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## CORRELATIONS AND DIFFERENCES BETWEEN SHARIA, FIQH, AND USHUL FIQH

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### Abstract

This study analyzes the relationship and fundamental differences between *Shari'ah*, *Fiqh*, and *Usul al-Fiqh* within the Islamic legal system. *Shari'ah*, etymologically meaning "the path to the water source," refers terminologically to the totality of Divine law revealed through the Qur'an and Sunnah. It is absolute, universal, and comprehensive, encompassing creed (*aqidah*), worship (*ibadah*), transactions (*mu'amalah*), and ethics (*akhlaq*). *Fiqh*, derived from the root *faqaha* meaning "deep understanding," is the science of practical legal rulings of the *Shari'ah*, extracted from detailed evidences through *ijtihad*. *Usul al-Fiqh* is the methodology and set of principles for deriving *Shari'ah* rulings from their sources. The correlation among the three forms an epistemological hierarchy with a functional relationship: *Shari'ah* as the authoritative source with *qat'i* (definitive) status, *Usul al-Fiqh* as the intermediary methodology, and *Fiqh* as the interpretive product with *zanni* (probabilistic) status. The main differences lie in terms of sources and authority, scope and focus, as well as temporality and adaptability. A proper understanding of these three concepts is essential for the development of Islamic law that remains responsive to contemporary challenges.

**Keywords:** *Shari'ah*, *Fiqh*, *Usul al-Fiqh*, Epistemological Hierarchy, *Ijtihad*

### Abstrak

Penelitian ini menganalisis hubungan dan perbedaan fundamental antara *Syari'ah*, *Fikih*, dan *Ushul Fikih* dalam sistem hukum Islam. *Syari'ah* secara etimologis berarti "jalan menuju sumber air" dan secara terminologis merujuk pada keseluruhan hukum Ilahi yang diturunkan melalui *Al-Qur'an* dan *Sunnah*, bersifat absolut, universal, dan komprehensif mencakup *akidah*, *ibadah*, *muamalah*, dan *akhlaq*. *Fikih*, berasal dari kata "*faqaha*" yang berarti pemahaman mendalam, adalah ilmu tentang hukum-hukum syariat amaliyah yang digali dari dalil-dalil terperinci melalui *ijtihad*. *Ushul Fikih* merupakan metodologi dan kaidah-kaidah untuk mengistinbat hukum syariat dari sumber-sumbernya. Korelasi ketiganya membentuk hierarki epistemologis dengan hubungan fungsional: *Syari'ah* sebagai sumber otoritatif dengan status *qat'i*, *Ushul Fikih* sebagai metodologi perantara, dan *Fikih* sebagai produk interpretasi berstatus *zanni*. Perbedaan utama terletak pada dimensi sumber dan otoritas, ruang lingkup dan fokus, serta temporalitas dan adaptabilitas. Pemahaman yang tepat ketiga konsep ini penting untuk pengembangan hukum Islam yang responsif terhadap tantangan kontemporer.

**Kata Kunci:** *Syari'ah*, *Fikih*, *Ushul Fikih*, Hierarki Epistemologis, *Ijtihad*.

### INTRODUCTION

Islam is a religion characterized by being *syamil* (comprehensive) and *mutakamil* (perfect)—that is, a religion that not only governs the relationship between humans and

God, but also governs the relationship between humans and their fellow humans, as well as their surrounding environment. The perfection of Islamic teachings is reflected in the existence of a legal system that serves as a guide for humanity in living their lives. This legal system is derived from the revelation of Allah SWT as enshrined in the Qur'an and further elaborated upon through the Sunnah of the Prophet Muhammad SAW. As the primary sources of Islamic teachings, the Qur'an and hadith form the foundation for the emergence of various disciplines of Islamic studies aimed at understanding, interpreting, and implementing Islamic teachings in real life. Among these disciplines, Shari'ah, fiqh, and usul al-fiqh are three branches of knowledge that hold a central position in the structure of Islamic law, as they serve as the foundation for understanding and applying the legal provisions established by the religion (Khallaf, 2003).

In the history of the development of Islamic thought, Sharia is understood as divine provisions revealed by Allah the Almighty to humanity through the prophets and messengers as a guide for life. Etymologically, the word Sharia derives from the root "shara'a," meaning "a path leading to a water source," which, in a religious context, is understood as the path that humans must follow to attain salvation and happiness in life. Sharia encompasses all aspects of human life, including matters of faith (aqidah), worship (ibadah), ethics (akhlak), and social transactions (muamalah). Thus, sharia is not limited to legal rules in the narrow sense but also encompasses the moral and spiritual values that form the foundation of human life (Zuhaili, 2011). Sharia possesses a divine nature because it originates from Allah the Almighty; thus, its truth is absolute and universal. Consequently, Sharia is viewed as a manifestation of God's will, containing fundamental principles aimed at realizing the welfare of humanity in this world and the hereafter (Kamali, 2003).

The concept of Shari'ah holds a very important position in the Islamic legal tradition because it serves as the source of legitimacy for all legal activities carried out by Muslims. From the perspective of classical scholars, Shari'ah is the law directly established by Allah SWT through revelation, so that humans are only obligated to understand and implement it. However, not all provisions of Shari'ah are explained in detail in the Qur'an and hadith. Many issues in daily life require further clarification, necessitating a process of reasoning and interpretation by scholars. This gave rise to the need for the discipline of fiqh, which serves to elaborate on and actualize the principles of Sharia into a more operational and applicable legal framework (Hallaq, 2009).

Terminologically, fiqh is defined as the knowledge of Sharia laws pertaining to the actions of a mukallaf, derived through detailed evidence. This definition indicates that fiqh is the result of human understanding of the sources of Islamic law. Unlike Sharia, which is divine and absolute, fiqh is a product of human *ijtihad* that is relative and dynamic. Because it is the result of human thought, fiqh is not immune to the possibility of differences of opinion, changes, and developments in accordance with the social and cultural context, as well as the needs of society at a particular time (Wahbah al-Zuhaili, 2011). Therefore, the diversity of opinions in fiqh should not be viewed as a weakness,

but rather as evidence of the flexibility of Islamic law in responding to the dynamics of human life.

The distinction between Sharia and fiqh is a key issue in the study of Islamic law. Many people still regard Sharia and fiqh as synonymous terms, often using them interchangeably without understanding their fundamental differences. In fact, ontologically and epistemologically, the two possess distinct characteristics. Sharia is the will of Allah SWT as contained in revelation, whereas fiqh is the result of human understanding of that revelation. Sharia is fixed in its fundamental principles, while fiqh can evolve in accordance with changes in time and place. The inability to distinguish between these two concepts often gives rise to various problems in the practice of religious life, including the emergence of exclusivist and fanatical attitudes toward a particular fiqh opinion that is, in fact, of an ijthadi nature (An-Na'im, 2008).

Misunderstanding the relationship between Shari'ah and fiqh can give rise to two extreme tendencies. On one hand, there are groups that equate all products of fiqh with Shari'ah, thereby regarding every opinion of a scholar as having the same status as divine revelation. Consequently, they tend to reject changes and legal reforms even though social conditions have changed significantly. On the other hand, there is a group that views Islamic law as merely a cultural product, thereby disregarding the authority of Sharia as a normative source. Both of these tendencies have the potential to create tension within the Muslim community because they fail to understand the balance between the normative and historical aspects of Islamic law (Ramadan, 2009).

To bridge the relationship between Sharia and fiqh, scholars developed the discipline of *usul al-fiqh*. *Usul al-fiqh* is the science that discusses the principles and methods used to derive Sharia law from its detailed sources. In other words, *usul al-fiqh* functions as a methodology of Islamic law that enables mujtahids to understand the intent of Sharia and formulate laws in accordance with the demands of the times (Al-Amidi, 2003). The existence of *usul al-fiqh* is crucial because without a clear methodology, the process of legal determination can become subjective and lack a strong scientific foundation.

Historically, the development of *usul al-fiqh* cannot be separated from the significant contributions of Muhammad ibn Idris al-Shafi'i through his monumental work, *\*Al-Risalah\**. Through this work, al-Shafi'i laid the methodological foundations for understanding the Qur'an, hadith, *ijma'*, and *qiyas* as sources of Islamic law. Since then, *usul al-fiqh* has evolved into a highly complex discipline and has given rise to various approaches to interpreting religious texts. This development demonstrates that Islamic law does not rely solely on the texts themselves but also on the methodologies used to interpret them (Hallaq, 1997).

The status of *usul al-fiqh* as a methodological instrument gives it a strategic role in maintaining a balance between the authenticity of the text and the relevance of the context. Through *usul al-fiqh*, scholars can understand the objectives of sharia (*maqashid al-sharia*), which form the basis for the formulation of Islamic law. The concept of

maqashid al-shari'ah affirms that all provisions of Islamic law are, in essence, aimed at realizing human welfare by safeguarding religion, life, intellect, lineage, and property (Al-Shatibi, 2011). By understanding these objectives, Islamic law can be developed in a more adaptive manner without losing its normative roots.

In the context of modern society, the need for a proper understanding of Shari'ah, fiqh, and usul al-fiqh has become increasingly urgent. Globalization, advancements in information technology, changes in social structures, and the emergence of various new issues have presented challenges not fully encountered in classical times. Issues such as digital transactions, artificial intelligence, assisted reproduction, Sharia economics, the environment, human rights, and gender equality require an Islamic legal approach capable of integrating the text, context, and objectives of Sharia in a balanced manner (Kamali, 2008). In such situations, a narrow understanding of Islamic law can lead to an inability to respond constructively to social change.

One of the most widely discussed issues in contemporary Islamic legal studies is the question of gender justice. Debates regarding women's rights in the fields of education, employment, leadership, and family life are often influenced by differing interpretations of religious texts. Some viewpoints tend to adhere strictly to classical, literal interpretations, while others seek to reinterpret these texts based on the principles of justice and the public interest. These differences highlight the importance of understanding that many provisions long considered part of Sharia are, in fact, the result of fiqh interpretations that remain open to reexamination through an appropriate usul al-fiqh approach (Barlas, 2002).

Similarly, in the field of Islamic economics, the development of modern financial systems has given rise to various economic instruments that require in-depth legal analysis. The emergence of Sharia banking, Sharia fintech, digital currencies, and various forms of electronic transactions demands that scholars possess the ability to engage in ijthad based on Sharia principles. In this process, usul al-fiqh serves as a methodological framework that enables Islamic law to remain relevant without losing its normative integrity (Ayub, 2007).

Furthermore, the diversity of schools of thought within Islam underscores the importance of understanding the distinction between Sharia and fiqh. Differences of opinion among scholars do not necessarily indicate a contradiction in religious principles; rather, they are often the result of differences in the methods of legal deduction employed. Awareness of this can foster a spirit of tolerance and respect for diversity within a pluralistic Muslim society. Conversely, a lack of understanding regarding the ijthadi nature of fiqh can fuel conflict and excessive claims of exclusivity regarding a particular school of thought (Esposito, 2003).

From the perspective of Islamic legal epistemology, Shari'ah, fiqh, and usul al-fiqh form a mutually complementary system. Shari'ah provides the source of values and foundational principles; usul al-fiqh provides the methodology of interpretation; while

fiqh produces legal formulations that can be applied in societal life. These three elements are inseparable because each has a distinct yet interrelated function. A comprehensive understanding of the relationship among them will help Muslims develop a legal framework that is moderate, inclusive, and responsive to changing times without compromising their commitment to religious teachings.

Based on this discussion, studies on Shari'ah, fiqh, and *usul al-fiqh* hold immense theoretical and practical significance. Theoretically, such studies help clarify the conceptual differences and epistemological relationships among these three disciplines. Practically, a proper understanding of Sharia, fiqh, and *usul al-fiqh* can serve as a foundation for addressing various contemporary issues faced by Muslims. Therefore, research on the relationship between Sharia, fiqh, and *usul al-fiqh* is essential to building a more comprehensive, balanced, and relevant understanding of Islamic law that meets the needs of modern society.

## **METHOD**

This article was written using a qualitative research approach in the form of a literature review (library research). This approach was chosen because the focus of the study lies in the conceptual and theoretical analysis of Sharia, fiqh, and *usul al-fiqh* as part of the discipline of Islamic law. Library research is a research method that relies on various literary sources as primary data to gain a deep understanding of a concept, theory, or phenomenon that is the subject of study. Through this method, the researcher does not collect field data but rather examines, reviews, and analyzes various written sources relevant to the research topic.

The literature review in this study was conducted through the process of identifying, collecting, selecting, and analyzing various references related to the research theme. Primary data sources were obtained from the Qur'an and Hadith as the main foundations of Islamic law. These two sources serve as the primary references for understanding the concepts of Shari'ah, fiqh, and *usul al-fiqh*, and form the basis for scholars in formulating various provisions of Islamic law. In addition, this study also draws upon the classical works of traditional scholars who are authorities in the fields of *usul al-fiqh* and Islamic law, such as texts discussing the principles of legal deduction (*istinbath*), the objectives of Shari'ah (*maqashid al-Shari'ah*), and the methodology of *ijtihad*.

Meanwhile, secondary data sources were obtained from various relevant academic literature, including scholarly books, articles in national and international journals, previous research findings, conference proceedings, and other academic publications discussing Sharia, fiqh, *usul al-fiqh*, and developments in contemporary Islamic legal thought. These sources were used to enrich the analysis, compare various expert viewpoints, and provide a more comprehensive perspective on the issue under study.

The collected data was then analyzed using content analysis, which involves systematically examining the content of various literary sources to identify concepts, arguments, and relationships between Sharia, fiqh, and *usul al-fiqh*. This approach is

expected to yield a comprehensive understanding of the status, functions, and relationships of these three concepts within the framework of Islamic law, from both classical and contemporary perspectives.

## RESULTS AND DISCUSSION

The results of the literature review indicate that Shari'ah, fiqh, and usul al-fiqh are three fundamental concepts in the structure of Islamic law that are closely related yet distinct in terms of their essence, scope, function, and authority. These three concepts form a complementary system in the process of establishing and developing Islamic law. Sharia serves as the source of values and norms derived from the revelation of Allah SWT; usul fiqh functions as the methodology for understanding and deriving legal rulings from the sources of Sharia; while fiqh represents the intellectual output and ijihad of Islamic scholars, which produces practical legal provisions for the lives of Muslims. A review of various classical and contemporary literature indicates that a proper understanding of the relationship between these three concepts is crucial to avoiding errors in understanding and applying Islamic law amidst the dynamics of modern society.

Based on an analysis of various sources, the term Shari'ah etymologically derives from the word الشريعة, which stems from the word شرع, meaning “the path to a water source” or “a clear path.” In Arab tradition, a water source is a symbol of life; thus, shari'ah is understood as the path that leads humanity toward a good, prosperous life that is pleasing to Allah SWT. This meaning aligns with the words of Allah SWT.:

ثُمَّ جَعَلْنَاكَ عَلَىٰ شَرِيعةٍ مِّنَ الْأَمْرِ فَاتَّبِعْهَا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ

“Then We have placed you (Muhammad) upon a system of law regarding this religion; so follow that system and do not follow the desires of those who do not know” (Quran 45:18).

This verse indicates that Sharia is a system of rules originating from Allah the Almighty and serves as a guide for human life. According to Al-Ghazali, Sharia encompasses all the laws established by Allah for His servants through the prophets, including commands, prohibitions, and options for action (Al-Ghazali, 1997). Meanwhile, Ibn Qayyim al-Jauziyyah explains that Sharia is founded on justice, mercy, the public good, and wisdom, so that all its provisions aim to bring about good for humanity in this world and the hereafter (Ibn Qayyim, 2002). These findings indicate that Sharia is not merely understood as a collection of legal rules but also as a value system that governs all aspects of human life.

The research results also show that the scope of Sharia is very broad and encompasses the dimensions of faith (aqidah), worship (ibadah), ethics (akhlak), and social dealings (muamalah). In this context, Sharia represents the entirety of Islamic teachings that govern human relationships with Allah the Almighty, fellow human beings, and the surrounding environment. Therefore, Sharia possesses universal and permanent characteristics because it is derived from revelation, which is absolute in nature. This

characteristic is emphasized by Kamali (2003), who states that Sharia is the totality of divine guidance that governs all aspects of a Muslim's life. Thus, Sharia occupies the highest position in the hierarchy of Islamic law because it serves as the source of legitimacy for all legal activities carried out by Muslims.

In contrast to Sharia, the results of this study indicate that fiqh is a product of human understanding of Sharia. Etymologically, fiqh derives from the word **الفقه**, which means "deep understanding." This meaning can be found in the words of Allah SWT.:

**فَلَوْلَا نَفَرَ مِن كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ**

"Why should not a group from each of their communities go forth to deepen their understanding of the religion?" (Quran 9:122).

This verse indicates that fiqh is related to the process of deeply understanding religion. The Prophet Muhammad (peace be upon him) also said:

**مَنْ يُرِدِ اللَّهُ بِهِ خَيْرًا يُفَقِّهْهُ فِي الدِّينِ**

"Whomever Allah intends good for, He will grant him understanding of the religion." (Narrated by Bukhari and Muslim).

This hadith affirms that the ability to understand religion deeply is a blessing bestowed by Allah upon His servants. In the context of Islamic law, fiqh has evolved into a discipline that discusses the sharia laws pertaining to the actions of those obligated to observe them (mukallaf) based on detailed evidence.

According to Abu Zahrah (1958), fiqh is:

**فَهُوَ الْعِلْمُ بِالْأَحْكَامِ الشَّرْعِيَّةِ الْعَمَلِيَّةِ مِنْ أَدْلَتِهَا التَّفْصِيلِيَّةِ**

In other words, fiqh is the science of practical Sharia laws derived from detailed evidence. This definition indicates that fiqh is not synonymous with Sharia. While Sharia originates from Allah the Almighty, fiqh is the result of human ijtihad in understanding Sharia. Therefore, fiqh is dynamic, contextual, and open to change in accordance with the evolution of time, place, and the social conditions of society.

Research findings indicate that the ijtihadi nature of fiqh is one of the factors leading to differences of opinion among scholars. The various schools of thought in Islam—such as the Hanafi, Maliki, Shafi'i, and Hanbali schools—are fundamentally the result of differing methodological approaches to interpreting the sources of Sharia. Thus, the diversity of fiqh cannot be viewed as a contradiction within Islam but rather as a manifestation of the flexibility of Islamic law in responding to the various realities of human life (Hallaq, 2009).

In terms of scope, the research findings indicate that fiqh encompasses nearly every aspect of human life, ranging from fiqh of worship (ibadah), fiqh of transactions (muamalah), fiqh of marriage (munakahat), fiqh of criminal law (jinayah), to fiqh of politics (siyasah). Even in contemporary developments, new branches have emerged, such as economic

fiqh, environmental fiqh, medical fiqh, and digital fiqh. This phenomenon demonstrates that fiqh possesses an adaptive capacity that enables Islamic law to remain relevant in the face of social change and scientific advancements.

Meanwhile, the research findings indicate that *usul al-fiqh* serves a distinct function compared to *sharia* and *fiqh*. *Usul al-fiqh* does not directly produce legal rulings but rather provides the methodology and analytical tools used to derive legal rulings from *sharia* sources. Terminologically, Abdul Wahab Khallaf (2003) defines *usul al-fiqh* as a set of principles used to derive practical *Sharia* laws from their detailed evidence.

Al-Ghazali explains that *usul al-fiqh* is the science that discusses legal evidences in a comprehensive manner, the methods for utilizing them, and the qualifications required of those who engage in *ijtihad* (Al-Ghazali, 1997). Thus, *usul al-fiqh* functions as a methodological instrument that bridges the gap between the revealed text and the legal rulings. Without *usul al-fiqh*, the process of deriving legal rulings would be subjective and could lead to errors in understanding the intent of *Sharia*.

The study's findings indicate that the scope of *usul al-fiqh* encompasses the discussion of the sources of Islamic law, linguistic principles, the theory of *ijtihad*, *maqashid al-sharia*, and *fiqh* principles. The discussion of legal sources covers the *Qur'an*, *hadith*, *ijma'*, *qiyas*, *istihsan*, *maslahah mursalah*, and various other methods of legal derivation. In this context, *ushul fiqh* serves as the epistemological foundation that ensures the process of legal determination is conducted systematically, rationally, and in accordance with the objectives of *Shari'ah*.

Another key finding indicates that the relationship between *Shari'ah*, *fiqh*, and *usul al-fiqh* can be understood through the lens of an epistemological hierarchy. *Shari'ah* occupies the highest level because it is the absolute revelation of Allah. *Usul al-fiqh* occupies the methodological level because it provides the tools for understanding revelation. Meanwhile, *fiqh* occupies the applicative level because it is the result of human interpretation of *Shari'ah* through the methods of *usul al-fiqh*. This relationship can be described as a process that begins with revelation, is then understood through specific methodologies, and ultimately produces laws that can be applied in society.

From the perspective of *maqashid al-Shari'ah*, the research findings indicate that these three concepts share the same objective: to realize the public interest of humanity. Al-Shatibi (2011) explains that the primary objectives of *Shari'ah* are to preserve religion (حفظ الدين), life (حفظ النفس), reason (حفظ العقل), lineage (حفظ النسل), and wealth (حفظ المال). These principles form the foundation for the development of Islamic law, ensuring that the resulting laws are not only normatively valid but also provide tangible benefits to society.

This study also found that many misunderstandings in society arise from an inability to distinguish between *Shari'ah* and *fiqh*. Some groups consider all products of *fiqh* to be on the same level as *Shari'ah*, leading them to reject legal changes even as social conditions have evolved. Conversely, there are groups that view Islamic law as entirely a

product of human culture, thereby disregarding its revelatory dimension. Both perspectives highlight the importance of a balanced understanding of the relationship between Shari'ah, fiqh, and usul al-fiqh so that Islamic law can be understood in a moderate and contextual manner.

Based on the research findings, it can be concluded that Sharia, fiqh, and usul al-fiqh are the three main elements of the Islamic legal system, each serving distinct yet complementary functions. Sharia is the source of values and norms derived from Allah the Almighty; usul al-fiqh is the methodology for understanding and deriving legal rulings; and fiqh is the practical outcome of ijtihad. Together, these three form a unified whole that allows Islamic law to remain true to its revelatory sources while remaining responsive to the changing times. A comprehensive understanding of the relationship between these three concepts is key to developing an Islamic legal system that is moderate, adaptive, and capable of addressing the challenges of contemporary life.

## CONCLUSION

An analysis of the correlations and differences between Shari'ah, fiqh, and usul al-fiqh reveals that these three concepts form an interconnected system, yet each possesses distinct characteristics and functions within the epistemological structure of Islamic law. Sharia represents the divine and universal dimension of Islamic law; fiqh reflects the human and contextual dimension; while usul al-fiqh represents the methodological dimension that connects the two.

A proper understanding of the hierarchy, correlations, and differences among these three concepts has significant implications for the development and application of Islamic law in the contemporary era. The distinction between the universal Shari'ah and the contextual fiqh provides a conceptual framework for adapting Islamic law to social change without compromising its fundamental principles. Meanwhile, the revitalization of usul al-fiqh as a dynamic methodology paves the way for contemporary ijtihad in addressing new cases not discussed in detail in classical sources.

In the context of global pluralism and the complexity of contemporary issues, a comprehensive understanding of Shari'ah, fiqh, and usul al-fiqh is becoming increasingly important—not only for Muslim scholars but also for anyone interested in understanding the dynamics of the Islamic legal system and its role in modern society. Through this understanding, the discourse on Islamic law can move beyond the simplistic dichotomy between traditionalism and modernism, toward a more *nuanced* and contextual approach.

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