Revisiting Turath Integration: Comparative Methodologies of Al-Jabiri and Shahrur in Contemporary Islamic Law

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ABSTRACT This study investigates the divergent approaches of Muhammad Abid Al-Jabiri and Muhammad Shahrur regarding the integration of turath (intellectual heritage) into contemporary Islamic legal methodology. Utilizing a qualitative research design with a comparative approach, this research analyzes how each scholar addresses the tension between traditional authority and modern necessities. The findings reveal a distinct methodological dichotomy between the two figures. Al-Jabiri advocates for a reformative-deconstructive approach through his "Critique of Arab Reason," proposing the reconstruction of turath via Burhani (demonstrative) epistemology to ensure historical continuity and civilizational revival. Conversely, Shahrur proposes a radical departure, arguing for the abandonment of turath and the desacralization of classical jurisprudence. He introduces a dynamic methodology based on a contemporary linguistic reading of the Quran and the "Theory of Limits," utilizing axes of matter and time to address modern realities. The study concludes that while Al-Jabiri seeks to maintain a scholarly connection to Islamic history, Shahrur aims to democratize legal interpretation for the global Muslim community through direct engagement with the text. These opposing frameworks offer critical alternatives for resolving the stagnation in contemporary Islamic legal thought.

KEYWORDS Islamic Legal Methodology; Turath; Muhammad Abid Al-Jabiri; Muhammad Shahrur; Contemporary Figh.

INTRODUCTION

Since the inception of Islamic civilization in the Arabian Peninsula, rulers and scholars have shared a unified objective: the enforcement of Sharia. For these figures, this objective was essential to ensure that the Muslim community conducted their activities in accordance with divine law, thereby fulfilling their accountability to the Prophet Muhammad. These two religious entities, rulers and scholars, represented the tangible expression of Islam as a robust religious community. However, the dissemination of Sharia—encompassing Islamic regulations—from the early Hijri centuries to the present day has consistently faced opposition and rejection. The doctrines of Sharia were often resisted due to sociostructural differences within various community groups. Consequently, to steer Islam towards its ideal of being "a mercy to all worlds" (rahmatan lil 'alamin), leaders and scholars employed methodological frameworks that accounted for social and cultural symptoms.

This reading of social conditions birthed a concept of Islam that is pluralistic yet steadfast in its ultimate goals. As a result, the acceptance of Islam and its laws gave rise to numerous new communities that remained grounded in Islamic principles, some of which eventually evolved into states based on Islamic foundations nationalistic ideologies (Gibb 1970, 5).

Islamic teachings are inextricably linked to the function of *turath* as a secondary supporting source after the Quran and Sunnah. Readings on Sharia, linguistics, literature, arts, theology (kalam), philosophy, and Sufism written by classical scholars span from the second to the tenth century Hijri, a period marked by the subsequent rise of the European Renaissance. Nevertheless, it is undeniable that modern communities or states often sideline traditional Islamic aspects that are heavily intertwined with Arab traditions, even when those traditions contain the messages of Sharia. Instead, there is a preference for prioritizing perspectives of a pluralistic modern life. Whether

this shift should be accepted or criticized remains a complex issue that has culminated in the modern era, historically marked by the European resurgence (Gibb 1970, 6).

The period from the second to the tenth century Hijri is known as the era of the codification of Arab-Islamic turath. During this time, a vast array of readings and insights across various scientific fields were born and documented. This period represented the Golden Age of Islam, occurring simultaneously with the Dark Ages in Europe. In a contemporary context, interpreting turath involves understanding a civilization imbued with Islamic knowledge, including the methodology of Islamic law known Ushul Figh (Ro'uf 2018a, 28). establishment of Islamic law is also referred to as legal deduction or istinbath. Turath is integrated with Islamic legal methods; therefore, the heritage from the codification era serves as a crucial feature in the application of Islamic legal methodology. While classical books and Arab-Islamic traditions constitute turath and are essential features of the methodological realm, turath today is viewed as a legacy of civilization and knowledge from the era of Islamic codification. The impact of bringing *turath* into the present in its raw, unrefined form serves only to demonstrate to the world that Islam is merely a part of Arab culture, given its centralized dissemination from that region. Consequently, the Muslim community risks becoming people who are swept away by old traditions while closing themselves off to new thoughts that have developed in the current era (Gibb 1970, 4).

Fundamentally, the utility of turath lies in its capacity to validate social and legal problems from the era of codification leading up to the early modern period in Europe. Turath serves as a methodological tool to observe problem models and identify issues (Salvatore 1995, 193). However, such a method carries the risk that *turath* itself is not definitively part of the modern and postmodern eras, as it is an intellectual legacy of the Arab-Islamic codification period. This presents a distinct challenge: determining whether contemporary scholars are capable of turath reactualizing within global, contemporary methodological framework (Salvatore 1995, 204).

Simply put, the methodology of Islamic law is *Ushul Fiqh*, a product of the thinking of scholars who possessed distinct methods (*manhaj*). *Ushul Fiqh* produces a formula for legal establishment by studying methods, theories, and principles that justify the enactment of a law (Helim 2023).

The development of Islamic legal methodology continued into the postmodern era, beginning in the early 20th century and continuing to the present. This era has produced Muslim intellectuals who understand the science of *Ushul Figh* across various schools of thought (*madhab*). Contemporary scholars have studied the methods, theories, and rules initiated by classical scholars, and their development is inseparable from their reading of the masterworks of famous schools. These include Imam Abu Hanifah who compiled Al-Figh Al-Akbar, Imam Malik who wrote Al-Muwatta, Imam Shafi'i who wrote Ar-Risalah (the first book of Ushul Figh) and Al-Umm, and Imam Ahmad bin Hanbal who compiled Musnad Ahmad (Helim 2023, 6).

Several steps are crucial for the Muslim community to restart solving socio-legal issues in the contemporary era using Islamic legal methodology as an identity and religious principle. To achieve this goal, several phases must be identified and traversed (Ali 1997, 9). First, scholars and community leaders must regain confidence in Islamic activity as a dynamic religious movement, rather than orienting themselves towards Western activities based on secularity. Second, religious activity must be integrated into the intellectual realms of the community, specifically within social, legal, and This ensures that the political spheres. community produces new solutions to answer problems in these areas using their own methodological tools. Third, Islamic methodology must be maintained to ensure efficiency across all institutional structures, whether governmental independent community organizations. Fourth, the potential of Islamic methodology must be developed until it becomes a benchmark for measuring truth in social, legal, and political issues.

The diversity of the classical schools of thought, which shared their perspectives and ijtihad (independent reasoning) regarding law jurisprudence, has led subsequent generations of Muslims to understand that the study of Islamic legal methodology is inherently pluralistic (Ismail 2019, 242). This nature of plurality, as depicted in the study of Islamic legal methodology, is one of the characteristics signaling the emergence of contemporary thoughts in the renewal of this field. The influence of postmodernism represents an attitude that the realm of thought and methodology cannot be claimed as something possessing only a single, fixed standard. Postmodernism rejects the old style found in the modern era, namely the idea of absolute truth within a single stream of thought. Instead, postmodernism justifies the realm of thought and methodology as plural and diverse.

The postmodern era of Islam characterized by Islamic thought across various discourses that place the individual contemporary group within a framework of relativity (Nurhuda 2022, 187). The vast and growing Muslim population has given birth to a plurality of individual thoughts. With the passage of time, this plurality has become a hallmark spirit of postmodernism. The presence of Islamic schools of thought interprets the religion as being regulated and formulated based on how Muslims perform ijtihad in accordance with Ushul Figh theories and their sociological applications (Nurhuda 2022, 199). Such interpretation is a form of application among contemporary circles characterized by the deconstruction of problems. in this instance, legal texts are considered zanni (speculative) as they are produced through the ijtihad of classical scholars (Nurhuda 2022, 195). However, contemporary scholars possess a perspective different from that of classical scholars regarding the establishment of law. Several thoughts or principles offered by classical scholars are considered no longer comprehensively relevant and require renewal by contemporary scholars; thus, this response provides a new alternative for understanding Islamic legal methodology (Tarantang 2018, 31). Contemporary thought used in Islamic legal methodology is a response to a different sociological realm. The alternative offers provided by contemporary Islamic figures indicate that Islamic legal methodology has developed progressively and dynamically.

This type of thinking initially developed based on individual rationality. While reason is intrinsic to the intellect, contemporary scholars deny placing reason above faith or separating faith (religion) from reason (ratio). This stance is part of the resistance against European assumptions regarding such a separation. Contemporary scholars formulate methodologies where, fundamentally, faith and reason are principles that mutually complement one another. They forbid actions that reject the novelty experienced by the age. The reason for this rejection is emphasized by the belief that humans must learn from changing times, as this change births sources of knowledge which are, in reality, a gift from God Himself (Ali 1997, 19).

The objective of this study is to analyze the concept of contemporary Islamic methodology as proposed by Muhammad Abid Al-Jabiri and Muhammad Shahrur. The study will summarize the conceptions of these two scholars regarding the problem of using turath and whether it remains relevant as part of the realm of Islamic legal methodology in the contemporary era. Al-Jabiri attempts to reform and deconstruct turath so that it may be integrated into contemporary Islamic legal methodology. Conversely, Muhammad Shahrur rejects the reintegration of turath into contemporary methodology, arguing for the desacralization of turath and viewing it as subjective to the developments of its era and knowledge. These figures represent interpretations contemporary scholars in the modern age who hold diverging views and directions regarding whether to retain or abandon turath as a feature of Islamic legal methodology today.

Scholarship on turath generally examines the subject through three aspects: first, the influence of turath in the contemporary era; second, the preservation of turath in the contemporary era; and third, the transformation of *turath* as a learning model in higher education. Regarding the first aspect, studies by Jefry Tarantang, Muhammad Remy Othman et al., and Abdul Mukti Ro'uf observe how the thinking of scholars is inseparable from an understanding of turath(Tarantang 2018; Othman et al. 2022; Ro'uf 2018b). The influence of *turath* has contributed significantly to the contemporary era, not only in Islamic studies and Islamic law but also in scientific and popular natural sciences. The study by Muhammad Remy Othman explains that turath successfully entered and integrated into scientific scholarship during the early inception of basic sciences such as medicine, chemistry, mathematics, and astronomy. The contribution of *turath* to these scientific and popular records was certainly born from scholars of the codification era; thus, with the integration of turath into scientific knowledge, it has become increasingly popular today. Turath is essentially knowledge inherited in the form of books and works of classical scholars; the development of Islamic studies at that time gave birth to classical methodologies which became the embryo for forming contemporary methodologies, allowing for comparative use in the present day.

Regarding the second aspect, studies by Syed Salim bin Syed Shamsuddin, Harapandi

Dahri, Bashori et al., and Farhah Zaidar Mohamed Ramli highlight that maintaining or preserving turath is a conscious effort by some in the present day (Shamsuddin et al. 2020; Harapandi 2020; Bashori, Novebri, and Salabi 2022; Mohamed Ramli 2019). The model of preserving *turath* can be seen in these studies through several methods: first, making turath the primary reference in scientific works written by researchers; second, making *turath* an object of historical media from the past Islamic era so that it serves as a role model for Islamic studies today; and third, establishing turath as a culture in current learning and certifying it in educational institutions. Regarding the third aspect, studies by Zulkarnain Zakaria et al., Syed Salim bin Syed Shamsuddin, and Shohana Hussin explore the transformation of turath into a learning model and curriculum in higher education (Zakaria et al. 2022; Shamsuddin 2018; Hussin 2020). Several higher education institutions have realized new models and curricula useful for supporting the quality of more capable students. One such model offers turath learning to observe development of Islamic character in students. The aim is to create a form of learning that produces character grounded in the experience of understanding Islamic arguments as sources of knowledge, as well as positioning turath as an object of study that necessitates research at the university level.

METHOD

This study employs a qualitative research design to examine the distinct perspectives of Muhammad Abid Al-Jabiri and Muhammad Shahrur. This qualitative inquiry investigates the phenomenon of turath, specifically scrutinizing whether it is viewed as relevant or irrelevant when integrated into contemporary Islamic legal methodology. Qualitative research in this context emphasizes specific aspects within perspective of each scholar. Primary data for this study are derived from the arguments and opinions of these two figures concerning the integration of *turath*. Their respective works are analyzed to understand their responses to *turath* and their proposed frameworks for Islamic legal methodology. The data, consisting of textual works on turath and methodology, are processed and synthesized into narrative explanations to provide descriptive insights for this study (Raco 2010).

This study utilizes a comparative approach to analyze the Islamic legal methodologies

proposed by Muhammad Abid Al-Jabiri and Muhammad Shahrur. Consequently, this study examines the methodological frameworks used to understand law, aiming to gauge the comprehension of issues developing in the contemporary era or, at the very least, to establish a measurable standard for collective understanding (Eberle 2009). The objective of this approach is to elucidate the legal structures produced through these differing perspectives and understandings.

The comparative approach highlights the implications and effects of these new or contemporary Islamic legal methodological proposals, observing phenomena that have emerged with the progression of time. This approach functions as a criterion to evaluate new frameworks that aspire to establish a superior legal methodology (Michaels 2006). distinctions in this study naturally stem from two figures who select and curate concepts from historical components of Islamic methodology; thus, there are divergences between the two scholars that tend to reflect mutual incompatibility. Their differences in viewing turath are observed through the core thoughts they have independently processed as experts in Islamic studies within the same era.

FINDING AND DISCUSSION

A. Muhammad Abid Al-Jabiri's Contribution: The Reformative-Deconstructive Development of *Turath* in Islamic Legal Methodology

Muhammad Abid Al-Jabiri was a prominent intellectual figure whose life spanned from his birth on December 27, 1935, in Figuig, Morocco, to his passing on May 3, 2010, in Casablanca at the age of 75 (Syahid 2021, 55). His scholarly contributions to Arab philosophy internationally recognized, culminating in the Ibn Rushd Prize for Freedom of Thought in 2008. Beyond his role as an Islamic philosopher, Al-Jabiri was politically active in his home country. In his youth, he joined the *Union Socialiste des* Forces Populaires (USFP), a socialist political party, demonstrating his engagement with sociopolitical activism (Mukhlis 2017, 142). His formal Islamic education began at Hurrah Wataniyyah, a private religious school in Morocco equivalent to the primary level (Syahid 2021, 55). In 1958, he pursued higher education in philosophy at Damascus University in Syria for one year before returning to Morocco. He continued his philosophical studies at the University of Mohammed V in Rabat, where he completed both his master's and doctoral degrees (Wijaya 2014, 215).

Al-Jabiri's intellectual framework is encapsulated in his celebrated trilogy: Takwin al-'Agl al-'Arabi (The Formation of Arab Reason), Bunyah al-'Aql al-'Arabi (The Structure of Arab Reason), and *Al-'Aql al-Siyasi al-'Arabi* (The Arab Political Reason) (Mugiono 2015, 207). These three works form a unified corpus that established the theory of *Naqd al-'Aql al-'Arabi* or the Critique of Arab Reason. regarding the tension between tradition and modernity, Al-Jabiri adopted an accommodative stance. He argued that tradition, throughout the passage of time, remains in a perpetual state of potential reformation because the facets of Arab tradition are inherently reconstructible (Wijaya 2014, 213). This discourse signifies that intellectuals like Al-Iabiri adopted a reformativedeconstructive approach to heritage.

The core of Al-Jabiri's thought posits that context of contemporary Arab-Islamic thinking requires rigorous critique and renewal. His "Critique of Arab Reason" operates on two fundamental premises (Al-Jabiri 1991, 11-12). First, the critique explains that current Arab reason is a reflection of the failure or decline of Arab-Islamic civilization, particularly as modern knowledge has become dominated by Western or European paradigms. Second, the critique seeks to prove that a resurgence of Arab-Islamic possible. civilization is For Al-Jabiri, contemporary Arab reason must be reunderstood and reconstructed as an effort to reform Islamic revivalism (Ro'uf 2018a, 80). He assessed that the mindset and behavior of Arab society have solidified into a cultural tradition (turath), unconsciously transforming cultural interactions into rigid legal behaviors and norms (Wijaya 2014, 218).

The central tenet of Al-Jabiri's idea is that the critique of Arab reason is deeply embedded in *turath*. He viewed Arab tradition as the root of consciousness, culture, and identity for Arab civilization. However, the possibility for progress is minimal because the Arab attitude tends to remain trapped in a circular state, merely revolving around and covering the same traditional grounds. Al-Jabiri argued that the Arab mindset must break free from this circular repetition. The necessary action is to move towards renewal in the present era. His critique evaluates that the epistemological designs of

Bayani, Irfani, and Burhani contain flaws in their historical application; thus, they must be rectified to formulate a new alternative design. Al-Jabiri formulated this Arab thought system through a process of deconstruction and reconstruction, categorized into three distinct epistemological systems (Ro'uf 2018a, 79–84).

B. Al-Jabiri's Epistemology of Reason: Bayani, Irfani, and Burhani

Bayani categorized reason is etymologically and terminologically. The root word *Bayani* implies distance and openness. To simplify, Al-Jabiri identified four nuances of the term: separation, difference, clarity, and elucidation. Terminologically, Al-Jabiri presented Bayani as two concepts: as a methodology and as a vision. Historically, the term has been extensively discussed by scholars. Scholars of rhetoric (Balaghah) define it as the science of studying meaning through methods of simile, metaphor, and metonymy. Theologians (*Mutakallimin*) view it as evidence explaining the intent of a law. Scholars of legal theory (Ushul *Figh*) define it as the effort to understand the meaning of speech in detail to uncover what is hidden in the discourse of a subject (mukallaf) (Ro'uf 2018a, 85-86). The Bayani method is an Arab mode of reasoning that utilizes the text (nass), directly or indirectly, as the standard for assessing truth (Al-Jabiri 1993, 251). The approach employed in this reasoning is linguistic, utilizing instruments of language sciences and the context of revelation (asbab al-nuzul). Ultimately, Bayani reasoning produces an understanding for analyzing texts to derive contained meanings, an approach frequently used by jurists (fugaha), theologians, and legal theorists (Ro'uf 2018a, 89). Al-Jabiri reflected on *Bayani* reason as a critic of the Arab thinking system that hinders progress. He argued that Bayani reasoning has stagnated since the era of codification in the tenth century continued dominance its in the methodological realm today is evidence of the lack of progress in Arab-Islamic civilization (Ro'uf 2018a, 104).

Irfani reason is also defined etymologically and terminologically. Etymologically, Irfani means the disclosure of knowledge received directly from God by a servant who has achieved unveiling (kashf) through spiritual exercises (riyadah) directed towards the Creator (Ro'uf 2018a, 107). For Al-Jabiri, Irfani is divided into two terminologies. First, Irfani as an attitude and

way of life aims to detach oneself from the world of reality to move towards the afterlife; this shift implies a transition from the collective group to an individualistic realm (Al-Jabiri 1993, 259). Second, Irfani as a theory places God as a transcendent being beyond human capacity, viewing the lived world as a source of doubt (Ro'uf 2018a, 109). Al-Jabiri reflected that those who tend to use Irfani reasoning often disregard the realistic world because they hold a negative perception of it. Consequently, he stated that their ideas cannot be counted upon for the revival of Arab-Islamic civilization. Irfani reason in Arab-Islamic civilization has been too engrossed in religious irrationality, causing Arab tradition to remain stagnant (Ro'uf 2018a, 118). Ultimately, Irfani reasoning is oriented solely towards the afterlife and lacks constructive ideas for the civilization's progress.

Burhani reason is defined as strong and clear argumentation. Al-Jabiri defined *Burhani* as the activity of thinking to establish truth designed as a proposition through a deductive approach, linking one proposition with another that has been proven true axiomatically (Al-Jabiri 1993, 383). The Burhani method is a way of thinking based on a specific worldview sourced from human intellectual powers: the experimentation, and the rules of logic (Al-Jabiri 1993, 384). This method utilizes analogical reasoning (qiyas) based on rationality and experimentation in stages: the stage of comprehension (ma'qulat), the stage of statement (ibarat), and the stage of analysis (tahlilat) (Ro'uf 2018a, 120).

For Al-Jabiri, Burhani reason is the epistemology with the greatest potential to be opened or reconstructed compared to the others because it possesses a nature that moves in accordance with the necessary civilization (Ro'uf 2018a, 121). The open methodology of *Burhani* presents two forms: the *Burhani* methodology of the Eastern Islamic region (Mashriq) and the Burhani methodology of the Western Islamic region (Maghrib) (Al-Jabiri 1993, 252). Al-Jabiri distinguished these by placing figures like Al-Kindi, Al-Farabi, and Ibn Sina as representatives of the Mashriq, and Ibn Rushd as the representative of the *Maghrib* (Ro'uf 2018a, 123). He argued that *Burhani* reason in the *Mashriq* was contaminated by Irfani (gnostic) reasoning, whereas in the *Maghrib*, it remained pure. This lack of contamination in the West was due to two reasons. First, there was no pre-existing Islamic heritage in the Western Arab region nor foundational Islamic traces as strong as those in

the East. Second, the historical fact that the regions of Andalusia and the *Maghrib* achieved independence from the Abbasid and Fatimid dynasties created a constant environment of cultural competition (Al-Jabiri 1999, 95–96).

Burhani reason is characterized by its ability to be recognized realistically because it attempts to place the intent of reality as an authoritative foothold. Therefore, Burhani reasoning relies heavily on the portion of reason, using the intellect as arguments for logical knowledge, while religious arguments are utilized when they align with rational logic (Ro'uf 2018a, 142). Al-Jabiri's reflection on Burhani reason, both implicitly and explicitly, positions the Burhani developed in Western Islamic thought—represented by Ibn Khaldun, Imam Al-Shatibi, Ibn Rushd, and Ibn Hazm—as superior. He showed a distinct preference for Burhani reasoning as the Arab-Islamic thought system. He emphasized that Burhani reasoning experience are proven to produce knowledge that can be produced for the progress of the Arab-Islamic revival.

C. Muhammad Shahrur: A Progressive and Dynamic Proposal for Islamic Legal Methodology

Muhammad Shahrur was a prominent figure in contemporary Islamic studies, born in Damascus on April 11, 1938, and passing away on December 21, 2019 (Clark 1996, 337). Distinct from traditional scholars, Shahrur pursued a professional career as a civil engineer. He studied in Moscow, Russia, and later attained his master's and doctoral degrees in soil mechanics and foundation engineering from the National University of Ireland (1969-1972)(Juliansyahzen 2022, 59). Upon completing his studies, he returned to Syria, where he served as a professor at the Faculty of Civil Engineering at Damascus University for two decades while simultaneously working as an engineering consultant (Clark 1996, 337).

His serious engagement with Islamic studies began during his engineering studies in Ireland in 1970 and continued intensively through 1980. According to research by Muhammad Iqbal Juliansyahzen (2022), Shahrur's study of Islam evolved through three consistent phases (Juliansyahzen 2022, 59–60). The first phase (1970–1980) was a period of contemplation where Shahrur conceptualized the Quran fundamentally as *Adh-Dhikr*. During this phase, he realized that Islamic research methodology had become stagnant and critical,

primarily because it remained confined by popular traditional understandings frameworks (manhaj), such as the four Sunni schools and the Shia school. The second phase (1980–1986) involved a deep dive into linguistics and philology. In this period, Shahrur determined new research findings to advance an alternative Islamic legal methodology derived directly from the Quran. The third phase (1986–1990) marked the introduction of his thoughts to the public with the publication of his seminal work, *Al-Kitab wa* Al-Quran: Qira'ah Mu'asirah (The Book and the Quran: A Contemporary Reading), which represented the crystallization of his two decades of intellectual gestation.

A critical note regarding Shahrur's core thought is the influence of dialectical materialism, often associated with Marxist methodology, applied to textual analysis (Clark 1996). He critiqued the study of Figh (Islamic jurisprudence) prevalent in the Islamic world, arguing that traditional Figh had excessively distorted the message of Islam contained in the Quran. Shahrur sought to deconstruct the understanding of the Ouran because he believed turath had shackled Arab-Islamic society. However, Shahrur firmly asserted his identity as a devout Muslim, choosing to study Islam through a chain of references that must ultimately trace **Prophet** Muhammad. back to the methodology for extracting deeper meanings from the Quran utilizes historical interpretation and his personal perspective as a modern Muslim. Uniquely, Shahrur claimed his lack of formal training in the Arab-Islamic tradition (turath) was an advantage, allowing him to approach the text without the biases of established orthodoxy.

D. The Construction of Shahrur's Fiqh Methodology

In his methodological context, Shahrur formulated Islamic studies with the caveat that Islamic context must be re-read using scientific methods. He argued that the principles of *Fiqh* methodology, as a legacy of ancient or conservative *turath*, have undergone changes because every era exerts its own influence; thus, what was once established must inevitably evolve into something else (Shahrur 2010, 55). Understanding the conditions of a specific era requires a return to studying social changes and natural existence. Shahrur's construction rests on the interconnection of two axes: matter and time (Shahrur 2010, 56). These axes are detailed into

six principles for constructing a contemporary *Figh* methodology (Abidin 2003, 113–115).

First, linguistics is known in the Arab world as the "instrumental science" (ilmu alat). Arabic grammar is applied across various classical books within each school of thought. For Shahrur, instrumental sciences such as syntax (nahwu) and morphology (sharaf) are as primary as reading the rules of *Ushul Figh*. Beyond syntax and morphology, Shahrur strongly suggested that rhetoric (balaghah) must be integral to reading Quranic texts. He criticized classical scholars for often neglecting balaghah by viewing it merely as an indicator of aesthetic beauty in Arab tradition. Conversely, Shahrur argued that reading text and context is not merely about grammatical rules but about grasping meaning, especially for non-Arab audiences (Shahrur 2010, 255).

Second, critique of synonymity (antimutaradif). The atmosphere of Arabic linguistics often presents words and sentences that are assumed to possess synonymity (mutaradif). Shahrur employed hermeneutics to understand specific meanings in the Quran, rejecting the idea of true synonyms. His findings criticized the notion that different words share the same meaning. Significant examples include his distinction between the particles idha ($^{(i)}$), in ($^{(i)}$), and ma ($^{(i)}$) (Shahrur 2010, 255–267).

Idha and *In* are both categorized as conditional particles (harf al-shart). However, Idha indicates a notification regarding an obligation to perform an act or a certainty; in English, this is best translated as "when" (implying inevitability). Meanwhile, In implies "if," containing a form of possibility or probability. Regarding the particle *Ma*, which is found frequently in Quranic sentences, Shahrur explained that there are nine distinct grammatical functions associated with it. These include its relation to *idha* (اذا), *in* (اذا), *kathiran* (ایان), qalilan (qaleelan), ayyana (ایان), the این-بین-) locational/relational *ayna-bayna-duna* دون), ayyu (إن), inna (إن), and various prepositions (huruf jar) in syntactical rules.

Third, relevance of Islam, time, and place in this section, Shahrur explained that the generation born after the death of Prophet Muhammad must always uphold the Quran with totality. He attempted to spark the idea that there is no spiritual distance between the Prophet Muhammad and the current generation, even though over 1400 years have passed since his death. Shahrur's effort is controversial because

he aimed to strengthen the current generation's engagement with the Quran through a more relevant context. Furthermore, for Shahrur, the contemporary context does not require an attitude of sanctifying all products of interpretation (*tafsir*); essentially, only the Quran itself warrants desacralization (Shahrur 1990, 44).

Fourth, reasoning of revelation, Shahrur argued that the revelation was intended for all of humanity. The Quran is read as a holy text using Arabic, while Arabic is a medium of communication used by humans. Therefore, the Quran exists between language and thought, and there should be no disconnection preventing human understanding. For Shahrur, there is no special excuse for the Quran being unintelligible as long as there is a language used to understand it. Clearly, the Quran has an interest in humanity, whereas God, being self-sufficient, has no dependent interest in the Quran (Shahrur 1990, 45).

Fifth, relevance of revelation and reality, for Shahrur, the Quran is a text that is sacred, alive, and perpetually connected to the changes of the times. This means that Quranic verses do not submit to or follow the rigidity of a fixed law; rather, the law that moves within reality must find its source in the Quran (Shahrur 2010, 147). The Quran serves as the mainstream current in life. The evidence of verses that exalt reason explains that revelation and reality are not separate or contradictory but dialectically related (Shahrur 1990, 45).

Sixth, priority of rationality is the power of the intellect to digest a reading. For Shahrur, the reading of the Quran and the resulting methodology must be structured through a process of seeking evidence, discovering evidence, explaining evidence, and analyzing evidence. The stage towards rationality produces a complex understanding because it possesses a mechanism and structure inherent in human reason (ratio) (Shahrur 2010, 181).

E. Retaining or Abandoning *Turath*: The Crossroad of Contemporary Islamic Legal Methodology

The first proposal suggests that *turath*, the Arab-Islamic intellectual heritage from the codification era, requires deconstruction. The second proposal argues that *turath* must be abandoned and treated merely as an archaeological relic with historical value; the new alternative is to seek an independent method for the current era while remaining grounded in a

holistic guideline, namely the Quran. These two proposals diverge into diametrically opposed directions. It is undeniable that conservative Islamic legal methodology, which has existed since the age of codification, is slowly being eroded. Regarding crucial contemporary issues, the proposal to deconstruct turath forces the application of legal components such as the underlying reason (ratio legis or illat) derived through analogical deduction (qivas) using samples provided by turath. However, this methodological approach is refuted by new including methodological thoughts, alternative offered by Shahrur.

Modern life demands novelty, including within the realm of Islamic legal methodology. The problems existing in the present era have exceeded the capacity of Sharia issues addressed in the past. Complex contemporary problems cannot always be viewed through the lens of history. Fundamentally, the methodology of integrating *turath* in the current era is an action within the practical order that is optional and open to choice. Whether *turath* becomes a pivotal option in methodology depends on the methodological inclination employed. However, the crucial point is that methodology must possess foundations in Islamic principles. Methodology must stand on sound principles, and the search for those principles is the priority of the methodological framework. Consequently, the method may depart from a historical Islamic framework, a contemporary social framework, or even a synthesis of both. Regardless, the search through these various methods must build a solid foundation to answer socio-legal problems (Salvatore 1995, 205).

The integration of turath into the legal methodological framework cannot be ensured with absolute certainty; however, integrating turath is an effort to avoid the nature of taglid (blind imitation or uncritical adherence), which was prohibited even by classical scholars. The difference in understanding turath and its integration into a methodology that has changed with the times signals that the development of Islamic knowledge is heading towards modernity (Salvatore 1995, 191-193). Since the 1980s, efforts have been made to reconstruct turath for a progressive Islamic methodological framework. Contemporary scholars like Al-Jabiri narrow the understanding of turath, which originally had a meaning, into a framework methodological knowledge discourse, including its application to the context of contemporary Islamic law. The successful entry of turath into

the methodological framework represents an effort to selectively stimulate sciences from the ancient Arab-Islamic civilization to enter the modern and postmodern eras. This aims to distinguish how the integration of *turath* in current methodology differs from mere *taqlid* of ancient Arab-Islamic traditions. Thus, the distinction lies in the fact that *turath* integrated into current methodology must adhere to the principle of selective accumulation and possess novelty, moving from tradition towards modernity (Salvatore 1995, 199).

Conversely, some contemporary scholars choose not to merge with turath in their methodological frameworks. For them, the modern and postmodern eras are new periods that still hold ambiguity regarding socio-legal therefore, a new methodological framework is needed. This requires contemporary steps that desacralize turath, viewing it not as a message that solves social problems but merely as a form of past Islamic knowledge heritage. This step is a subjective and progressive move by scholars who are inclined to abandon the integration of turath in Islamic legal methodology. Notably, contemporary scholars methodological Shahrur offer their frameworks as contemporary structures to answer socio-legal problems within traditional circles and pluralistic communities in the current century (Clark 1996, 341).

Al-Jabiri is a contemporary scholar who holds concerns regarding the implementation of Sharia in the present age. On one hand, Al-Jabiri is an Islamic philosopher who forbids contradicting the foundations of philosophy with Sharia and vice versa. He emphasized that *Figh* is a product of methodology utilizing Sharia analysis that does not contradict rationality. This is because rationality itself is the result of the ijtihad of someone capable in the field of Figh (Abu Rabi' 2003, 94). Al-Jabiri realized that methodology in Islam had become rigid in the modern century and the use of *turath* was experiencing a decline. Nevertheless, contemporary scholars emphasize that turath is the root of Islamic knowledge; thus, scholars several contemporary strive reconstruct turath for use within new methodological frameworks (Salvatore 1995, 196).

Al-Jabiri posited that the presence of Islamic legal methodology in the present must be integrated with *turath*, which in his reading becomes a measuring tool for certain conditions.

For Al-Jabiri, the implementation of Islamic law and its methodology must live within social problems and civil transactions (muamalah). These two areas represent the welfare of the people (maslahah) that is essential and must be solved quickly and accurately (Abu Rabi' 2003, 94). The principles of most contemporary scholars, including Al-Jabiri, support integrating turath into their methodological frameworks using two technical steps. Broadly speaking, first, they begin by viewing the discourse of text analysis in turath by identifying keywords and concepts regarding a problem. Second, they perform an objective interpretation of the text in the present time, which is also an improvisation by contemporary scholars to see the potential of the text existing within turath (Salvatore 1995, 204).

On the other hand, regarding those who abandon turath as a methodological feature, Shahrur admired the exemplary nature of Prophet Muhammad as someone who brought the message (risalah) of Islam. However, for Shahrur, this admiration is limited to respecting him as a Messenger of God. Shahrur emphasized to Muslims that the construction of the Prophet Muhammad's life was an ideal model for social life in his specific era. According to Shahrur, the Prophet Muhammad was the first mujtahid (independent jurist) in the history of Islamic legal methodology. The results of the Prophet's *ijtihad* were intended for the Arab-Islamic society centered in Medina and Mecca. Although Islam is a religion of rahmatan lil 'alamin (a mercy to the universe), that ideal is answered comprehensively (*kaffah*) in the present time, not merely in his era which was still encompassed by the Arabian Peninsula. Thus, Shahrur's exposition of the new methodological formulation posits that the life of Prophet Muhammad was the first variant in the history of Islam and its development. Current life is the latest variant application of methodology the encompasses the world globally. Because Islam itself is a religion with the potential to develop, it possesses its own path to become a regulation and rule for a state or large community in the present time (Browers 2004, 456–457).

Shahrur asserted that Muslims in the contemporary era must reread the Quran as revelation to seek meaning for themselves. Explicitly, Shahrur rejected reading the Quran based on religious dogmas brought from past traditions (turath). The rereading of the Quran

must depart from the pure restlessness of the Muslims themselves. For Muslim intellectuals contemporary to Shahrur, he was a figure who brought a new phenomenon to the treasury of Islamic methodology. Shahrur brought a difference to the phenomenon he espoused; his proposal lies in a methodology that develops the interpretation of literatures of Islamic legal sources by returning to understand the revelation in the Ouran through textual analysis and the contemporary context, specifically through linguistic and socio-natural sciences. More precisely, Shahrur's effort in the methodological realm aims to reformulate Figh and reconstruct Islamic consciousness to become universal, not to separate religion from contemporary law and ideology. Shahrur's reading provides evidence of the sustainable relevance of Islam. He argued that Islam is manifested by reading the Quran in the contemporary era to build jurisprudence and laws in contemporary life (Browers 2004, 450-466).

Many experts (mujtahids and muftis) in the current era deny the direction of thought and methodology proposed by Shahrur. However, Shahrur clearly and firmly answered the challenges of the times with social and legal analysis based on subjective knowledge, while desacralizing the Figh found in the turath tradition. Shahrur assessed that restraining Islamic legal methodology by continuing to integrate turath illustrates the reverse of Islam itself because, for him, Islam is a visionary and dynamic religion. Culting turath is equivalent to making Islam a static or rigid religion. While the Prophet Muhammad was the first interpreter of the Quran and his interpretations (Sunnah) serve as a source of Islamic legal methodology, the Prophet was a human living in the early Hijri centuries. The social and legal frameworks have changed with the current times, meaning the Prophet's Hadith may not be entirely relevant for the contemporary era. Consequently, Shahrur's statement became controversial: "The door of ijtihad is never closed" (Clark 1996, 338-340). Shahrur is one of many contemporary scholars criticizing the claim that the "Gate of Ijtihad" has been closed since the early centuries of Islam, a claim suggesting that subsequent Muslims only need to perform taglid towards old ijtihad rulings. Shahrur invited Muslims to open the "Gate of *Ijtihad*" to use current independent reasoning to rethink the Sharia that God has spoken in the Quran (Browers 2004, 451).

Shahrur's focus in his methodology emphasizes concentrating on the Quranic text to enter the current public sphere, reinforced by developing modern sciences. Shahrur was convinced that Muslims can "read" the Quranic text without being guided by the interpretations of the codification era because the only thing limiting a person in reading the meaning of the Quran represents the text itself. This is part of Shahrur's appeal, utilizing modern language and science to reaffirm the truth of Islam in the face of modernity.

One of the analytical theories offered by Shahrur after utilizing his methodology is the "Theory of Limits." Shahrur used linguistic analysis on the content of Quranic verses containing legal meanings. This analysis explains and distinguishes legal limits as direct commands from God, serving as guidelines and boundaries for human action. Simply put, Shahrur stated that what is contained in the Quran represents the minimum and maximum limits for humans to create rules and regulations in the public sphere. An example of its application is the death penalty in murder cases; the death penalty represents the upper limit (maximum) of punishment for a murderer, while the lower limit (minimum) in a murder case is a lighter punishment other than execution.

The Theory of Limits serves as analytical material in the context of modern law within the concept of contemporary Islam for Shahrur. This analysis is an offer for a state or a large religious community to resolve regulatory problems within the limits explained by God in the Quran. Therefore, the use of this analysis is applied in deliberation. An interesting aspect of this theory is the similarity at the conceptual level of *Ijma* (consensus). However, the difference is also clearly visible as offered by Shahrur: this idea is used in decision-making by the government. Thus, Shahrur expanded the meaning of *Ijma* consensus, which was traditionally limited to the level of mujtahid scholars. The analysis of the Theory of Limits is intended for all people who possess knowledge of the Quranic text and supporting modern sciences to determine contemporary legal provisions. envisioned a democratic, free, and plural public sphere as a permissible space for an individual's code of ethics in establishing law in the contemporary era (Browers 2004, 457–464).

The success of contemporary scholars lies in viewing social and legal issues to realize a new construction with a more effective religious approach. Such an approach changes the old ways of Islamic legal methodology; this change is certainly a pressure of the times and the development of empirical knowledge (Ali 1997, 23). This condition also signals that the space for *ijtihad* never ended in the era of codification. As stated by contemporary scholars, they possess new methodologies to view the reality of Islamic law that has developed in the present time. To achieve legal certainty, contemporary scholars perform *ijtihad* with reason and the absorption of current popular sciences, reflecting the reality that scientific disciplines are increasingly expanding.

CONCLUSION

The integration of turath into contemporary Islamic legal methodology represents a critical inquiry into the extent to which contemporary scholars assess and value intellectual heritage. Muhammad Abid Al-Jabiri, through his methodology, presents civilizational proposition for Islam. His concept of the Critique of Arab Reason serves as a reformative and deconstructive effort to reintegrate turath within the framework of Islamic legal methodology. In contrast, for Muhammad Shahrur, the turath of Arab-Islam must be abandoned in the present era because the renewal of Islamic legal methodology demands a rereading of the Quran strictly in accordance with the contemporary context. His proposal examines the contemporary context through two axes: matter and time. These axes are measured against six principles of Figh methodological construction: instrumental sciences, the critique of synonymity (antimutaradif), the relevance of Islam to time and place, the reasoning of revelation, the relevance of revelation to reality, and the priority of rationality.

Each contemporary Islamic legal methodology examines the changes and developments of the age comprehensively and profoundly. Each framework possesses distinct merit and effective utility. First, Al-Jabiri offers the Critique of Arab Reason with the ultimate goal of reviving Islamic civilization; naturally, this proposal is specifically targeted at scholars studying Islam, Sharia sciences, and legal methodology with the context of preserving Islamic integrity historically and sociologically. Second, Shahrur emerges as a revolutionary figure; his ideals are evident in his written works and methodology, where he proposes

abandoning *turath* to view phenomena through a purely contemporary methodology. While this stance is undoubtedly controversial globally, it carries a significant personal message: the utility of his framework is effective for all Muslims, not merely experts in Islamic studies, empowering them to return to reading the Quran and understanding it through direct and unmediated engagement without the necessity of sanctifying classical exegeses.

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Mawaddatul Ulfa