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Reactualizing Tahqiq al-Manath in Nahdlatul Ulama's Bahtsul Masail: The Manhaji Method and the Ulama's Role as Jurists of Public Welfare

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Abstract

The increasing complexity of contemporary social issues requires Nahdlatul Ulama's Bahtsul Masail to move beyond the exclusive use of the qauli and ilhaqi methods by developing a manhaji approach capable of reconciling textual authority with changing social realities. This study aims to analyze the application of tahqiq al-manath within the manhaji method, particularly the relationship between muqaddimah kulliyah and muqaddimah juz'iyah, and to examine the contribution of ulama as faqih fi mashalih al-khalqi in producing contextual legal decisions oriented toward public welfare. This study employed a qualitative-descriptive approach using library research. The primary data were obtained from works on Islamic legal theory, official Bahtsul Masail decisions, and literature discussing tahqiq al-manath, while the secondary data consisted of books and scholarly articles on the qauli, ilhaqi, and manhaji methods. The data were analyzed through content and conceptual analysis involving classification, interpretation, comparison, and synthesis of relevant sources. The findings indicate that tahqiq al-manath functions as a bridge between muqaddimah kulliyah, which provides the normative and methodological foundation, and muqaddimah juz'iyah, which involves examining the realities, causes, consequences, and conditions surrounding the legal object. The manhaji method does not depart from the Islamic legal school tradition because it continues to employ the framework of legal reasoning developed by classical jurists. The study also demonstrates that ulama participating in Bahtsul Masail should act as jurists who understand both religious texts and the actual needs and welfare of society. This study contributes a conceptual framework of tahqiq al-manath for developing a more methodological, contextual, multidisciplinary, and responsive model of Bahtsul Masail in addressing contemporary issues.

Keywords: Tahqiq Al-Manath; Manhaji Method; Bahtsul Masail; Muqaddimah Kulliyah; Muqaddimah Juz'iyah; Public Welfare.

Abstrak

Kompleksitas persoalan sosial kontemporer menuntut Bahtsul Masail Nahdlatul Ulama tidak berhenti pada penggunaan metode qauli dan ilhaqi, tetapi juga mengembangkan metode manhaji yang mampu mempertemukan otoritas teks dengan perubahan realitas. Penelitian ini bertujuan menganalisis penerapan tahqiq al-manath dalam metode manhaji, khususnya hubungan antara muqaddimah kulliyah dan muqaddimah juz'iyah, serta mengkaji kontribusi ulama sebagai faqih fi masholih al-kholqi dalam menghasilkan keputusan hukum yang kontekstual dan berorientasi pada kemaslahatan. Penelitian menggunakan pendekatan kualitatif-deskriptif dengan jenis studi kepustakaan. Data primer bersumber dari literatur ushul fikih, keputusan Bahtsul Masail, dan karya-karya yang membahas tahqiq al-manath, sedangkan data sekunder diperoleh dari buku dan artikel ilmiah mengenai metode qauli, ilhaqi, dan manhaji. Data dianalisis melalui analisis isi dan analisis konseptual dengan tahapan klasifikasi, interpretasi, perbandingan, dan sintesis antarsumber. Hasil penelitian menunjukkan bahwa tahqiq al-manath berfungsi sebagai penghubung antara muqaddimah kulliyah berupa landasan normatif dan metodologis dengan muqaddimah juz'iyah berupa pembacaan terhadap realitas, sebab, dampak, dan kondisi objek hukum. Metode manhaji tidak keluar dari tradisi bermadzhab karena tetap menggunakan kerangka istinbath yang dikembangkan ulama mazhab. Penelitian juga menemukan bahwa ulama dalam Bahtsul Masail harus berperan sebagai ahli hukum yang memahami teks sekaligus kebutuhan dan kemaslahatan masyarakat. Kontribusi penelitian ini terletak pada penyusunan kerangka konseptual tahqiq al-manath sebagai dasar pengembangan Bahtsul Masail yang metodologis, kontekstual, multidisipliner, dan responsif terhadap persoalan kontemporer.

Kata Kunci: Tahqiq Al-Manath; Metode Manhaji; Bahtsul Masail; Muqaddimah Kulliyah; Muqaddimah Juz'iyah; Kemaslahatan.

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1. Introduction

Nahdlatul Ulama (NU), as a religious mass organization (*jam'iyah diniyyah*), bears a moral responsibility to offer reasoned responses to the religious and social problems encountered by its constituents. NU established the Lembaga Bahtsul Masail (Bahtsul Masail Institute) to address questions raised by the wider public and, more specifically, by Nahdliyin communities (Mahfudz, 2000). Although the institution formally extends from the village level to the national executive, resource constraints and local social dynamics mean that its effective operation is often concentrated at the district-branch level. Areas with strong NU sociological bases and organizational consolidation, such as Margoyoso District, constitute notable exceptions. Reports from Margoyoso indicate that regularly convened Bahtsul Masail forums have made a meaningful contribution to the surrounding community (Bangkit, 1993; Mahfudz, 2011).

Indonesia's Islamic legal-deliberation landscape is institutionally plural. It includes NU's Bahtsul Masail, Muhammadiyah's Majelis Tarjih, and Persatuan Islam's Dewan Hisbah, alongside fatwa bodies at Islamic higher-education institutions and councils of *kiai* in *pesantren* (Wahid, 2014). These forums formulate responses to social problems embedded in Indonesia's diverse sociocultural settings. In this context, *fiqh* can no longer be treated merely as a rigid, normative-legalistic codification preserved in classical texts. It also functions as a counter-discourse and an instrument of social engineering: an adaptive and interpretively rich discourse capable of addressing complex social realities rather than relying on decontextualized textual justification alone (Mahfudz, 2011).

Islamic legal discourse in Indonesia has also been enriched by the Compilation of Islamic Law (KHI) and its critical counterpart, the Counter Legal Draft of the KHI. These initiatives demonstrate the extent to which Indonesian cultural realities have been interpreted through the lens of Islamic jurisprudence (Asror et al., 2023). Within NU, national-level Bahtsul Masail forums are convened to respond to issues of nationwide significance. The literature, however, records different totals. Ahmad Munjid Nashih identifies 36 forums between 1926 and 2009, including sessions held during NU congresses and National Conferences of Ulama; Ahmad Zuhdi records 33 forums by

1999; while Rif'an Ka'bah and Imam Yahya count 38 congresses and national conferences by 1997 (Nashih, 2019). These variations underscore the need to distinguish organizational events from the legal sessions conducted within them.

Because the Qur'an and hadith do not explicitly regulate every contemporary contingency, NU's Bahtsul Masail employs a hierarchical methodology of legal reasoning through the *qawli*, *ilhaqi*, and *manhaji* methods. At NU's 33rd Congress in 2015, this methodological orientation was further operationalized through a renewed system of *istinbat al-ahkam* comprising *bayani*, *qiyasi*, and *istislahi* or *maqasidi* reasoning (Mahfudin, 2021). This reconstruction enables NU to remain attentive to the classical scholarly heritage while responding adaptively to contemporary change. The *manhaji* commitment reflects NU's epistemic respect for the authority and moral credibility of earlier jurists without denying the need to reinterpret their intellectual legacy in relation to new problems. It also affirms that NU's *ijtihad* is governed by a disciplined, reasoned, and accountable methodology intended to prevent speculative or arbitrary legal conclusions (Abshor, 2016).

The *manhaji* method thus functions as a means of preserving NU's chain of scholarly transmission (*sanad*) while enabling the contextualization of the Qur'an and hadith within an enduring *madhhab*-based framework (Pratomo, 2020). Scientific development, moreover, accompanies transformations in culture, social relations, and the conditions of collective life (Kuhn, 2002). Against this background, NU's legal reasoning has gradually shifted from an almost exclusive reliance on *qawli* authority toward a more explicit *manhaji* orientation. Although *madhhab*-based *ijtihad* remains the dominant position, other currents have more openly promoted independent *ijtihad* and criticized *taqlid* (Haedar, 1998). This reformist tendency became increasingly influential when K. H. Ahmad Shiddiq called for *tajdid* at NU's 1987 National Conference in Cilacap. His appeal was widely welcomed, particularly by younger NU intellectuals, and was subsequently expanded under the leadership of K. H. Abdurrahman Wahid, contributing to a broader reinterpretation of what adherence to a *madhhab* entails (Abshor, 2016).

This article investigates how the *manhaji* turn operates within NU's *Bahtsul Masail* through the analytical lens of *tahqiq al-manath*, understood here as the verification of the operative basis of a ruling. This perspective is significant because it clarifies the mechanisms through which *Bahtsul Masail* contextualizes Islamic law, particularly in the National Conferences of Ulama. Mapping these mechanisms reveals the intellectual paradigms that underlie collective legal deliberation. Such contextualization does not discard the products of classical *fiqh* (*turath*); rather, it seeks to recover the meanings and legal rationales embedded in both the normative texts of the *Sharia* the *Qur'an* and *hadith* and the authoritative formulations of earlier *mujtahids* (al-Haytami, 1983, vol. 1; al-Fadani, 2015).

Most studies of NU's *Bahtsul Masail* methodology have concentrated on interpreting the 1992 National Conference in Bandar Lampung. Abshor (2016), for example, examines the transition from *qawli* to *manhaji* reasoning and argues that this shift did not remove NU from the *madhhab* tradition; instead, it retained the methods and theoretical architecture developed by the founders and later authorities of the legal schools. Pratomo (2020) similarly analyzes the operational structure of the *manhaji* method. He identifies its renewal in the incorporation of Abdullah Saeed's contextual approach and Jasser Auda's contemporary reconstruction of *maqasid al-shari'ah*. Unlike a paradigm confined to school-specific legal literature, this orientation seeks to identify the *Qur'an's* overarching normative values and translate its universal message into socially grounded legal responses.

Building on these studies, this article pursues two objectives. First, it analyzes and maps the application of *tahqiq al-manath* within the *manhaji* method of NU's *Bahtsul Masail*, with particular attention to the relationship between the *muqaddimah kulliyyah* as a normative premise and the *muqaddimah juz'iyah* as an instrument for examining the concrete circumstances of a case. Second, it analyzes the contribution of *ulama* as *faqih fi masalih al-khalq* in producing *Bahtsul Masail* decisions that remain grounded in the *madhhab* tradition while being contextual, proportionate, and responsive to public needs and welfare.

2. Research Method

This study employs a qualitative, descriptive library-research design to examine the

reactualization of *tahqiq al-manath* through the *manhaji* method in NU's *Bahtsul Masail*. The primary sources comprise works of *usul al-fiqh* that discuss *tahqiq al-manath* particularly al-Ghazali's *Al-Mustashfa min Usul al-Fiqh* and *Asas al-Qiyas* together with texts addressing the contextual application and transformation of legal rulings (al-Ghazali, 1993, 2022; al-Qarafi, 2003). These materials are supplemented by official *Bahtsul Masail* decisions and secondary scholarship on *qawli*, *ilhaqi*, and *manhaji* reasoning in NU's tradition of *istinbat al-ahkam* (Abshor, 2016; Mahfudin, 2021; Pratomo, 2020). Data were collected through document analysis: relevant sources were inventoried, selected, closely read, and classified according to two analytical categories the *muqaddimah kulliyyah* as the normative-methodological foundation and the *muqaddimah juz'iyah* as the analysis of social reality, case characteristics, and the conditions of the legal object. Content and conceptual analysis were then conducted through data reduction, conceptual categorization, textual interpretation, comparison of scholarly positions, and synthetic reconstruction. Source triangulation was used to enhance analytical credibility by comparing classical *usul al-fiqh* texts, contemporary scholarly interpretations, official *Bahtsul Masail* decisions, and previous research. This procedure produced a systematic account of how *tahqiq al-manath* can support legal decisions that are methodologically rigorous, contextually grounded, and oriented toward public welfare.

3. The Qawli and Manhaji Methods as Foundations of the Muqaddimah Kulliyyah

Within Islamic epistemology, *fiqh* must be distinguished from the *Qur'an* and *hadith*. The *Qur'an* is understood as divine revelation whose truth transcends time and place, whereas *fiqh* is a historically situated product of human interpretation. *Fiqh* is therefore particular, flexible, and open to reasoned disagreement. Nevertheless, some Muslims treat juristic formulations as if they possessed the same absolute status as revelation. Such formalism risks alienating communities from *fiqh* when inherited formulations appear unable to address their lived circumstances. If social life is no longer meaningfully guided by *fiqh*, the normative tradition itself becomes disconnected from the people it is intended to serve (Mahfudz, 2011).

Fiqh may be defined as the discipline concerned with practical legal rulings governing legally responsible persons (*mukallaf*). As a body of Islamic jurisprudence, it possesses its own conceptual structure and methods. The formulation of legal rulings is supported by *usul al-fiqh*, which provides general principles for deriving law, and by *al-qawa'id al-fiqhiyyah*, which offers predominantly general maxims that guide legal determination (Mahfudz, 2011). Together, these disciplines provide the methodological resources through which fiqh can be contextualized without abandoning its normative foundations.

Inherited juristic formulations cannot, by themselves, resolve every contemporary problem. Political structures, cultural practices, technologies, and social conditions change, and legal application must account for these transformations. When no explicit answer can be found in established juristic texts, suspending judgment indefinitely is neither methodologically satisfactory nor socially responsible. What is required is not the abandonment of fiqh, but a return to the jurists' *manhaj*: the disciplined use of *usul al-fiqh* and legal maxims to address new circumstances. Contextualization in this sense does not sever society from the legal tradition; it restores social life to the ethical and conceptual purposes of fiqh (Nahdlatul Ulama, n.d.).

Usul al-fiqh provides the theoretical architecture through which normative texts are applied to contemporary problems. Al-Razi defines it, as an autonomous discipline, as the study of general legal proofs, the methods by which they are used, and the qualifications required of a *mujtahid* (al-Razi, 1997, vol. 1). Its function is to determine the rights and obligations of legally responsible persons by applying general principles to particular and newly emerging cases. It also enables jurists to address matters for which the Qur'an and hadith provide no explicit legal determination.

Al-Sayyid Umar al-Basri equates *al-bahth* with the process of *istinbat al-hukm*. In his account, *al-bahth* is the derivation of a ruling from the explicit statements of a *mujtahid* imam and from the general principles recognized within that imam's school; the process also encompasses *ilhaq* and forms of *takhrij* (Bilfaqih, 2017). Accordingly, *al-bahth* addresses cases for which no explicit ruling has been transmitted. Even when the resulting judgment is not directly stated by the founding

mujtahid, it remains attributable to the school because the case falls within its established principles and methods. Such a ruling is described as *al-manqul bi al-naql al-'amm*: a judgment derived through the school's general transmitted framework (al-Malaibari, 2018).

Among NU scholars, the term *istinbat* has often been associated with independent *ijtihad* directly from the Qur'an and hadith. This cautious usage reflects an awareness of the extensive linguistic, legal, and auxiliary qualifications traditionally required of a *mujtahid*. Consequently, NU circles have generally preferred the expression *Bahtsul Masail*, referring to the collective examination of actual cases (*masa'il waqi'iyah*) through the authoritative works of the jurists (*kutub al-fuqaha*) (Nahdlatul Ulama, n.d.).

The procedures used in *Bahtsul Masail* can be interpreted as forms of *tahqiq al-manath*. Al-Subki discusses *tahqiq al-manath* within the classical treatment of *masalik al-'illah* the methods by which the effective cause of an analogical ruling is established (al-Aththor, n.d., vol. 2).

Al-Shatibi, however, extends *tahqiq al-manath* beyond the identification of an effective cause in *qiyas*. He defines it as the specification and application of a legally established rule to its concrete locus (*mahall al-hukm*), namely the legally responsible person and the circumstances in which the rule is to operate. *Tahqiq al-manath* therefore requires a detailed understanding of the actual case confronting the community (al-Shatibi, n.d.). Al-Ghazali, who systematized the related concepts of *takhrij al-manath*, *tanqih al-manath*, and *tahqiq al-manath*, explains that the '*illah*' is the *manath al-hukm*: the feature to which the Sharia attaches a legal ruling and by which the applicability of that ruling is recognized. Like al-Shatibi, he treats *tahqiq al-manath* not merely as a component of *qiyas*, but as a broader method for applying law to its proper object (al-Ghazali, 2022).

Al-Ghazali illustrates *tahqiq al-manath* through several examples. The appointment of an imam, judge, or guardian may be established as a collective obligation by general legal evidence; identifying the particular person who possesses the requisite competence, integrity, and leadership capacity nevertheless requires case-specific *ijtihad*. The same logic applies to maintenance obligations defined according to sufficiency (*bi qadr al-kifayah*), for which the actual amount must be assessed in light of

contemporary needs. It also applies to determining an equivalent sacrificial animal as compensation for certain pilgrimage violations when the precise animal is not specified in the source texts (al-Ghazali, 2022).

Al-Ghazali explains that this form of *ijtihad* requires two premises. The first is a general normative proposition grounded in the legal sources, which he calls the *muqaddimah kulliyyah*. The second is an evaluative judgment concerning the specific circumstances of the legally responsible person, termed the *muqaddimah juz'iyah*. Although the general *manath* is known through revelation, its application to a particular person or event requires probabilistic but disciplined judgment (*zann*) (al-Ghazali, 2022).

The *muqaddimah kulliyyah* is thus a juristic abstraction of the normative sources, articulated in the form of general *fiqh* principles (al-Subki, n.d., vol. 2). A methodological difficulty arises when contemporary cases lack an explicit textual analogue and when *tahqiq al-manath* is reduced to the narrow task of locating an '*illah*'. To avoid this semantic and epistemological reduction, the meaning of *manath* must be expanded to include the broader normative basis and purpose of a ruling. Al-Shatibi addresses this problem through his distinction between different modes of Sharia regulation (al-Shatibi, n.d.).

Al-Shatibi divides legal rules into two broad categories: rules whose application is formally restricted (*muqayyadah*) and rules that are not bound by an exhaustive set of formal specifications (*mutlaqah*). In the former category, the law is accompanied by defined conditions, limits, and procedures that human reason cannot independently redesign. Ritual law provides the clearest example of this formal and devotional structure (al-Shatibi, n.d.). In such cases, general *fiqh* formulations serve as the *muqaddimah kulliyyah* through which *tahqiq al-manath* is operationalized. Within NU's *Bahtsul Masail*, these inherited formulations provide the principal normative basis of the *qawli* method.

Rules that are not exhaustively bound by formal conditions, by contrast, require *ijtihad* to identify the intelligible rationale (*ma'na ma'qul*) underlying the text. This category is particularly prominent in social transactions and customary practice (*'adiyyat*) (al-Shatibi, n.d.). Here, the *muqaddimah kulliyyah* enables jurists to connect social realities that are not directly accommodated by traditional analogical

formulations with the broader principles of *fiqh*. Determining the *manath* of changing social phenomena therefore requires a method capable of identifying the meaning and purposive significance of the normative sources. In the framework adopted at the 1992 Bandar Lampung National Conference, the *qawli* and *ilhaqi* methods both begin with school-based juristic texts as the normative capital for legal determination and contextual application.

The operative basis of a ruling may therefore be identified either by following established juristic determinations across the legal schools or by exercising *ijtihad* to identify the relevant meaning of a text (al-Zubaydi, 1435 AH). Al-Ghazali's analysis implies that the *muqaddimah kulliyyah* is not limited to conclusions already recorded in the *turath* (al-Ghazali, 2022). It may also be constructed through *manhaji* reasoning, including *istihsan*, *istislah* (the assessment of public welfare), *istishab*, and other recognized modes of legal inference (Ibn Bayyah, n.d.). Al-Ghazali further explains that when a person evaluates several possible courses of action and identifies the one that most effectively realizes welfare, the evaluative process itself may constitute *tahqiq al-manath* (al-Ghazali, 2022).

NU's 2015 Congress in Jombang specified that the *istislahi* or *maqasidi* dimension of the *manhaji* method encompasses *istihsan*, *maslahah*, and '*urf*' (Nahdlatul Ulama, n.d.). This method is intended to address questions that cannot be answered decisively through *qawli* or *ilhaqi* reasoning. Although it does not always rely on an explicit statement by a previous jurist, it remains within the *madhhab* tradition because its conclusions are grounded in the theoretical abstractions and methodological principles developed by the schools (al-Shatibi, n.d.). Properly applied, it allows *Bahtsul Masail* to formulate responses that reflect actual social needs rather than remaining closed to legitimate renewal (Albab, 2025). Such needs, however, cannot be assumed or defined arbitrarily; they must be investigated through relevant fields of knowledge. This requirement leads to the role of the *muqaddimah juz'iyah*.

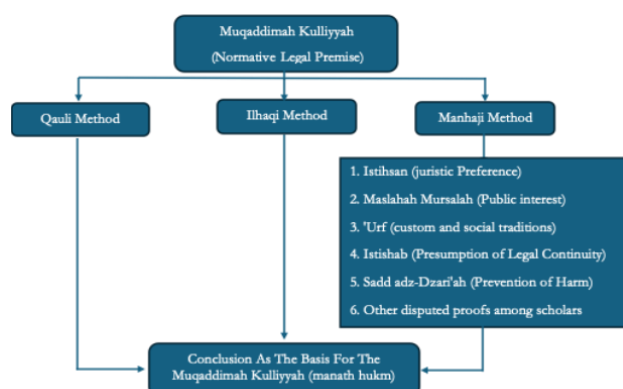
4. Conceptual Framework of Tahqiq al-Manat in the Manhaji Method

Previously, it was noted that *muqaddimah kulliyyah*, as a normative-theological foundation, derives not only from the *qawli* or *ilhaqi* methods, but also results from the interpretation of Sharia texts through

the *manhaji* method. The *manhaji* method itself was effectively elaborated in the results of the 2015 Jombang Congress (LBM PBNU, Ahkamul Fuqaha, p. 1087–1090, 2019). Included within the scope of the *manhaji* method are *istihsan*, *maslahah*, and *'urf*. The systematic application of each element of the *manhaji* method was detailed in the decisions of the aforementioned congress. This systematic framework is a conventional practice, having developed into the academic discipline of *Usul al-Fiqh* within Islamic literature. This discipline serves two main functions: as an ontological standard in applying a textual evidence (*dalil*), and as a means to ensure the accuracy of contextualizing that evidence within a specific case (Ibn Bayyah, p. 139, 2018).

The abstraction of the *tahqiq al-manat* map as the methodological foundation of *manhaji* serves as the primary operational cornerstone that binds and articulates various textual evidence (*dalil*) and *usul al-fiqh* methods within real-world contexts. According to Ibn Bayyah (p. 141–142, 2019), this method acts as an assessment tool for public interest (*maslahah*) in *istihsan*, a determinant of the preponderance of benefit over harm (*mafsadat*), a measure of the probability of outcome (*ghalabat al-ifda'*) in *sadd adz-dzarai'*, an elucidator of the legal status of subsidiary issues (*far'*), a refiner of analogical reasoning in *qiyas* (through *tanqih* and *takhrij al-manat*), and a means to verify historical facts for applying legal rulings in *istishab*.

Based on the explanation above, the position of *muqaddimah kulliyah* within the *manhaji*, *qawli*, and *ilhaqi* methods can be observed in the diagram below:



From the aforementioned group of *manhaji* methods, the conclusion served as the legal basis (*manat al-hukm*) can be effectively identified. In the view of al-Ghazali (p. 437, 2022), *manat al-hukm* refers to the normative

attribution of Sharia toward an entity as the basis for determining Sharia rulings, while simultaneously functioning as an *'alamah* (epistemic indicator) for the applicability of said rulings. Meanwhile, the *qawli* and *ilhaqi* methods represent preliminary pathways in searching for *manat al-hukm* oriented toward the opinions of madhhab scholars, whether produced by an absolute *mujtahid* (*mujtahid mutlaq*) or others. From this perspective, according to Ath-Thufi (p. 233, 1987), *tahqiq al-manat* is divided into two parts: first, proving the applicability of the implications of authoritative general legal maxims (*al-qawa'id al-kulliyah*) to derivative cases (*far'*); second, proving the presence of a verified effective cause (*ratio decidendi*/*'illat*) in derivative cases (*far'*).

Thus, apart from identifying *manat al-hukm*, the primary objective of the *manhaji* method is to serve as a normative foundation of Sharia law for cases whose explicit answers have not been found through the *qawli* or *ilhaqi* methods. Through *bahtsul masail*, participants can engage in scholarly debate (*munadharah*) to test the strength of the *manat al-hukm* they present. This debate aims to identify potential fallacies or errors in argumentation that may occur during the legal derivation process. In the discipline of *Usul al-Fiqh*, such debate is known as *qawadih al-qiyas*. Generally, *qawadih al-qiyas* constitutes a method for testing the validity of legal analogy (*qiyas*). However, it can also potentially be utilized as a tool to verify the validity of the outcomes produced by the *manhaji* method within *bahtsul masail*.

5. Interdisciplinary Analysis as the Conceptual Framework of the Muqaddimah Juz'iyah

The preceding discussion shows that the *muqaddimah kulliyah* in *Bahtsul Masail* is generated through normative analysis of the Sharia sources, whether by *qawli*, *ilhaqi*, or *manhaji* reasoning. This normative analysis is indispensable because *fiqh* operates across two interrelated dimensions: the sacred domain of normative texts and the worldly domain of social application (Mahfudz, 2011). The *muqaddimah kulliyah* identifies the reach and general basis of the normative rule, whereas the *muqaddimah juz'iyah* examines the event (*waqi'ah*), person, and circumstances to which that rule may apply. The relationship between the two is expressed in the principle of *tanzil al-*

hukm 'ala al-waqi': applying the legal rule to the concrete case (Ibn Bayyah, n.d.).

Drawing on Balqasim al-Zubaydi, Syaifuddin (2024, p. 27) identifies five requirements for tahqiq al-manath: describing the problem comprehensively; examining the time, place, and surrounding conditions; anticipating the conduct and responses likely to follow from the ruling (i'tibar al-ma'alat); considering the legal subject's purposes and intentions; and weighing competing benefits and harms. Albab (2025, p. 27) similarly locates tahqiq al-manath at the level of the muqaddimah juz'iyah and, following al-Ghazali's Asas al-Qiyas, emphasizes that case analysis constitutes a major part of the work involved in legal determination.

Syaifuddin and Albab accordingly understand tahqiq al-manath as a structured dialogue between the normative sources and

social reality, informed by relevant disciplines. Their position develops Kiai Sahal Mahfudz's social-fiqh paradigm, according to which legal reasoning concerning complex social phenomena must remain open to empirical and interdisciplinary knowledge. This requirement is particularly evident in cases involving workplace violence and discrimination, where legal analysis must consider prevention, complaint mechanisms, institutional follow-up, and sustained support for victims rather than merely assigning an abstract legal status.

In NU's Bahtsul Masail, analysis of the actual case the muqaddimah juz'iyah must therefore address multiple dimensions. The analytical framework adopted at the 1992 Bandar Lampung National Conference organizes deliberation into four interrelated stages (LBM PBNu, Ahkamul Fuqaha, 2019):

Table 1. Analytical Framework Adopted at the 1992 Bandar Lampung National Conference

No.	Analytical Stage	Purpose	Factors or Dimensions Examined
1	Problem Analysis	Identify the causes, background, and conditions that generated the case under deliberation.	a. Economic factors b. Political factors c. Cultural factors d. Social factors e. Other relevant factors
2	Impact Analysis	Identify the positive and negative consequences of the case for which a legal determination is sought.	a. Socioeconomic dimensions b. Sociocultural dimensions c. Sociopolitical dimensions d. Other relevant dimensions
3	Legal Analysis	Determine the legal ruling after considering the case's background, causes, and consequences. The analysis addresses both Islamic law and the applicable statutory framework.	a. Classification under al-ahkam al-khamsah: obligatory, recommended, permissible, reprehensible, or prohibited b. Normative principles of Ahl al-Sunnah wa al-Jama'ah c. Applicable positive law
4	Action, Responsibility, and Oversight	Formulate the practical implications of the decision or fatwa, including responsible actors, methods, time frame, location, implementation, monitoring, and evaluation.	a. Political pathway: engaging public authority and policy b. Cultural pathway: building public understanding through media, religious instruction, and socioreligious forums c. Economic pathway: improving community welfare d. Other social pathways: promoting public health, environmental protection, and responses to related social problems

The social-scientific analysis summarized above provides the empirical basis for constructing the muqaddimah juz'iyah. It clarifies the causes, background, and positive or negative consequences of a phenomenon and thereby identifies the manath that will be situated

within the mahall al-hukm, the concrete object of legal application. In Asas al-Qiyas, al-Ghazali outlines five broad forms of inquiry relevant to the analysis of a particular case: linguistic inquiry (nazariyyah lughawiyyah), customary or social inquiry (nazariyyah 'urfiiyyah), rational inquiry

(nazariyyah 'aqliyyah), sensory or empirical inquiry (nazariyyah hissiyyah), and inquiry into the natural world (nazariyyah tabi'iyah) (al-Ghazali, 1993).

Al-Ghazali's fivefold classification is illustrative rather than exhaustive. Al-Qarafi similarly argues that the application of law depends on two forms of evidence. The first is normative evidence derived from the Qur'an and hadith, which is finite and stable. The second is evidence concerning the prevailing context, which is open-ended because social reality continually changes (al-Qarafi, 2003, vol. 1). Al-Shatibi therefore locates *tahqiq al-manath* primarily within the *muqaddimah juz'iyah* what he also calls the *muqaddimah nazariyyah*, or the analytical premise concerning the case (al-Shatibi, p. 492).

As an example, physical science can be applied to analyze the global impacts of climate change. Historically, *qoul* by classical scholars addressing climate change are non-existent. Consequently, the appropriate approach to addressing this issue is through the *manhajī* method. Under this framework, the *manhajī* method must be capable of identifying the legal ratio (*manāṭ al-ḥukm* or normative basis) as the foundation for *muqaddimah juz'iyah*. Once this legal ratio is identified, it is necessary to incorporate scientific analytical frameworks- or at least scientific empirical findings- that expose the consequences of climate change. When these scientific findings align with the legal ratio derived from the *manhajī* method, a definitive synthesis within the *baḥth al-masā'il* process is established.

To illustrate this mechanism, the author presents a preliminary analysis aimed at determining the legal status of actions that induce climate change. Al-Shātibī (2019, p. 837) asserts that evaluating future actions based on considerations of public interest (*maṣlaḥah*)- whether through harm prevention (*dar' al-mafṣadah*) or benefit acquisition (*jalb al-maṣlaḥah*)- constitutes an integral part of the higher objectives of Islamic law (*maqāṣid al-sharī'ah*). Empirically, scientific consensus indicates that global climate change represents a severe *mafsadah* that must be mitigated, even if such harm is projected into the future (Pinontoan, 2021). From this brief exposition, the legal ratio (*manāṭ al-ḥukm*) regarding actions that adversely impact climate change is identified. Other scientific disciplines in this context serve as evidence to uncover the legal ratio within the minor premise (*muqaddimah juz'iyah*). At this

juncture, establishing *maṣlaḥah* concerning future global climate conditions constitutes a core operation of *tahqiq al-manāṭ*.

6. The Limits of the Qawli and Ilhaqi Methods in Bahtsul Masail

Within *usul al-fiqh*, al-Shatibi distinguishes between legal rules that are not exhaustively conditioned (*mutlaqah*) and those whose application is formally restricted (*muqayyadah*). In the latter category, legal application is governed by precise criteria, conditions, and procedures. These constraints are indispensable because human reason is inherently limited and cannot independently redesign rules whose validity rests on revealed specification. Ritual law is the clearest domain in which such formal and devotional constraints prevail (al-Shatibi, p. 493-494).

This formal structure corresponds to al-Qarafi al-Maliki's account of the boundaries of a legal school. In his view, a doctrine qualifies as *fiqh* when it concerns five things; namely subsidiary rulings (*furu'iyah* *ijtihadiyyah*), causes (*sabab*), conditions (*shart*), impediments (*mani'*), and arguments (*hujjah*) in judicial decisions related to causes, conditions, and impediments. First, the concept of Sharia law in al-Qarafi's perspective is when it concerns practical, Sharia-based, and *ijtihadi* rulings (*ahkam shar'iyah far'iyah* *ijtihadiyyah*). The designation *shar'iyah* excludes conclusions derived solely from abstract reason or sensory observation; *far'iyah* distinguishes *fiqh* from theology and from the general methodological principles of *usul al-fiqh*; and *ijtihadiyyah* indicates that *fiqh* is a product of juristic reasoning rather than a self-evident or necessarily known rule (al-Qarafi, 1995).

Al-Qarafi further explains that the structure of *fiqh* includes the legal cause (*sabab*) and the formal condition (*shart*). A *sabab* is an external indicator that activates a legal rule, such as the sun's decline from the meridian as the cause of the noon prayer or biological maturity as a marker of legal adulthood. A *syarat*, by contrast, is a condition required for the validity or applicability of an act, such as covering the 'awrah in prayer, possessing wealth for a complete lunar year before *zakat* becomes due, or the legal purity of an object sold in a commercial transaction (al-Qarafi, 1995).

A further element is the *mani'*, an impediment that interrupts the relationship

between a cause and its legal effect even when other conditions have been fulfilled. Speaking during prayer, for example, invalidates the ritual; killing the deceased prevents an heir from inheriting; and, in some legal schools, physical contact between unrelated men and women invalidates ritual ablution. The final component of a school of jurisprudence (*madhhab*) consists of the variables utilized as the foundation for judicial rulings. These variables are categorized into two: those agreed upon by the scholars (*ulama*) and those subject to scholarly disagreement. From these variables, a judge (*qadi*) can derive a legal conclusion for an individual, whether the variable functions as a cause (*sabab*), a condition (*shart*), or an impediment (*mani*). (al-Qarafi, p. 193-194, 1995)

These five formal components of school doctrine are not altered merely by changing circumstances. For a muqallid, the authoritative formulation of the mujtahid occupies a position analogous to that of the revealed text for the mujtahid, because the muqallid cannot independently reconstruct the full reasoning by which the school's doctrine was derived (al-Fadani, p. 68, 2015). The task is therefore to apply the established ruling accurately to the relevant case (*tanzil al-hukm 'ala al-waqi'*). Methodologically, the effectiveness of *taqlid* (following a school of thought) for the layperson can be abstracted into these five aspects. They represent the result of scholarly induction (*istiqrar*) from various normative Islamic legal texts. (al-Qarafi, p. 194, 1995).

These considerations show how al-Qarafi's framework is incorporated into NU's Bahtsul Masail through the qawli method, which refers directly to authoritative classical texts, and the ilhaqi method, which extends a transmitted ruling to a new case on the basis of a relevant similarity. In this context, *tahqiq al-manath* does not amount to unrestricted independent *ijtihad*. Its operation remains closely connected to the reasoning of earlier jurists and must conform to the methodological parameters of the legal schools.

Kiai Muhibbul Aman Ali identifies several procedures commonly employed in NU's Bahtsul Masail. These procedures represent forms of *takhrij al-furu' 'ala al-furu'* deriving the ruling of a new case from an established subsidiary case (Maslakul Huda, 2023):

- a. Equating a new case for which no transmitted ruling is available with an established case when no legally relevant difference can be identified between them (*ilhaq ma lam yujad manqulan bi-ma wujida fi al-manqul ma'nahu...*). In a 1961 Bahtsul Masail session in Salatiga, for example, the appointment of a woman as village head was prohibited by analogy with the classical prohibition on appointing a woman as a judge, on the ground that both offices exercise public authority and issue binding decisions.
- b. Deriving a rule from the implication or apparent meaning of an authoritative text (*al-akhdh min mafhum al-'ibarah iqtidan aw zuhuran*). At NU's 1928 Congress in Surabaya, Bahtsul Masail prohibited the construction of buildings over graves located on endowed land. The ruling drew on *I'anat al-Talibin*, which indicates that a person who constructs a burial structure and permits others to bury the deceased there does not thereby relinquish ownership. The continued private claim over the land was considered incompatible with the legal character of a public endowment.
- c. Identifying the effective cause of an established ruling (*al-akhdh min 'illat al-mas'alah*). In 1954, NU's Bahtsul Masail in Surabaya prohibited organizations or individuals from publicly announcing the beginning of Ramadan before the competent state authority had done so. The ruling was based on the anticipated risk of confusion and social conflict and was therefore justified as a measure to prevent harm (*daf'an li al-mafsadah*).
- d. Applying a recognized general legal maxim (*al-akhdh min al-qawa'id al-fiqhiyyah al-kulliyyah al-ma'rufah*). In 1960, a Bahtsul Masail session in Jakarta ruled that monosodium glutamate remained legally pure despite unverified claims that it contained pig-derived material. The decision relied on the presumption of continuity expressed in the maxim *al-asl baqa' ma kana 'ala ma kana*: a thing retains its original legal status until reliable evidence establishes otherwise.

7. Ulama as Faqih fi Masalih al-Khalq: Reorienting the Manhaji Method through Tahqiq al-Manath

The use of manhaji reasoning raises a central question: does a Bahtsul Masail decision derived through this method remain within the madhhab tradition? Pratomo (2020) argues that the manhaji model continues the chain of intellectual transmission originating in the legal schools. Abshor (2016) likewise maintains that its use reflects NU's respect for the authority and moral credibility of earlier jurists. The absence of a ready-made answer to a contemporary problem does not justify discarding their works; it requires reconstructing the methodological reasoning through which the tradition can address the new case.

Abshor (2016) and Pratomo (2020) consequently portray NU's approach as a measured form of *ijtihad* designed to avoid unregulated or methodologically blind legal reasoning. The derivation of rulings for contemporary cases not explicitly addressed in classical texts must proceed through a rigorous method and under the authority of appropriately qualified scholars. This produces a dialectical model that respects earlier juristic authority while remaining responsive to social transformation. Mahfudin's (2021) analysis of NU's 33rd Congress in Jombang identifies three complementary modes of *istinbat al-ahkam*: *bayani*, *qiyasi*, and *istislahi* or *maqasidi* reasoning. *Maqasid al-shari'ah* is relevant not only to the interpretation of texts but also to the derivation of rulings where no direct textual provision exists; secondary proofs such as *istihsan*, *maslahah mursalah*, and *'urf* ultimately derive their normative orientation from the objectives of the *Sharia*.

Viewed through *tahqiq al-manath*, the manhaji method becomes particularly important when *qawli* and *ilhaqi* searches fail to provide an adequate normative basis. In such cases, manhaji reasoning helps construct the *muqaddimah kulliyah*. Following al-Ghazali, Abdullah Ibn Bayyah argues that the manath need not be taken exclusively from a completed ruling transmitted from earlier jurists; it may also be established through recognized forms of methodological *ijtihad*, including *istihsan*, *istislah*, *istishab*, and other modes of inference in *usul al-fiqh*.

Kiai Sahal Mahfudz illustrates this logic in Anwar al-Basha'ir, his commentary on al-Suyuti's *Al-Ashbah wa al-Naza'ir*. Al-Suyuti lists

as an implausible claim the statement of a person in Mecca that he had married a woman in Basra the previous day, because such travel was customarily impossible in his historical setting. Kiai Sahal comments that the impossibility applied to that period but no longer necessarily applies under contemporary conditions (Mahfudz, 2019).

The example demonstrates that a manifestly false claim cannot be accepted as legal evidence, but that the historical illustration used to identify falsity is not itself an immutable rule of the madhhab. Once the empirical circumstances change, the example must be reassessed. *Tahqiq al-manath* therefore serves to disclose the actual conditions of the legally responsible person and the social, technological, and institutional circumstances surrounding the case.

By subjecting social reality to *tahqiq al-manath*, Bahtsul Masail can formulate rulings that correspond more closely to the circumstances in which they will operate. Nashih (2019) describes the Bahtsul Masail tradition as a mechanism for addressing the problems encountered by NU communities. Accurate identification of public needs is therefore indispensable, especially when conventional textual searches reach an impasse. This inquiry contributes not only to locating the legal basis of a ruling but also to *dakwah bi al-hal*: an ethically engaged response to the concrete conditions of the community. Kiai Sahal accordingly insists that NU intellectuals and ulama must be capable of discerning the needs of the people they serve (Mahfudz, 2011). Read through *tahqiq al-manath*, legal reasoning can thus become an instrument for realizing substantive welfare.

Kiai Sahal defines the ulama not merely as scholars proficient in normative religious texts, but as persons who integrate textual learning with a sophisticated understanding of public needs *faqih fi masalih al-ummah*. Drawing on al-Ghazali, he reorients religious authority toward both interpretive competence and social responsibility (Mahfudz, 2011). Ulama are therefore expected not only to provide religious guidance but also to encourage social agency and constructive change aimed at improving material and spiritual life (Mahfudz, n.d.). More broadly, the human vocation encompasses both formal worship and participation in worldly welfare. The pursuit of well-being in this world and the hereafter (*sa'adat al-darain*) consequently requires cooperation between

ulama and public authorities (umara) (Mahfudz, 1986).

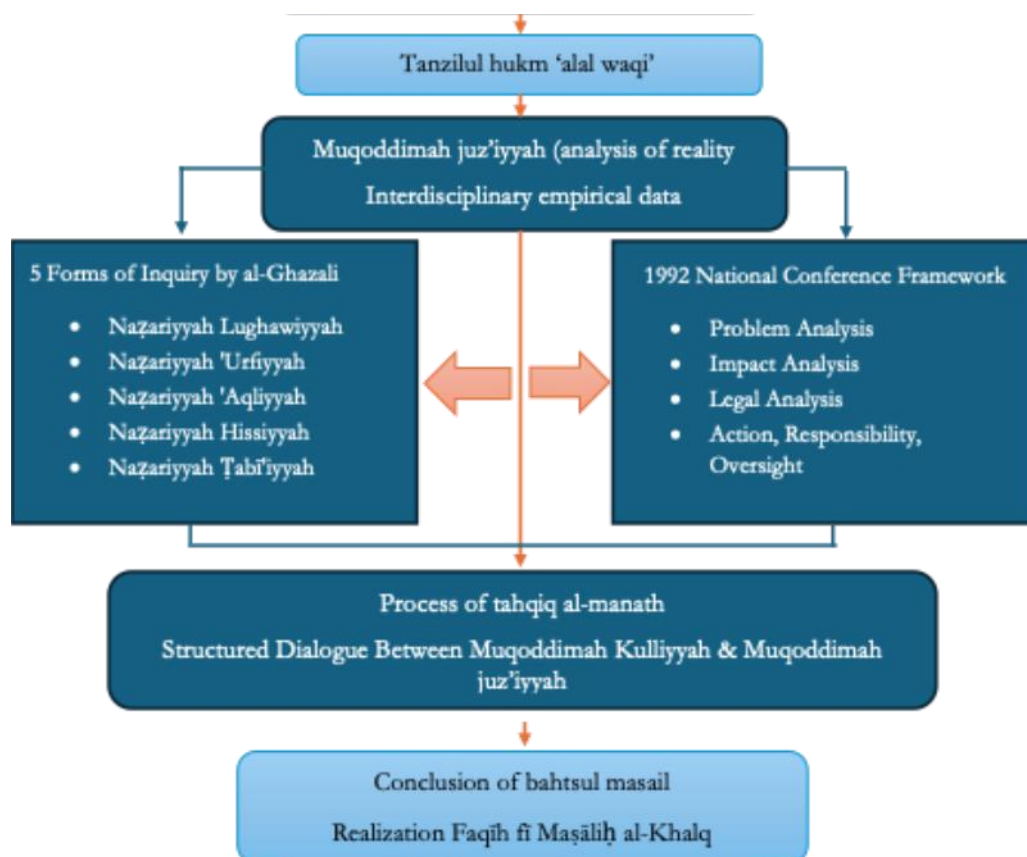
This conception is central to the present argument. Ulama who undertake *tahqiq al-manath* in *Bahtsul Masail* must possess the intellectual capacity to interpret emerging social problems and to bring *fiqh* into a disciplined dialogue with lived reality. When participants understand the needs of the community, the resulting rulings are less likely to be rigid or context-blind. At the same time, their conclusions remain normatively anchored in the *Sharia* rather than being reduced to expedient worldly interests. This distinguishes *Sharia*-based legal reasoning from purely secular constructions of law (al-Buthi, n.d.) and increases the likelihood that *Bahtsul Masail* decisions will be socially intelligible, practically relevant, and attentive to both primary and secondary human needs.

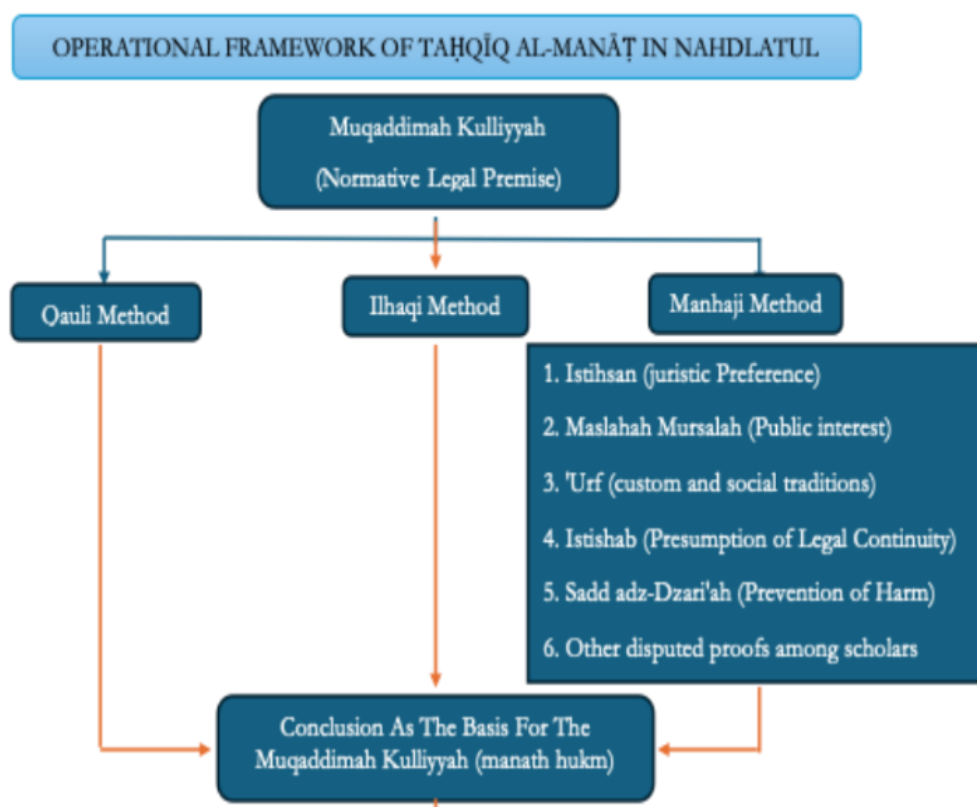
8. Illustration of the Role of Nahdlatul Ulama as *Faqih fi Masholih al-Bahtsul Masail* from the Perspective of *Tahqiq al-Manath*

The illustration serves as a working framework for *bahtsul masail* through the lens of *tahqiq al-manath*, leading to the conclusion that the outcomes of *bahtsul masail* are expected to accurately address the needs of the *umat*. From this perspective, the position of

Nahdlatul Ulama through *bahtsul masail* is able to realize its ideal as *faqih fi masholih al-kholqi*. Furthermore, the role of *bahtsul masail* extends beyond merely providing black-and-white answers to societal issues; it also offers nuanced, gray-area responses that can function as a counter discourse. Consequently, such decisions become acceptable to society while remaining firmly rooted in the normativity of religious texts. Thus, Nahdlatul Ulama can play an active and proactively responsive role in addressing the issues currently faced by society.

The image on the left illustrates the process of searching for the legal basis (*manath*), which in practice is carried out through three options: the *qouli*, *ilhaqi*, and *manhaji* methods. This process is abstracted as *muqoddimah kulliyah*. Meanwhile, the image on the right represents the analysis of the legal determining variables within the reality being studied. This process is abstracted as *muqoddimah juz'iyah*. The orange line symbolizes that the execution of *tahqiq al-manath* must be conducted sequentially, from top to bottom. Meanwhile, the analysis of other scientific disciplines regarding reality can be performed comparatively by using the perspective of al-Ghazali and the results of the 1992 Mukhtamar.





9. Conclusion

This study yields two principal findings corresponding to its research objectives. First, the reactualization of tahqiq al-manath through the manhaji method rests on the integration of two forms of reasoning. The muqaddimah kulliyyah provides the normative and methodological foundation derived from the Sharia sources, authoritative madhhab scholarship, principles of *usul al-fiqh*, and manhaji reasoning through *istihsan*, *maslahah*, *'urf*, *istishab*, and other recognized forms of inference. The muqaddimah juz'iyah, by contrast, establishes the empirical and contextual premise through an examination of the causes, social setting, economic and political conditions, cultural factors, consequences, applicable state law, and possible courses of action surrounding a case. Tahqiq al-manath connects these premises, allowing jurists to determine the operative legal basis and apply the rule accurately to its object. The manhaji method is therefore not a departure from the madhhab tradition, but a methodological development rooted in its epistemic architecture and capable of addressing cases that qawli and ilhaqi reasoning cannot adequately resolve. Second, the ulama's role in Bahtsul Masail must extend beyond mastery of religious texts toward the position of *faqih fi masalih al-khalq*: a jurist capable of understanding social conditions, public needs,

and the consequences of legal intervention. This role requires the integration of Islamic normative knowledge with social analysis and other relevant disciplines. The quality of a Bahtsul Masail decision is consequently determined not only by the formal strength of its textual evidence, but also by the accuracy with which it interprets reality, weighs benefit and harm, and anticipates the practical effects of the ruling. In this way, Bahtsul Masail can function as a forum of collective *ijtihad* that connects the authority of the turath with contemporary social transformation.

The study recommends that the Lembaga Bahtsul Masail develop a systematic operational protocol for tahqiq al-manath, involve interdisciplinary experts according to the nature of each case, and strengthen participants' competence in research, policy analysis, and impact evaluation. Bahtsul Masail decisions should also specify implementation measures, institutional responsibilities, public communication strategies, and monitoring mechanisms. Future research should test this framework empirically against selected Bahtsul Masail decisions in order to assess its methodological consistency, practical effectiveness, and social relevance.

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