the issue without changing the position of the Qur'an and Hadith as the main source of legitimacy (Tasliyah, 2018).

In this regard, the research findings expand the understanding of previous studies on the *istinbāt* methodology of the Hisbah Council (Basit, 2022; Muhit et al., 2023). Previous research has shown a strong orientation towards the Qur'an and Sunnah in the legal methodology of PERSIS. This research adds an epistemological dimension by showing that what is maintained is not only the use of textual sources, but the structure of knowledge authority that places the text as the basis for final legitimacy. The contribution of the research does not merely confirm that the Hisbah Council uses the Qur'an and Hadith, but rather explains the epistemological position of both in relation to other forms of knowledge.

Bayānī dominance also does not mean that the Council of Hisbah closed itself to the development of reality. In fact, the use of information about reality becomes important when the problems faced cannot be understood based solely on their literal form. What has changed is the need for information and the way norms are applied, not the main source of legitimacy. The textual orientation of the Hisbah Council is more precisely understood as adaptive textuality, in the sense that the text remains the center of legitimacy while the understanding of reality is developed to allow the application of norms to changing issues (Putri & Rizki, 2025).

These findings are important for distinguishing between closed textualism and context-responsive textual orientation. Based on the six cases analyzed, the Hisbah Council did not show a completely closed pattern of information outside the text. Rather, there is room for empirical and rational knowledge to help understand the object of law. However, this openness does not change the structure of legal legitimacy. Therefore, the epistemological position of the Hisbah Council is more appropriately placed as a pattern that maintains the authority of the text while developing the capacity to read the reality that is the object of the application of the text (Supartini & Solehudin, 2025).

From the perspective of religious education, this finding has the implication that fatwa is not only a medium for delivering legal provisions, but also a medium for transmitting religious ways of thinking (Syuhadak, 2013). When the Qur'an and Hadith were placed as the basis of legitimacy, society was introduced to a way of understanding contemporary issues through the normative framework of Islam. At the same time, the need to understand reality shows that religious knowledge does not stop at mastery of the text, but also requires the ability to identify the problems to be given to the law. Fatwas implicitly teach the relationship between normative sources and real life.

***Burhānī* as an Instrument of Understanding Reality**

Although *bayānī* is the dominant reasoning pattern, the results of the study show the use of rational, empirical, scientific, and expert opinion knowledge in understanding

a number of legal issues. This usage suggests that the process of *istinbāt* of the Hisbah Council does not take place through the reading of the text separately from the factual conditions (Muhit et al., 2023). The problem that is the object of the fatwa needs to be understood first, especially when it has a complex character or is different from the form of the problem known in the previous fiqh literature. It is in this case that the *burhānī* element gains space in the epistemological process of fatwa.

However, this study found that the use of empirical information cannot automatically be categorized as *burhānī*. This distinction is important so that the concept of *burhānī* is not used too broadly. Data, expert opinions, scientific information, and information about social conditions can function only as factual information to determine the character of legal objects (Hasanah & Zulaeha, 2026). In these conditions, its main function is to assist in the process of identifying and verifying objects. The element of *burhānī* becomes clearer when rational or empirical information is used in an argument to explain the cause-and-effect relationship, the character of a phenomenon, the consequences of an action, or rational reasons relevant to the establishment of law (A. R. Nugraha et al., 2025; Pranajaya et al., 2023).

This distinction shows that there are two different functions of knowledge in the fatwa process. First, knowledge is used to answer the question of what exactly the object is being faced. Second, knowledge is used to help answer the question of how the object should be legally assessed (Bahrum, 2013; Riady, 2020; Siregar et al., 2024). Based on the six cases analyzed, the first function was more strongly seen in the use of empirical information. Knowledge of economic conditions, transaction mechanisms, social developments, or expert information helps the Hisbah Council obtain a more accurate picture of the legal object before making a normative assessment.

This is especially relevant in the issue of bank interest and Islamic economics. Modern economic problems have transaction mechanisms, relationship structures between parties, and institutional systems that do not always have the same form as transactions discussed in classical fiqh literature (Hartono et al., 2025; Ilmi, 2023). Therefore, before a transaction can be legally analyzed, the actual mechanism needs to be known. Information about how the transaction took place, how profits were made, who bore the risk, and how the relationship between the parties involved was important to identify relevant legal elements. In this case, empirical knowledge helps to clarify the object which is then analyzed based on a normative framework (Wiraguna, 2024).

The same pattern can be applied in principle to other contemporary problems when the character of an object cannot be known only through textual reading. Scientific information or expert opinions may be needed when the problem has a technical aspect that is beyond the direct competence of fiqh reasoning (Palantei & Hilal, 2021). In these conditions, the use of experts does not mean that experts become a source of law, but become a source of knowledge about the facts or character of objects. The involvement of knowledge from outside the field of jurisprudence can be understood as part of an effort to gain an adequate understanding of the object before the establishment of the law.

GINANJAR NUGRAHA's statement strengthens this interpretation. He explained that academic studies, data, expert opinions, and regulations can be used to gain a more complete understanding of the problem before the law is enacted (G. Nugraha, personal communication, 2025). This information shows that the process of understanding reality has an important position in dealing with contemporary problems. However, the statement also emphasized that legal decisions are still returned to sharia principles. The results of the interview provide an explanation that the institution is consistent with the

pattern found in the document, namely the openness to empirical information without changing the source of normative legitimacy.

Zae Nandang also showed a similar pattern. According to him, changes in community conditions need to be understood first, then linked to the instructions of the Qur'an and Sunnah through the *ijtihad* process (Z. Nandang, personal communication, 2025). This statement is important because it shows the logical sequence between the understanding of reality and the application of normative sources. Reality is not treated as a stand-alone source of law, but becomes something that must be understood in order for norms to be applied appropriately.

In the framework of al-Jabiri, the pattern can be understood as the presence of an instrumental *burhānī*. *Burhānī* provides a tool for understanding the facts, mechanisms, causes, and consequences of a problem (Ma'rufi et al., 2024; Mukhlisin et al., 2023). However, based on the available evidence, this rationality has not shown its position as an independent source of legal legitimacy. Therefore, it is incorrect to conclude that the use of empirical data is evidence that the Council of Hisbah has shifted from *bayānī* to *burhānī*.

These findings also provide nuances to the understanding of the relationship between text and reality. Reality does have an influence on the fatwa process because without an understanding of reality, the application of norms can lose the accuracy of the object (Wahid, 2024). However, the study has not found enough evidence to state that changing reality directly alters the interpretation of the text. Stronger evidence suggests that reality influences the way legal objects are defined and understood, while texts still provide a normative framework for defining law.

This distinction is theoretically important. If reality is only used to know facts, then it functions at the level of object recognition. If information about reality is then used to construct rational reasons in legal arguments, then the *burhānī* element becomes stronger. However, in both conditions, the findings of the study show that the legitimacy of the law is still returned to normative sources. *Burhānī* does not stand outside of *bayānī*, but works within a broader epistemological structure and remains text-centered.

This pattern also shows that epistemological adaptation does not always have to be realized through a change in the source of legitimacy. An institution can confront a new object by expanding the source of information used to understand the object without changing its normative basis. In the case of the Hisbah Council, the expansion is seen through the use of data, academic studies, expert information, and factual conditions. This allows the institution to respond to the complexity of contemporary issues while maintaining its methodological continuity.

In the context of religious education, the function of the *burhānī* shows the importance of the ability to understand reality in the process of transmitting Islamic knowledge (Ma'rufi et al., 2024; Mukhlisin et al., 2023; Pranajaya et al., 2023). Fatwas not only teach normative provisions, but also implicitly show that religious issues need to be understood based on actual facts (Muhammadong, 2025). There is an element of epistemological education in fatwas: society is not only directed to know the text, but also to understand the object and context before applying the norm.

Therefore, the results of the study show that the *burhānī* in the fatwa of the Council of Hisbah should be understood as a rational and empirical instrument for understanding the object of law, not as a source of legal legitimacy on its own. This position explains why the use of rationality can evolve according to the complexity of the problem without producing an epistemological paradigm change. The relationship between *bayānī* and

burhānī thus forms the basis for a broader formulation of the epistemological pattern of the Hisbah Council.

Hierarchical Integration and Adaptive Epistemological Models

The findings on the dominance of *bayānī* and the instrumental use of *burhānī* suggest that the relationship between text and reality in the fatwa of the Hisbah Council is not properly understood as a choice between textualism and contextualism. The six cases show the need to maintain normative sources while understanding the reality that is the object of the law. Therefore, the relationship between the two is more appropriately formulated as hierarchical integration, that is, the integration of various forms of knowledge with epistemological positions that are not entirely the same (Merwe, 2025). *Bayānī* maintains its primary position as a source of normative legitimacy, while *burhānī* serves to help understand and contextualize legal objects.

The term hierarchical is used because research finds no evidence that *bayānī* and *burhānī* have an equal position in determining the validity of the law. Empirical information can affect the understanding of the object and the condition of the problem, but the final decision is still returned to the normative framework. Reality has an important function in the fatwa process, but it does not gain a position as an independent source of legitimacy (Mufid, 2014; Muhammad, 2025). The structure shows a differentiation of function between the source of legitimacy and the source of understanding of the object.

Based on this pattern, this study formulated an adaptive epistemological model as an analytical formulation developed from the six cases studied. This model is not intended as a new theory that applies universally, but rather as an abstraction to explain the patterns of knowledge relationships found in the corpus of research. The model consists of three main characters: the dominance of *bayānī*, the instrumental use of *burhānī*, and the unidentification of *ʿirfānī* as the basis for formal legitimacy.

In this model, *bayānī* occupies the first position as the basis of normative legitimacy (Wahdini, 2021). The Qur'an and Hadith, as well as reasoning tools related to textual sources, are used to determine the validity of the law (Jaya, 2020). This position explains the epistemological continuity of the Hisbah Council in the midst of changing problems. A change in object does not automatically change the source of legitimacy, because new issues still need to be placed within the normative framework that is the institutional and methodological basis of the Hisbah Council.

The second position is occupied by the *burhānī* as an instrument of understanding reality (Ma'rufi et al., 2024; Mukhlisin et al., 2023). Empirical information, scientific knowledge, data, expert opinions, and an understanding of social conditions are used when the character of the legal object requires a more in-depth explanation (Maulana et al., 2025; Sukmawan & Damayanti, 2025). This function allows the Hisbah Council to face increasingly complex problems without having to change its normative source. In this sense, adaptation occurs primarily in the capacity to read legal objects, not in the substitution of sources of legitimacy.

Meanwhile, the position of *ʿirfānī* differs from the two patterns (Ma'rifah & Sudirman, 2025; Syarif, 2022). The study did not find personal spiritual experiences, *kasyf*, mystical intuition, or inner knowledge as the basis for formal arguments in the six cases analyzed. This finding cannot be extended to the claim that the spiritual dimension does not exist in the lives of members of the Hisbah Council. What can be stated based on the data is that *ʿirfānī* was not identified as a basis for legitimacy in the fatwa document

analyzed. The formal legitimacy structure of fatwas examined more clearly shows the relationship between *bayānī* and *burhānī*.

Analytically, the model can be formulated through a series of processes: (1) identification of contemporary problems; (2) understanding and verification of legal objects through relevant empirical information, expertise, or knowledge; (3) search and analysis of normative sources; (4) the connection of the character of the object with the principles of sharia; and (5) the determination of the law by maintaining normative sources as the basis for legitimacy. This series is not a formal procedure that is claimed to always be followed identically by the Hisbah Council. It is an analytical abstraction based on patterns seen in documents and clarified through interviews.

The model helps explain the meaning of "negotiating text and reality" in this study. Negotiation does not mean that text and reality replace each other or have equal authority (Tambunan, 2026). Negotiation refers to the process by which textual norms are maintained as the basis of legitimacy, while reality is studied to determine how those norms are applied to a particular object.

The formulation also provides an answer to the question of whether the Hisbah Council underwent an epistemological shift during the 1996–2018 period. Based on the six cases analyzed, there is not enough evidence to suggest a fundamental shift from *bayānī* to *burhānī*. What is more visible is the increased need for empirical information as the problem becomes more complex, while the position of textual sources as legitimacy is maintained. The epistemological dynamics found are more appropriately understood as adaptations in the application of textual reasoning than paradigm transformations.

The findings also distinguish the Hisbah Council model from two extreme positions. On the one hand, the patterns found do not show a completely closed textualism, because there is the use of empirical information and expert knowledge to understand the problem. On the other hand, the pattern also does not show a legal rationalism that makes reality a source of independent legitimacy, because decisions are still returned to normative sources. The position of the Hisbah Council in the research corpus is between the two extremes, but not in the form of an equal balance. The structure found is more accurately described as a text as a center of legitimacy and rationality as an instrument of adaptation to reality.

In the perspective of al-Jabiri's theory, the findings contribute to the understanding that the categories of *bayānī*, *burhānī*, and *ʿirfānī* do not necessarily present as three independent systems in a product of knowledge. In the case of the Hisbah Council, the three have different levels of visibility and functions (Al-Jabiri, 2000; Riady, 2020). *Bayānī* becomes the center of legitimacy, *burhānī* is present in the supporting function of understanding objects, while *ʿirfānī* is not identified in formal argumentation (Syarif, 2022). Therefore, it is not enough to ask whether an epistemological category exists or does not exist, but it is also necessary to look at its function, position, and degree of authority in the overall structure of argumentation.

From the perspective of previous research, this formulation makes a more specific contribution to the study of the Hisbah Council. Studies on *istinbāṭ* have explained the source and method of establishing law (Azhari, 2015; Basit, 2022; Putri & Rizki, 2025), research on *maqāṣid al-syarī'ah* has shown consideration of legal goals and benefits (Huda, 2014), while research on the development of fatwa has shown changes in legal products (Syuhadak, 2013). This research moves on a different question, namely how different forms of knowledge are placed in the structure of legal legitimacy. His

contribution lies in the explanation of the epistemological relationship between text, rationality, and reality in the fatwa process.

The adaptive epistemological model also has implications for religious education. Fatwa can be seen as a form of transmission of religious epistemology, because through fatwas, people not only receive answers about a law, but also show how a problem is understood and connected to normative sources. When information about reality is used before the norm is applied, the fatwa implicitly teaches that understanding the problem is part of the process of religious reasoning (Supardin, 2018). At the same time, while legitimacy remains restored to the Qur'an and Hadith, fatwas maintain the relationship of contemporary knowledge with the normative framework of Islam.

This implication is important for religious education because it shows that religious literacy is not only related to the ability to understand texts, but also the ability to read reality. In contemporary problems, students and society need the ability to distinguish between facts, interpretation, and normative assessment. The pattern found in the fatwa of the Hisbah Council shows that knowledge of reality can be used to clarify issues without having to eliminate normative orientation. Fatwas can be one of the mediums to understand how religious knowledge is contextualized in real life.

Nonetheless, this model has limits that need to be affirmed. The adaptive epistemological model is built on the basis of six cases of fatwas selected purposively, so it cannot be used to state that all fatwas of the Hisbah Council in 1996–2018 must follow the same pattern. This study did not test public acceptance of fatwas and did not measure the impact of fatwas on religious behavior. Therefore, the model offered is an analytical proposition that is contextual, not a universal generalization. Follow-up research can test the model through a broader corpus of fatwas or compare it with other Islamic fatwa institutions.

The overall findings can be formulated in one main proposition, namely that the PERSIS Hisbah Council responds to the change in reality not by changing the authority of the text, but by expanding the use of rational and empirical knowledge to understand the objects that are the object of the application of the text. In such structures, *bayānī* retains a legitimative function, *burhānī* performs an instrumental-contextual function, and *ʿirfānī* is not identified as the basis of formal legitimacy in the corpus analyzed (Al-Jabiri, 2000; Riady, 2020, 2020; Syarif, 2022). This pattern is the basis for the concept of adaptive epistemological models and at the same time explains the meaning of Negotiating Text and Reality in this study.

Overall, this study does not show a fundamental epistemological paradigm change in the Hisbah Council during the period 1996–2018. What was found was an adaptation at the level of application of norms, along with the increasing complexity of legal objects and the need to understand reality more comprehensively. Therefore, the negotiation of text and reality in the fatwa of the Hisbah Council can be understood as a process that allows for the continuity of normative authority as well as a response to social change. Text remains the center of legitimacy, while an understanding of reality is a means of ensuring that norms can be applied to contemporary issues more appropriately.

Conclusion

This study shows that the epistemology of the PERSIS Hisbah Council fatwa in the period 1996–2018 was built through the relationship between the authority of the text and the need to understand reality. Based on the analysis of six fatwa cases, namely bank interest and Islamic economics, Sufism and modern spirituality, Friday prayers for

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travelers, Zuhur prayers on Fridays, mahdhah, and faith and the concept of monotheism, it was found that *bayānī* is the dominant reasoning pattern. The Qur'an and Hadith are the main basis for legal legitimacy, which is strengthened through textual interpretation, *istidlāl*, *qiyās*, and other legal reasoning tools.

The research also found that the *burhānī* element is present mainly in the form of the use of empirical information, scientific studies, expert opinions, and knowledge of factual conditions to understand legal objects. However, its use is instrumental and subordinative, not as a stand-alone source of legal legitimacy. The relationship between *bayānī* and *burhānī* is more precisely understood as hierarchical integration: *bayānī* provides a basis for normative legitimacy, while *burhānī* helps to identify, explain, and contextualize legal objects before norms are applied.

The element of *ʿirfānī* was not found as the basis for an explicit argument in the six cases analyzed. There is no personal spiritual experience, *kasyf*, mystical intuition, or inner knowledge that is the basis for determining legal decisions. These findings are limited to the arguments documented in the corpus of research and are not intended to conclude that members of the Hisbah Council had no experience or spiritual dimension in their religious life. Comparisons between cases show that the problem of worship and faith tends to be stronger based on textual evidence and reasoning, while economic problems and contemporary issues require greater use of empirical information. Nonetheless, the variation does not indicate a change in the position of text authority.

Based on the overall findings, this study formulated an adaptive epistemological model as an analytical formulation developed from the research data. This model is characterized by the dominance of *bayānī*, the instrumental use of *burhānī* in understanding reality, and the non-identification of *ʿirfānī* as the basis for formal legitimacy. The Hisbah Council's response to contemporary issues is more appropriately understood as an adaptation in the application of textual reasoning to a changing legal object, rather than as a shift from *bayānī* epistemology to *burhānī*. The contribution of this research lies in the explanation that fatwas not only produce legal provisions, but also show how religious knowledge connects normative sources with real-life problems.

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