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UNDERSTANDING ISLAMIC JURISPRUDENCE AND ITS' THEORY OF LAWMAKING

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Abstract: *The notion of jurisprudence is not an unfamiliar word to both Western and Islamic jurisdictions. Unlike the eternal riddle faced by the former, the latter focus on how the law is made from its' Shari'ah sources. Rulings are laid down in the Holy Book of al-Qur'an, and transmitted to us via the Prophet p.b.u.h. These commands regulate the life of people, and is suitable to be applied in all ages. Progress of the society often accompanied by new arising problems. In solving new problems, certain principles are to be abide by the jurists. Using the methodology of analysis of archived materials, this paper intends to discuss the characteristics of Islamic jurisprudence, and its' theory of lawmaking will be highlighted. The discussion is centered on how these rules are derived from the two most authoritative sources of Islamic law (al-Qur'an and Sunnah) today to solve new emerging problems. It is found that the whole system of Islamic law and Islamic jurisprudence is in a well-ordered manner, and is being able to be applied in any era. The rulings laid down in the al-Qur'an has certain legislative features, and its' purpose behind it is to allow open area of lawmaking. It is perceived that Allah provides the opportunity for jurists of different era to exercise ijtihad to solve new arising problems, and it shall be done in accordance with the principles and rules laid down in the Qur'an and Sunnah of Prophet.*

Keywords: *Jurisprudence; Islam; Lawmaking*

Introduction

The word "jurisprudence" can be dissected into two components, *viz* "juris" means law, and "prudence" means wisdom or knowledge (Svogun, 2013, p 13). Reading both these components together, jurisprudence has the meaning of the knowledge or wisdom of law. However, the notion of jurisprudence has attracted dilemma and endless debate in the West

rather than in Islamic context. In the West, every judges, lawyers and law teachers have to struggle with some central and everlasting riddles that surround the law. The most basic, yet still unanswerable question is "what is 'law'?" Is there some universal concept of law or are there many varied conceptions? In a straightforward manner, law could be defined as rules of conduct or norms or standards of behaviour. In spite of that, the rich reality is that rules exist in many forms and originate from many sources. Many tributaries contribute to the legal main (Shad Saleem Faruqi, 2012). As Faruqi succinctly explained, there is a multiplicity of competing sources in the majestic network of the law. Which source is legally acceptable and which rules qualify as law, and how do we distinguish legal rules from other types of rules are not clear. For instance, rules originate from numerous sources and exist in many forms, where many tributaries contribute to the legal main. The rules of conduct are prescribed by customs and traditions of tribes at the dawn of human history, and as the formal religion gains its foothold, rules then existed by way of religion, ethics and morality. The rise of the political states develops the notion of law into the command of the sovereign, but such command becomes the monopoly of the legislative in the modern society. In an increasingly globalised world, the dictates of international organisations and the treaties and agreements between multi-national parties regulate much of our behaviour. The sovereign state is in decline and more and more international laws are lapping at our shores. The dilemma faced in Western jurisprudence does not stops there, where it is uncertain whether judges only interprets the law when adjudicating disputes, or did they simultaneously legislate the law. In the words of Faruqi: (2012)

> … When disputes arise, we go to courts, tribunals or mediatory or conciliatory bodies. Their decisions are generally holistic and are based on a multiplicity of competing sources. Rarely does a judge decide on the basis of a lone rule. He reads a statutory provision in the context of provisions from other statutes and he supplements formal rules with informal standards that enrich our life and legal system. Like a painter, he enriches the legal canvas with religious, moral, social, economic and historical colours. Law becomes what he, the interpreter, declares it to be and not what the legislator actually prescribed…

From the illustration above, although the word "law" itself never possessed a single, comprehensive definition, nonetheless, in general sense, law in the Western jurisprudence context can be defined as sum total of rules for regulation of behaviour of people and institution.

Unlike in Islamic jurisprudence, it concerns more on the knowledge of how rules are made from its sources. The definition of law has never been a concern, but rather, with the definition of law settled, done and dusted, its focus is on how rules are made from its sources. Islamic jurisprudence is a branch of knowledge of legal rules of Shari'ah, and a study on how those rules are made. Hence, Islamic jurisprudence is the mother of Islamic law. The definition of law in Islam is clear, because it did not subject to different schools of interpretation as evident in the Western jurisprudence such as positivist, naturalist, realist, feminist, and so on. On may argue that in Islam, there are similarly four jurists' schools that gives rise to different interpretation of Islamic law. However, it must be borne in mind that the rise of main four

theories of interpretation as practiced today are enrichment of the legal system and not a disintegration or division of the Muslim world. The interpretation of all four schools, though different, are nonetheless correct for the reason of different understanding of the Qur'an and Sunnah. The differences among the Islamic jurists (*mujtahidun*) with regard to jurisprudential matters is due to their divergent approaches to lawmaking. Difference is a universal fact, which must be respected, and shall complement each other. With this regard, Prophet provides: "Disagreement of my *ummah* is a mercy". Nonetheless, their basic conception and definition of law among all these four schools remain the same. But if division happens between them on the conception of Islamic law, it is not allowed in Islam.In Islam, the law clearly refers to the Holy Book of al-Qur'an (rules given by Lawgiver, Allah s.w.t.) and Sunnah of Prophet (Peace be upon Him). Both are the main sources of Islamic law (Shari'ah). Scholarly interpretations, on the other hand, are known as *fiqh*. In Islamic law, Shari'ah is the main body of Islamic law, and it remains immutable and unchanged. Unlike *fiqh*, it is the extension of Shari'ah, and the occurrence of changes happened according to the time, place, circumstances and people. *Fiqh*, as such, is the changeable part of Islamic law.

As emphasised, the al-Qur'an is the first and main source of Islamic law. It is the book containing the speech of God (Allah) revealed to the Prophet Muhammad in Arabic and transmitted to us by continuous testimony or *tawatur* (Kamali, 2003, p 16). The second source comes the Sunnah which includes the sayings, doings and tacit approval of the Prophet Muhammad s.a.w. (AKram, 2006, p 75). It strengthens, clarifies and expands the verses in al-Qur'an during the days of revelation of Islamic teachings. Its peculiar importance and the need to refer to the Sunnah of Prophet had always been emphasised in Qur'an. In Surah al-Nisa: 59 "… O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result…"

From the verse above, it is clear that the fundamental law (basic code) are the al-Qur'an and Sunnah, and the subordinate law (positive law) are *fiqh* and other laws, example, state constitution, statutes, judicial decisions and customs. The subordinate law must be friendly with the fundamental law (Principle of Submission). Other verses calling mankind not to fall pastry and going back to the right path are: "… Say, "Obey Allah and the Messenger." But if they turn away - then indeed, Allah does not like the disbelievers…." (Surah Ali-Imran: 32), "… Nor does he speak from [his own] inclination… It is not but a revelation revealed…" (Surah al-Najm: 3-4).

Hence, doubts must not and can never be casted on both the authority of al-Qur'an and Sunnah. The matters that currently sits on the center of discussion here are how these rules are derived from the two most authoritative sources of Islamic law today to solve new emerging problems. The end of Era of Prophet also signified the end of the revelation. But these Divine messages, though came to an end simultaneously with the death of the Messenger of Allah s.w.t., life is however evolving and does not come to a halt. Instead, life continues to be ever changing and making progressive advancement. New arising problems requires solutions, or else it will lead to disasters to mankind. Hence to resolve these complications, methodology such as *ijma'* (consensus of opinions) and *qiyas* (analogical reasoning), among others, are used (Kho, 2016).

The importance of learning to solve contemporary problems can be seen in the statements of Imam Ash-Shatibi: (2002)

> …It is enough to point out that the Shari'ah did not insist on regulating every detail of specific cases. It has instead come up with the general rules and unrestricted statements that can cover innumerable cases. Yet every case manifest certain peculiarity that are not shared by other cases in the same category; and what is commanded in general does not include every case nor does it preclude all cases, but each case has its own specific features. There is also a third and an intermediate category of cases that share both these ends. What this all means is that there is, in almost all these three categories of cases, room for the jurist to investigate further. But he has to examine under which evidence it comes; if it partakes of similarities at both ends, then it is really a difficult task…

A Well-Ordered System in Islamic Jurisprudence

Islamic jurisprudence is a well-ordered system, and there is a basis to say so. The notion of *Usul al-Fiqh* (Islamic jurisprudence) is defined as the Principles of Lawmaking. "*Usul*" has the meaning of principles by the use of which *mujtahid* (high ranking jurist) derives the Shari'ah *ahkam* from Shari'ah sources. Some examples of the principles used by jurists in lawmaking are 'everything is halal unless *haram*', and 'whatever leads to *haram* is *haram*'. On the other hand, *fiqh*, as Nyazee quoted, has the technical meaning of lawmaking (how the law is made): (2000, p 31)

> … The Knowledge of Shari'ah *ahkam* (legal rules given by Lawgiver, Allah s.w.t.), pertaining to conduct, that have been derived from their specific evidences in texts (Qur'an and Sunnah) or extended through reasoning from general propositions of the Shari'ah in the light of its' *maqasid*…

From the definition above, it appeared that sources of Islamic law and its lawmaking methodology are arranged in a well-ordered manner. How the rules should be made in solving problems are clear. There are two ways where rules are made:

(i) directly received from the sources (al-Qur'an and Sunnah) or by analogy (*qiyas*)
(ii) If the first method is not helpful, rules are made by applying general principles of Islamic law or the *maqasid* (objectives of Shari'ah)

By using the first method of lawmaking, Shari'ah rules are made by way of searching for evidences in the text al-Qur'an and Sunnah. For example, the questions pertaining to wine and whether it is prohibited in Islam? Surah al-Maidah: 90 in this instance provides: "…O ye who believe! Wine and Gambling… are filth-a work of Satan's (Devil); avoid such (abomination), that ye may prosper…". Based on this verse, the rule (*hukm*) derived from the source of Qur'an is that wine is forbidden. In another example, is misappropriating trust property permitted in the context of Islam? The rulings pertaining to this matter is again being dealt with clearly in al-Qur'an:

> … Devour not each other's property unlawfully… (Surah al-Baqarah: 188)

> … Give unto orphans their wealth. Exchange not the good for the bad (in your management thereof) nor absorb their wealth into your own wealth. Lo! that would be a great sin… (Surah an-Nisa: 2)

The rule on this matter is found in the Qur'an, and it clearly states that such conduct is prohibited. If there are instances where no clear rulings and evidence can be found from the texts, rules are made by way of analogical deduction. For example, using the wine rule above, the specific *Qur'anic* rule provides that wine is prohibited. However, questions arose as to whether the Qur'an laid down rulings on narcotic drugs or products such as marijuana: are they prohibited? Can we extend the wine rule to them? What is the reasoning behind the rule? It appeared that the Qur'an is silent on the matter regarding to narcotic drugs, however, by using analogical deduction (*qiyas*), we can extend the rule of prohibition in wine case to the current narcotic drugs case as both have the same effective cause ('*illah*), namely intoxication. As will be further explained below, for *qiyas* to apply, it must fulfill certain requirements:

(i) original case: wine
(ii) new case: narcotic drugs
(iii) the rule for original case: *haram*
(iv) '*illah*: intoxicate

It must be borne in mind that for *qiyas* to apply, both the original case and the new case must share the same effective cause. Failure to fulfil this requirement will rendered the *qiyas* invalid.

The second method of lawmaking mentioned above is that the general principles or *maqasid*. *Maqasid* is the purposes which the law (Shari'ah) was established to fulfil for the benefit of mankind.They come into light when the first method of lawmaking, *viz* by al-Qur'an, Sunnah and *qiyas* are not helpful. It means that when applying the first method of lawmaking to solve problems, it fails to come out with a solution, *viz* the Qur'an and Sunnah is silent on the new arising problems, and the *qiyas* is neither applicable nor appropriate in solving new case because both the original case and new case did not share the same '*illah* which is one of the most important requirements in using *qiyas*. For example, the problems pertaining to smoking and whether it is *halal* or *haram* in Islam. Smoking, which is not intoxicating as evident in wine, but harmful for human health. Under such circumstances, *maqasid* al-Shari'ah then plays a huge important role in solving new problems in the society. Although we cannot apply *qiyas* for the smoking case, but extending the rule by *maqasid* Shari'ah is still possible, which is to do good to mankind and to remove their harms with respect to five main things-religion, life, family, intellect and economic wealth. Presently, smoking is harmful to health (life), and as such, a rule '*haram* (prohibited) or *makruh* (abominable)' should be made to remove this harm. Therefore, *maqasid* Shari'ah is a legal method, a way of lawmaking in absence of the rulings in Qur'an, Sunnah and *qiyas*. At the same time, it is to be noted that the former has the peculiar characteristics of overriding the latter. It means that the interpretation of Qur'an and Sunnah and the application of *qiyas* must not go against the *maqasid* of Shari'ah.

To conclude, from the propositions above, it appeared that Islamic jurisprudence deals with the principles of lawmaking, and how rules are made from its Shari'ah sources. It is a well-ordered system, for the reason that it lays down a proper mechanism as to how rules shall be

made in solving problems. Rules shall be made by first referring to the evidences and rulings in the text of al-Qur'an and Sunnah, and analogical deduction can be applied when the original case (with rulings laid down in the texts) and the new case share the same '*illah*. In the absence of these, *maqasid* al-Shari'ah comes into light to provide solutions to new arising problems.

Solving New Problems in The Context of Islamic Jurisprudence

The verse surah al-Anam: 38 in al-Qur'an provides that 'We have neglected nothing in this Book'. It often reminds the people that Islam is a complete religion, and all the rulings are laid down in the Book to guide the life of the people. One proponent may then argue that if the Book is complete as envisaged by the verse, why are there problems which arise in a society of different era but it was neither provided nor mentioned in the al-Qur'an, including its solutions. This argument shall be given utmost respect, but there is a sufficient basis to rebut this claim. To answer this, one shall look at the legislative features of the al-Qur'an. This is important because it helps to understand how the Qur'an has laid down rules in various types of wordings and style, in various context, and with various underlying reasonings, from which the jurists receive rulings directly or derive new rulings to meet new social needs following certain principles (*usul*). In this light, some of the rulings has definitive (*qati*') and speculative (*zanni*) in character, and some are brief rules (*ijmal*) and some are detailed rules (*tafsili*), and some are a combination of both (Surah an-Nisa: 3).

For example, brief rulings lay down general principles for lawmaking: "Do not take other's property unlawfully" (Surah al-Baqarah: 188), and this includes, among others, prohibition of theft, robbery, misappropriation of property. Whereas detailed rulings legislate upon matters that are not subject to change, such as inheritance: "In what your wives leave, your share is a half, if they leave no children" (Surah an-Nisa: 12). In another example, *qati*' rulings are definitive in nature and no debate is applicable. Speculative rulings, on the other hand, is debatable because the meaning is not clear or there may be more than one meaning. Debate is allowable over speculative rulings and this is one of the reasons of differences between schools of *Fiqh*.

Hence, when combining the brief and detailed rulings together, it constitute the complete whole of Islamic law, which refers to surah al-Anam: 38. The reason for such legislative feature in the al-Qur'an is that Allah s.w.t. intends to remove rigidity and to ease lawmaking. Islam has no intend of overregulation on the society, where the Qur'an itself provides the justification:

> … Ask not questions about things which, if made plain to you, may cause you trouble. But if ye ask about things when the Qur'an is being revealed, they will be made plain to you. Allah has forgiven those (questions asked in ignorance). And Allah is Oft-forgiving and Most Forbearing… (Surah al-Maidah: 101)

As such, the open area of lawmaking and the exercise of *ijtihad* by jurists at any era after the demise of Prophet is intended by Allah. Muslims shall make laws from the brief and detailed rulings of the Qur'an when solving new problems which arise at different time, place and background setting of the society:

(i) By interpretation

(ii) By *qiyas* (analogical deductions)
(iii)By the objectives of Shari'ah (*maqasid* al-Shari'ah)

The open area of rulings is for lawmaking (*ijtihad*), and it shall be done in accordance with fairness and justice. As the Qur'an provides:

> … O you who believe! Stand out firmly for God, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just; that is next to piety; and fear God. For God is well acquainted with all that ye do… (Surah al-Maidah: 9)

In other words, jurist shall make law (exercise *ijtihad*) that will do fairness and justice (*maqasid* Shari'ah) to people in absence of any direct command from Allah or the Prophet. Among those methodology which are used to solve new problems are by *qiyas, istihsan, istislah, istishab, sadd al-Dhari'ah*, and many others. It is indeed, the beauty of Islamic jurisprudence, where the main source of law are the al-Qur'an and Sunnah. Rulings were given as laid down in the Book and the words, sayings and approval of Prophet. Nonetheless, overregulation of society was never intended by Allah s.w.t., and as such, some rulings given were definite and an absolute command in character, while some rulings are in general and brief in character, for the purpose of to facilitate lawmaking opportunity for jurists to solve new problems as the society progress, in accordance with certain rules and principles. For indeed, Prophet narrated:

> … The best of your religion is that which brings ease to the people…

> … God loves to see that His concessions (*rukhsas*) are observed, just as He loves to see that His strict laws are obeyed…

Below are some illustrations on *qiyas, istihsan, istislah* methodology adopted by jurists to make new rules when solving new arising problems.

Qiyas

Qiyas, literally means to guess, to estimate, or to compare. Technically, it is a process of deduction by which a Shari'ah rule (*hukm*) that applies to an original case (*asl*) is extended to a new case (*far*) because the reason ('*illah*) behind the rule is same in the both cases. Generally, q*iyas* is an accepted basis of legislation and judgement in all the Sunni schools (Muhammad al-Mukhtar, 1999, p 8). This can be evident in the words of Ibn al-Qayyim, quoting the statements of Imam al-Muzani (1997, p 205):

> … Muslim jurists, ever since the days of the Prophet Muhammad s.a.w. down to our own times have resorted to analogical reasoning in all areas of religion and have reached consensus to the effect that what resembles the truth is truth and what resembles falsehood is falsehood. No one may therefore deny the validity of *Qiyas*, for it is based on nothing other than credible similitude and resemblance…

Although there are no clear authorities of *qiyas* in al-Qur'an, however one may made reference to an indirect indication which can be found in *surah* al-*Nisa*: 105 of al-Qur'an. It provides that:

> … We have sent to you the book with the Truth so that you may judge among people by means of what Allah s.w.t. has shown you…

Other indication of proofs in al-Qur'an that support *qiyas* are *surah* al-*Ankabut*: 2:

> … As for these similitudes We cite them for mankind but none will grasp their meaning except the wise…(The word 'grasp' means discovery of the '*illah*/reason behind the *hukm*)

The Sunnah of Prophet Muhammad s.a.w. also indicates that he resorted to *qiyas* on occasions when he did not receive a revelation on a particular matter (ISRA, 2012). One such occasion happened when a woman came to the Prophet Muhammad and said that her father had died without performing the *hajj*. The woman then asked if it would benefit him if she performs the *hajj* on her father's behalf? The Prophet told her:

> … Supposing your father had a debt to pay and you paid it on his behalf, would this benefit him?…

To this, her reply was affirmative and the Prophet said:

> … The debt owed to Allah s.w.t. merits even greater consideration…

In essence, *qiyas* is an opinion based on the similitude of circumstances (analogy), and it is a methodology of lawmaking contributed by Imam Abu Hanifah. In *qiyas*, rationality cannot operate independently of revelation, nor can revelation ignore reason. The methodology of *qiyas* does not operate independently but it is always being deduced based on the text (Mohammad Akram Laldin, 2006, p 10). As for revelation which is contained in the Qur'an and the Sunnah, it cannot be understood and no ruling can be extracted from it without examining the text, and applying methodological rules to ascertain its meaning through recourse to insightful *ijtihad*. This will lead to the correct formulation of legal decisions within the general framework of Shari'ah (Muhammad al-Mukhtar, 1999).

Qiyas is the extension of a Shari'ah value from the original case to a new case, because the latter has the same effective cause as the former. The original case is ruled by the text whether from al-Qur'an or Sunnah, and *qiyas* aims to extend the same ruling to the new case based on the shared similar effective cause. Being an extension of the existing law, *qiyas* discovers and develops the existing law but does not create a new law (Mohammad Akram Laldin, 2006, p 98). Therefore, based on the definition above, the operation of q*iyas* essentially comprised of four requisite elements, failure to fulfil which will rendered the *qiyas* invalid, *viz*

(i) the original case (*asl*),
(ii) the rule (*hukm*).
(iii)the new/parallel case (*furu*'), and

(iv) the effective cause (‘*illah*).

Istihsan

Istihsan has the technical meaning of juristic preference. It is abandonment of a *qiyas*-based opinion in favour of an opinion made by a better *qiyas*, or based on stronger evidence, that is, the Qur’an, Sunnah, *ijma*’, custom, necessity, and public interest with an objective to do justice and fairness. This methodology of *ijtihad* was contributed by Imam Abu Hanifah. It is a principle of preference, which seeks, by way of *qiyas*, “to set aside a law which causes hardship and to adopt or formulate a law which provides ease and comfort” (Ahmad Hassan, 1993). When exercising *istihsan*, the aim is to do justice and fairness by finding a better solution to a problem than one that already exists. *Istihsan* is allowed and has sufficient basis to do so based on al-Qur’an:

> … Allah desires you ease and comfort and not hardship… (surah al-Baqarah: 185)
>
> … Those who listen to the word, and follow the best meaning in it… (surah az-Zumar: 18)

For example, in a joint creditor’s situation, where joint property sold on credit. Debtor pays to one of the joint owners, but he loses the all money paid. Questions arose as to whether the second owner still claim his part of the payment? Under the normal partnership rule, partners are to share profits and losses together, and if this principle is *qiyas* to the current case, the other joint creditor will be suffered losses by virtue of the general partnership rule, but it is doubted whether the first joint creditor did in real losses all the money paid. By exercising *istihsan*, the relationship between the joint creditors may be referred to as trust, where the first creditor is responsible to hold the money paid to him on trust, and repay the money to the other creditor when he lost them. Similarly, a contract shall not contain the element of *gharar* (uncertainty), and hence, it appeared that *salam* (building contract) and *istisna'* (contract for the manufacture of goods) contract will be void for failure of certainty of object of contract. However, the Sunnah of Prophet made an exception to this rule, where if such contract are prohibited, society will face hardship and life becomes impossible to progress. By allowing these two transactions, Prophet narrated “… The best of your religion is that which brings ease to the people…”, referring to the verse “Allah never intends to impose hardship upon you” (surah al-Maidah: 6) and “Allah desires you ease and comfort and not hardship” (surah al-Baqarah: 185) as the basis.

Istislah

Istislah, or *maslahah mursalah* (public interest), is a method by which law is made considering its usefulness in the public interest in the event when there is no clear provision in the Shari’ah. It is a method of *ijtihad* contributed by Imam Malik. The *daleel* (evidence) in the al-Qur’an supporting this methodology are “Allah never intends to impose hardship upon you” (surah al-Maidah: 6) and “Allah wants to lighten your (human being’s) burdens, because man has been created weak” (surah an-Nisa: 28). On regard to this, A’ishah, the wife of the Prophet narrated:

> … the Prophet only chose the easier of two alternatives, so long as it did not amount to a sin…

To exercise the methodology of *istislah*, there are certain requirements to fulfil, *inter alia* when there is a need to secure a benefit or to prevent a harm of the people in general (making picture of notorious criminal and publish it for public notification so that people may know who are they and beware of them); when there is no clear *hukm* (provision) in the Qur'an, Sunnah or *ijma*' with regard to the act of securing the benefit or preventing the harm (imposing taxation, setting up highway toll to collect money from the people for the well-being of the State); such an act is essential to serve a "useful purpose of Shari'ah" (protecting the five essential values, namely religion, life, intellect, lineage, and economic wealth); the *maslahah* must not conflict with any Shari'ah principle (law legalising *riba* in any transaction is prohibited); and the *maslahah* must be rational and acceptable to the people of sound mind.

Conclusion

As a concluding remark, there is a reason to label Islamic jurisprudence as a "well-ordered system". It does not merely free itself from the entanglement of struggle to define the word "law" as faced in Western jurisprudence, and instead it rests it focus on how law should be made from its' sources. Rulings and commands were laid down in the Book of al-Qur'an, and transmitted to us via Prophet p.b.u.h. The Book itself is complete, as envisaged in the verse 6:38 of Qur'an. Yet these rulings laid down has certain legislative features, and its' purpose behind it is to allow open area of lawmaking. Rigid and overregulation of society was never intended by Allah s.w.t., and Allah gives the opportunity for jurists of different era to exercise *ijtihad* to solve new arising problems. Nonetheless, this does not mean that jurists can interpret the law as he wishes to, but it shall be done in accordance with the principles and rules laid down in the Qur'an and Sunnah of Prophet. As illustrated above, there are different methodologies of *ijtihad*, contributed by different schools (*madhabs*). Hence, it is sufficient to conclude that the whole system of Islamic law and Islamic jurisprudence is in a well-ordered manner, and is being able to be applied in any era.

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