



Position of Qoul al-Shahabi in Ushul Fiqh: Historical and Contemporary Perspectives

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Abstract

This study aims to analyze the position of Qoul shahabi in Ushul Fiqh by reviewing its development from historical and contemporary perspectives. This study focuses on how the position and authority of Qoul shahabi are understood and applied by classical scholars to the present day, as well as how these differences in opinion influence the dynamics of Islamic law development in the modern context. In this context, the study seeks to outline the different views among classical and contemporary scholars regarding the authority of Qaul Shahabi and its relevance in resolving current legal issues. The research method used is library research with a descriptive-analytical approach, which is to examine various classical and modern literature, as well as sources of Ushul Fiqh that discuss the basis for accepting and rejecting Qaul Shahabi. The results of the study show that Qaul Shahabi is no longer understood merely as the opinions of the companions who lived during the time of the Prophet Muhammad, but rather as a mindset and method for understanding and establishing Islamic law that is relevant to the times. While in classical times its position was important because of the companions' closeness to the Prophet, today its main value lies in their ability to interpret Islamic teachings in accordance with social conditions and the needs of society. This confirms that from the beginning, Islam has taught the principle of legal flexibility without departing from the foundations of Sharia. In the dynamic modern context, Qaul Shahabi inspires scholars and intellectuals to develop adaptive, fair, and welfare-oriented Islamic law. Thus, Qaul Shahabi serves as a bridge between revelatory values and modern human realities, ensuring that Islamic law remains alive, contextual, and brings justice to all people.

Keywords

Qoul al-shahabi, Historical , Contemporary

Introduction

In the study of Ushul Fiqh, one of the issues that is widely debated among scholars is the position of Qoul shahabi, namely the opinions or statements of the companions of the Prophet Muhammad as a source of Islamic law.(Maghfirah & Zulkifli, 2021). This debate arose due to differing views on whether the opinions of the companions can be used as binding legal arguments (hujjah) or are merely the result of personal ijtihad that is contextual in nature. Some scholars argue that Qoul

shahabi has high authority because the companions were the generation who lived with the Prophet and understood the meaning of revelation directly, while others argue that the opinions of the companions are not binding unless supported by clear evidence from the Qur'an or hadith. As a result, this difference has led to a diversity of interpretations in the application of Islamic law, especially in determining the extent to which the opinions of the companions can be used as a basis for law in the current context.

Studies on the position of Qoul shahabi have been conducted extensively by both classical and contemporary scholars. Several Islamic scholars such as Ibnu Qayyim al-Jauziyah (1996) in *I'lam al-Muwaqqi'in* and Abdul Wahhab Khallaf (1990) in *Ilmu Ushul al-Fiqh* emphasizes that Qoul shahabi is important in understanding the law but is not equal to the Qur'an and Sunnah. Meanwhile, scholars such as Ali Jum'ah (2004) and Quthb Musthafa Sanu (2000) argues that in some cases, Qoul shahabi can be considered a form of ijma' sukuti (silent agreement among the companions) which has strong legal weight. Contemporary studies also seek to understand Qoul shahabi contextually, not only as a source of law but also as a reflection of social dynamics and legal ijthad in the early days of Islam. The urgency of this research lies in the importance of re-understanding the position of Qoul shahabi in Ushul Fiqh and its implications for the development of modern Islamic law.

In historical context, Qaul Shahabi played an important role as a bridge between the prophetic era and the formation of Islamic law. The companions not only acted as intermediaries in the transmission of revelation, but also played a role in interpreting and applying Islamic teachings in accordance with the needs of the society of their time. Therefore, the views of the companions often became a reference in the ijthad process of subsequent generations, especially during the tabi'in era and the codification of fiqh. However, in the contemporary context, the meaning of Qaul Shahabi has undergone reinterpretation. Modern Islamic legal scholars have attempted to place it within a more systematic and rational legal methodological framework in order to address new issues that have arisen in modern society.

The urgency of this research lies in the importance of re-examining the epistemological and methodological position of Qaul Shahabi in Ushul Fiqh, taking into account the dynamics of thought from the classical to the contemporary period. Through historical study, it is possible to understand how the authority of Qaul Shahabi was formed and accepted in the Islamic legal tradition, while through a contemporary approach, it

is possible to analyze how this concept has been adapted in the context of social, legal, and cultural changes among Muslims today.

Thus, this study aims to analyze the position of Qaul Shahabi from historical and contemporary perspectives, explain the differences in scholars' views on its authority, and describe the implications and examples of its application in the development of modern Islamic law. This study is expected to contribute to strengthening methodological understanding in Ushul Fiqh, as well as enriching academic discourse on how the legacy of the companions' thoughts can inspire the formation of contextual, fair, and civilized Islamic law.

Method

This study uses a qualitative method with a library research approach. This type of research is conducted by examining various relevant sources to answer the research focus. The research process was carried out through several systematic stages, as the data used was primary and secondary data, consisting of primary texts that directly discuss qawa'id fihiyyah and the history of Islamic law, such as *Al-Fikr al-Sami fi Tarikh al-Fiqh al-Islami*, *Al-Muwafaqat* by Imam Asy-Syatibi. Secondary sources include scientific journals, academic articles, and other writings that review the development of fiqh during the time of the companions, the methodology of *ijtihad* of the companions, and the history of the formulation of fihiyyah qawa'id.

Data collection techniques were carried out through documentary studies, namely searching for and collecting data from various written sources. The stages included a literature search: the search was conducted manually in libraries and digitally using academic search engines (such as Google Scholar, Directory of Open Access Journals/DOAJ) and digital library databases with keywords such as: “qawa'id fihiyyah”, “*ijtihad al-sahabah*”, “*tarikh al-tasyri' al-islami*”, “*ushul al-fiqh*”, and “*maqashid al-syari'ah*”. Furthermore, the relevance and suitability of the sources to the research topic, namely the application of fiqh principles during the time of the companions, were also considered.

After the data was collected, it was analyzed using content analysis and synthesis analysis techniques. The analysis process was carried out in several steps, including sorting and grouping relevant data from various sources. The selected data was then presented systematically to facilitate the drawing of conclusions. The data was analyzed by comparing (comparative analysis), interpreting, and summarizing findings from various literature. Next, a synthesis was carried out to connect these

findings in order to build a comprehensive understanding and answer the research questions.

Literature Review

Studies on Qoul shahabi (the opinions of the Prophet's companions) occupy a strategic position in Islamic law because they serve as an intellectual bridge between the prophetic era and the period of fiqh codification. Classical and contemporary literature presents a wide spectrum of views on the status of Qoul shahabi's authority, which has significant implications for the dynamics of Islamic law formation. A number of studies show methodological differences between schools of thought and variations in the legitimacy of applying the opinions of the companions. In the classical works Al-Mustashfa, Al-Ghazali and Al-Ihkam, Al-Amidi agree that a companion is a Muslim who met the Prophet Muhammad and died as a Muslim. However, Al-Zarkashi in Al-Bahr al-Muhith highlights differences in interpretation of the meaning of "meeting" that can affect the validity of narration and the legal force of an opinion. Hallaq (2009) asserts that the authority of Qoul shahabi stems from the direct involvement of the companions in the process of revelation and contextual understanding of the revelatory text.

In addition, various contemporary studies have expanded this discourse. Nizar (2018) in *Ulul Albab Journal* asserts that Qoul shahabi is still relevant as a basis for istinbath law on modern social issues (Nizar, 2018). Faruq Ahmad dan Habib (2019) in the *Journal of Islamic Business and Management* discuss the application of Qoul shahabi in modern Islamic finance, particularly in contracts based on maslahah (Ahmad & Habib, 2019). Maghfirah dan Zulkifli (2021) demonstrate the relevance of Qoul shahabi in the interpretation of contemporary Al-Qur'an law (Maghfirah & Zulkifli, 2021), inwhile Z.M. Musa (2020) highlights the normative dimension of Qoul shahabi as a source of law that plays a role in maintaining the continuity of classical fiqh (Musa, 2020). Researched from M. Singgih (2021) study in the *Annaba Journal* reinforces the view that Qoul shahabi has strong legitimacy when it does not contradict definitive texts (Singgih, 2021). Abdul Rahman (2018) stated examines the application of Qoul shahabi in the context of a more rational and maqasid-based modern Islamic legal system (Rahman, 2018). Brown (2017) in *Canonization of Islamic Law* emphasizes the historical value of Qoul shahabi in the process of legal codification (Brown, 2017). Inwhile, Maulidizen (2022) in the *Journal of Maṣādir al-Ahkam* highlights the urgency of mastering Islamic legal sources, including Qoul shahabi, as an important epistemological tool in modern fatwas (Kamali, 2003). A Study from *Jurnal Iqtisaduna* (2022) from UIN Alauddin proves the application

of Qaul shahabi in contemporary muamalah law, particularly in the financial sector (Makassar, 2022).

Overall, classical to modern literature shows that Qaul shahabi not only has historical value, but also methodological relevance in contemporary Islamic law. The debate between those who consider Qaul shahabi as binding evidence and those who reject it reflects the richness of the Islamic intellectual tradition in maintaining a balance between text, context, and public interest. Therefore, a deep understanding of Qaul shahabi is key to developing an adaptive, contextual approach to Islamic law that remains based on the principles of sharia.

Result

Definitions and Terminology of Qaul Shahabi

Terminologically, Qaul Shahabi refers to the opinion of a companion of the Prophet Muhammad SAW that is widely accepted among other companions without opposition. Madzhab Shahabi refers to the collective opinion of the companions, which can be equated with Ijma' Shahabi. (Maghfirah & Zulkifli, 2021). In the discipline of *usul fiqh*, scholars define a companion as a Muslim who met the Prophet Muhammad SAW while he was still alive, lived with him for a considerable period of time according to some opinions, and died while still a Muslim. The word *qaul* comes from the root word *qala-yaqulu-qaulan*, which means statement or opinion, while *shahabi* refers to someone who was a companion of the Prophet Muhammad (PBUH) and was a Muslim. (Habib & Ahmad, 2014). In the view of the scholars, companions have a number of criteria, such as meeting the Prophet Muhammad SAW while being a believer, living with him for a certain period of time, being a reference for future generations, and having a special relationship with him. According to *ushuliyyin* terminology, a companion is someone who met the Prophet Muhammad SAW while being a believer and accompanied him for a long period of time. (al-Zuhayli, 2007). Meanwhile, according to the *hadith*, companions are people who gathered with the Prophet Muhammad SAW while they were believers and died as Muslims, as explained in the words of the *hadith* scholars:

ذَلِكَ مَنْ اجْتَمَعَ بِالنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُؤْمِنًا بِهِ وَمَاتَ عَلَى الْإِسْلَامِ
هُوَ الصَّحَابِيُّ

"People who gathered with the Prophet Muhammad, converted to Islam, and died in a state of faith."

This definition indicates three main elements in determining who can be called a companion, namely being alive and meeting the Prophet Muhammad, being Muslim, and dying in a state of faith. (Bahramlou, 2024). According to usuliyyin scholars, a person is considered a companion if he met and believed in the Prophet Muhammad (peace be upon him) and lived with him for a considerable period of time, as stated in their statement:

On other hands, according to Ushuliy Scholars (Ahl- Ushul al-Fiqh):

مَنْ لَقِيَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُؤْمِنًا بِهِ، وَصَحْبَهُ مُدَّةً طَوِيلَةً يُسَمَّى
صَحَابِيًّا عِنْدَ جَمَاعَةٍ مِنَ الْأُصُولِيِّينَ.

“People who met and believed in the Prophet Muhammad (peace be upon him) and lived with him for a long time, thus they are called Sahaba according to ‘Urf.”

From this editorial, there is a slight difference between Ushuliy scholars and Hadith scholars in defining companions. Ushuliy scholars generally require that companions must have had a long period of friendship with the Prophet Muhammad, because they believe that the length of time can influence the understanding and practice of Islamic teachings. This is because the object of study of Ushuliy scholars is not limited to the acceptance of the words of the Prophet Muhammad, but also how to process the data obtained from him. (Hasanuddin, 1995).

Meanwhile, Hadith scholars have a different approach. They do not take into account the length of friendship, so that someone who was only briefly with the Prophet Muhammad SAW is still considered a companion. The main focus of Hadith scholars is on the analysis of the content (dirayah) and transmission (riwayah) of hadith, so they prioritize the truth and authenticity of the narration over the length of time spent with the Prophet Muhammad *pbuh*. (Umar, 1985).

A debate then arose as to whether Qaul Shahabi could be used as hujjah (legal basis). Some scholars accepted Qaul Shahabi as hujjah, such as Imam Malik, Imam Ahmad bin Hanbal (in one of his narrations), Hanafi scholars, and Imam Shafi'i in his qaul qadim. They base their argument on the words of Allah SWT in QS. Ali Imran: 110 regarding the virtue of

the best people, as well as the hadith of the Prophet Muhammad SAW, “My companions are like stars, whoever follows them will be guided,” although some scholars consider this hadith to be weak. According to this group, the companions have a special status because they witnessed the revelation of the Quran and understood its context directly. (Sanu, 2000).

However, some other scholars reject Qaul Shahabi as evidence, such as Imam Shafi'i in his qaul jadid, the Asy'ariyah scholars, Mu'tazilah, and Ibn Hazm. They adhere to QS. An-Nisa: 59, which commands Muslims to return to Allah and His Messenger, not to the companions. Furthermore, they argue that the companions were not infallible and often disagreed among themselves. The middle ground opinion states that the Qaul Shahabi can be used as evidence if it is supported by strong analogy, does not contradict clearer texts, and relates to matters of tradition rather than pure ijihad. (Jum'ah, 2004).

During the lifetime of the Prophet Muhammad (peace be upon him), his companions could directly ask him various questions, and the Prophet would provide appropriate answers and solutions. After his passing, the companions used their own judgment to resolve new issues by issuing fatwas in accordance with Islamic teachings. These fatwas were then narrated by the tabi'in, tabi'ut tabi'in, and subsequent generations in the same manner as the narration of hadith. According to Dr. Musthafa Daib Al-Bugha, Qaul Shahabi can be interpreted as the Shahabi school of thought, which is everything that has been passed down to us from a companion of the Prophet Muhammad (peace be upon him), whether in the form of fatwas or rulings on matters of sharia that are not found in the texts of the Qur'an and Sunnah and on which there is no consensus. (Maulidizen, 2019).

From this explanation, Qaul Shahabi refers to the opinions of the companions on a legal issue quoted by scholars, either in the form of fatwas or legal rulings. These opinions are used as references when there are no verses in the Qur'an or hadith that explicitly explain the law on a particular issue. Thus, Qaul Shahabi is one of the important sources of Islamic law in the process of ijihad after the Qur'an and hadith. Terminologically, Qaul Shahabi means the opinion of a companion that then spread among other companions without any known opposition. As for the madhhab of the Companions, it refers to the collective opinion of the Companions, also known as Ijma' Shahabi. The difference between the two lies in the number of Companions who expressed their opinions:

Qaul Shahabi is individual, while Madhhab Shahabi is collective. (al-Jauziyah, 1996).

Scholars agree that Qaul Shahabi can be used as evidence in non-ijtihadiyah matters, i.e., those that do not require ra'yu (logic), and in cases where Qaul Shahabi has become ijma' sahabat, either explicitly (sharih) or tacitly (sukuti), such as in the case of a grandmother's inheritance receiving a one-sixth share. However, scholars also agree that Qaul Shahabi that is the result of individual ijihad does not serve as evidence against other companions. (Hakim, 2019). A new difference of opinion arose when discussing whether Qaul Shahabi could be used as evidence for generations after the companions, such as the tabi'in and subsequent generations.

In practice, Qaul Shahabi has a major influence on the establishment of law. For example, in the case of 'inah sales, some Shafi'i scholars permit it based on qiyas, while Malikiyyah, Hanafiyyah, and Hanabilah scholars prohibit it by referring to Qaul Aisha r.a., who condemned such sales because they contain elements of hidden usury. This difference in opinion shows that Qaul Shahabi plays an important role in shaping the framework of Islamic economic law and ethics. (Efendi & Azwar, 2019).

Scholars of *usul al-fiqh* classify the Qaul Shahabi, or the sayings of the companions of the Prophet Muhammad, into several categories based on their level of authority and source of truth. This classification is important because it forms the basis for determining whether a companion's statement can be used as evidence (legal argument) or not. First, there are the statements of the companions relating to matters that do not fall within the realm of ijihad, such as matters that are tauqifiyah in nature, i.e., matters that originate directly from revelation or explanations of the Prophet (peace be upon him). In this category, scholars agree that the statements of the companions can be used as strong evidence, because it is very likely that these views originate from the teachings or direct explanations of the Prophet Muhammad (PBUH). Although technically referred to as *hadith mauquf* (statements of the companions), in substance they can be classified as part of the Sunnah because they are closely related to prophetic tradition and the transmission of Sharia law.

Second, it is the words of a companion that have been approved by other companions. In this case, the opinion is no longer individual, but becomes a collective agreement that reflects general acceptance among the companions. Therefore, scholars consider this type of statement to have a strong position in Islamic law, because it falls under the category of

ijma', which is the agreement of the companions on a law after the prophetic period.

Third, it is a statement by a companion that is widely circulated among other companions without anyone rejecting or opposing it. Some scholars consider this view to be ijma' sukuti or tacit agreement. This means that even though it is not explicitly stated, the absence of rejection indicates implicit acceptance or agreement from other companions towards this opinion. Scholars who accept ijma' sukuti as a legal argument consider this type of statement to be a valid guideline, as it reflects the moral and intellectual consensus among the best generation of Muslims. (Tunai, 2016).

Fourth, there are the statements of the companions, which are purely the result of their personal thoughts and ijtiḥad on issues that are not explicitly mentioned in the Qur'an or Hadith. This type of statement has become a point of difference and debate among uṣul fiqh scholars. Some scholars, such as Imam Malik and the Hanafi scholars, consider the ijtiḥad of the Companions to have high legal weight and can be used as a reference, because they were the generation that best understood the objectives of the Sharia and the conditions under which the revelation was revealed. However, other scholars, such as Imam Shafi'i in his qaul jadid and the Mu'tazilah group, reject it as binding evidence, because the companions were not infallible and could have made mistakes in their ijtiḥad. (Jum'ah, 2004).

Thus, this classification shows that the position of Qaul Shahabi is not singular, but hierarchical according to the source, context, and level of acceptance among the companions themselves. In the view of scholars, the greater the likelihood that a Companion's statement originated from the Prophet Muhammad or was agreed upon by other Companions, the higher its legal authority. Conversely, the further it is from the prophetic context and the more it is based on personal ijtiḥad, the more open it is to differences in opinion and legal assessment.

Another example is when Eid coincided with Friday. Caliph Uthman bin Affan r.a. granted leniency to residents on the outskirts of the city to not perform Friday prayers after Eid prayers. This policy was based on considerations of maslahah so that the people would not be burdened. This narration was reported by Imam Al-Bukhari from Zaid bin Arqam, and became the basis for the Shafi'i and Hanbali fuqaha to state that the obligation of Friday prayer is waived for those other than the imam and city residents, while the Hanafi and Maliki fuqaha still require it. This

difference of opinion centers on the status of the authenticity of the Qaul Shahabi and how to understand the actions of Uthman bin Affan. (Hakim, 2019).

Similarly, in the case of inheritance for a wife who is divorced when her husband is seriously ill (*al-mardh al-maut*), Caliph Uthman bin Affan ruled that a wife who is divorced in such circumstances is still entitled to inheritance if her husband dies while she is still in her *iddah* period. This *ijtihad* is based on the principle of *sadd al-dzari'ah* (closing the door to injustice), because the divorce is suspected of being an attempt to prevent the wife's inheritance rights. This opinion has important implications in contemporary family law, especially in cases of divorce and inheritance related to the husband's intentions and the protection of women's rights. (Hamid, 2021).

In the contemporary context, Qaul Shahabi remains highly relevant methodologically in addressing modern legal issues. The opinions of the companions, which are based on a direct understanding of revelation and the social conditions during the time of the Prophet Muhammad, serve as a mirror in facing new legal challenges such as sharia economic transactions, issues of inheritance and gender equality, and worship practices in modern society. Thus, Qaul Shahabi is not only of historical value, but also has methodological value that serves as a bridge between the text of revelation and social reality, between classical tradition and the needs of contemporary Islamic law. (Nizar, 2018)

Discussion

The Position of Qaul Shahabi in Historical and Contemporary Perspectives

The study of Qaul Shahabi has an important position in the development of Islamic legal epistemology because it serves as an intellectual link between the prophetic period and the period of *fiqh* codification. From a historical perspective, Qaul Shahabi is seen as a source of law that plays a role in maintaining the continuity of Islamic teachings after the death of the Prophet Muhammad. The authority of the companions in the early days of Islam is considered valid because they were direct witnesses to the revelation and understood the socio-political context behind religious texts. Al-Ghazali in *al-Mustashfa* and Al-Amidi in *al-Ihkam* emphasized that the companions had epistemic authority because they lived with the Prophet Muhammad, interacted directly with him, and understood the meaning of sharia not only in terms of wording but also in terms of its *maqasid* context. This classical view sees Qaul Shahabi as a legal

instrument that fills the void when there is no explicit text in the Qur'an or hadith. Therefore, the position of Qaul Shahabi in classical legal theory is often equated with secondary arguments that are close to *ijma'*, especially when there is no opposition from other companions. (Kuncoro & Nizar, 2021).

In historical framework, the validity of the *Qaul Shahabi* also related with moral and spiritual authorities from *shahabah*. Hallaq (2009) emphasizes that the epistemological power of Qaul Shahabi stems from the direct involvement of the companions in the process of revelation, which gives their views contextual legitimacy with regard to the text of revelation. (Fudola & Yusuf, 2024). Al-Zarkashi in *al-Bahr al-Muhith* highlights that the meaning of “encounter” (*liqā'*) with the Prophet SAW is an important condition in determining the status of companions, because this encounter is the basis of epistemic legitimacy in narrating hadith or expressing legal opinions. Therefore, in the classical context, Qaul Shahabi is not only regarded as a personal fatwa, but also as a manifestation of moral authority that has legal binding force when no stronger argument is found. In the view of scholars such as Imam Malik, Hanafiyah, and Ahmad bin Hanbal, Qaul Shahabi can be an *ilzāmī* (binding) argument, especially in social issues that are not explicitly regulated by *nash*. (Mubaroq, 2021).

On the contrary, Imam Shafi'i in his *qaul jadid* and the *Asy'ariyah* and *Mu'tazilah* groups rejected this view with the argument that legal authority belongs only to Allah and His Messenger as mentioned in QS. An-Nisa: 59. They viewed that Qaul Shahabi was not *ma'shum* and therefore could not be used as a standalone argument. This debate marks a methodological shift in classical *usul al-fiqh* between those who emphasize the authority of tradition (*naqli*) and those who prioritize the independence of *ijtihad* (*'aqli*). From this, it can be concluded that in a historical context, the position of Qaul Shahabi lies at the intersection between text and context, between the authority of the companions' experience and the rational freedom of the *mujtahids* who came after them. (Maulidizen, 2022).

In the contemporary perspective, Qaul Shahabi has undergone a shift in meaning from merely a source of traditional law to a contextual and dynamic model of legal thinking. In classical times, Qaul Shahabi was viewed primarily from the perspective of the authority of the companions' narrations and scholarship, whereas in the modern context it is viewed from the methodological value of how the companions exercised *ijtihad*, reasoned, and decided on laws by taking into account the social

conditions they faced. In other words, Qaul Shahabi is now understood not only as “what the companions said,” but also “how the companions thought.” This change indicates an epistemological transformation from a textual approach to a functional and contextual approach to Islamic legal sources.

Within the framework of modern Islamic law, Qaul Shahabi represents the principle of contextual *ijtihad*, which is the effort to understand Islamic law by considering the objectives of sharia (*maqāṣid al-syarīʿah*) and the ever-changing social reality. The opinions of the companions, which were born out of concrete situations in the past, are now used as inspiration to show that Islamic law is elastic, adaptive, and open to changes in time and place. The way the companions interpreted the text by considering the public interest and preventing harm is a clear example that Islamic law is not static. (Waid & Lestari, 2020). Therefore, the value inherited from Qaul Shahabi in this context is no longer the validity of the narration, but rather a methodological example in balancing text and context.

In practice, Qaul Shahabi today serves as a framework that helps Islamic scholars and academics develop new laws that are relevant without straying from the spirit of Sharia. For example, the approach of the companions who considered social interests, rejected injustice, and upheld substantive justice now forms the basis for the formation of new laws in the fields of muamalah, family, economics, and social ethics. The principle of *sadd al-dzariʿah* (closing the door to injustice) evident in Caliph Uthman bin Affan's decision regarding the inheritance of a wife who was divorced while her husband was ill is an example of how moral values and justice can overcome textual gaps. In the modern context, this principle translates into the legal protection of the weak and the prevention of legal manipulation that harms others.

Furthermore, in the contemporary world characterized by social complexity and globalization, Qaul Shahabi serves as an epistemological inspiration for the formation of Islamic law that is responsive to new issues such as human rights, gender justice, the environment, and the digital economy. The spirit of *ijtihad* of the companions, which is based on reality without abandoning the principles of sharia, is an ideal model for the development of progressive Islamic law that remains rooted in the authority of revelation. Thus, Qaul Shahabi is no longer seen as a product of the past, but as a methodological paradigm that affirms that Islamic

law must be alive, evolving, and capable of responding to the challenges of the times.

Conceptually, contemporary Qaul Shahabi affirms a shift from an authoritative paradigm to a rational-applicative paradigm. In classical times, the value of Qaul Shahabi was measured by a companion's closeness to the Prophet SAW and the validity of its transmission. Meanwhile, in the modern context, its value is measured by the suitability of its substance with *maqāṣid al-syarī'ah* and its relevance to modern human needs. Therefore, the contemporary approach to Qaul Shahabi seeks to emphasize that the authority of the companions does not lie in their historical status, but in the ethical wisdom, rationality, and social sensitivity they demonstrated in applying Islamic law in society.

Therefore, Qaul Shahabi in the contemporary perspective is no longer just a classical fiqh note, but a symbol of progressive legal awareness that Islamic law must always seek a balance between text and reality, between principle and application, between divine values and human needs. It serves as a methodological bridge to ensure that Islamic law is not only normatively correct, but also socially just and practically relevant in modern life.

Thus, the fundamental difference between historical and contemporary theories regarding Qaul Shahabi lies in their epistemological orientation and practical objectives. In the historical context, Qaul Shahabi is understood as an authority derived from revelation and the direct experience of the companions in preserving the purity of Islamic law. Meanwhile, in the contemporary context, Qaul Shahabi is viewed as a dynamic and contextual model of legal thinking, which can adapt to modern socio-economic realities without abandoning the principles of *maqasid*.

At the methodological level, classical theory emphasizes the continuity of tradition and the authority of *sanad*, while contemporary theory highlights aspects of rationality, benefit, and adaptation to social change. These two perspectives are actually complementary; historical theory ensures that the normative foundations of law remain strong, while contemporary theory opens up space for renewal so that Islamic law remains relevant. Therefore, Qaul Shahabi is not only an intellectual legacy of the past, but also an epistemological paradigm for the development of Islamic law that is just, contextual, and in line with *maqasid al-syarī'ah* in the modern era.

Conclusion

The Qaul Shahabi today is no longer understood merely as the opinions of the companions who lived during the time of the Prophet Muhammad (PBUH), but also as a way of thinking that can be used as an example in understanding and establishing Islamic law in modern times. In the past, the Qaul Shahabi was considered important because the companions were the people closest to the Prophet and understood his teachings directly. Now, its importance lies in how the companions were able to interpret Islamic teachings in accordance with the circumstances of the society at that time. This shows that Islam has, from the beginning, recognized the principle of adapting the law to the circumstances and needs of the people, without abandoning the basic values of Sharia. In the context of modern life, which is constantly changing, Qaul Shahabi teaches us that Islamic law must be able to respond to various new issues, such as social, economic, family, and gender justice issues. The opinions of the companions, which arose out of consideration for the welfare of society, now inspire Islamic scholars and thinkers to explore laws that are more relevant, fair, and in line with the objectives of Sharia. This means that Qaul Shahabi is not only an academic legacy of the past, but also a guideline for thinking so that Islamic law remains alive, develops, and is able to provide solutions for humanity today. Thus, the position of Qaul Shahabi in the contemporary context is as a bridge connecting divine values derived from revelation with the ever-changing needs of modern humanity, ensuring that Islamic law continues to bring benefit and justice to all people.

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References

Ahmad, A. U. F., & Habib, F. (2019). Authority of Qawl al-Sahabi in Fiqh and Its Application in Modern Islamic Finance. *Journal of Islamic Business and Management*.

https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3192270_code628399.pdf

- al-Jauziyah, I. Q. (1996). *I'lam al-Muwaqqi'in 'an Rabb al-Alamin* (Vol. 3). Dar al-Kutub al-Ilmiyyah.
- al-Zuhayli, W. (2007). *Al-Fiqh al-Islami wa Adillatuh*. Dar al-Fikr.
- Bahramlou, E. (2024). The Right to Protection of Companions in Islamic Laws from a Jurisprudential Perspective. *Studies in Kalam & Hadith*.
- Brown, J. A. C. (2017). *Canonization of Islamic Law*. Cambridge University Press.
- Efendi, J., & Azwar, Z. (2019). Kedudukan Kaidah Fikih dalam Ijtihad dan Relevansi dengan Kompilasi Hukum Islam (KHI). *Jurnal Al-Ahkam*, X(2), 59.
- Fudola, I., & Yusuf, W. F. (2024). Poligami Vis a Vis Monogami (Analisis Dalil Normatif dan Sosio-Historis). *Jurnal Darussalam*, 16(1). <https://ejournal.iaida.ac.id/index.php/darussalam/article/download/3193/1757/8126>
- Habib, F., & Ahmad, A. U. F. (2014). Authority of Qawl al-Sahabi in Fiqh and its Application in Modern Islamic Finance. *Journal of Islamic Business and Management*, 4(1), 125–142. <https://doi.org/10.12816/0019138>
- Hakim, A. (2019). Eksistensi Qaul Al-Shahabi Sebagai Dalil Syar'I. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 6(1), 37. <https://doi.org/10.29300/mzn.v6i1.2199>
- Hamid, F. (2021). The Study of Women's Inheritance in Islamic and Iranian Law. *Serials Publications Journal*. https://serialsjournals.com/abstract/23228_ch_4_f_-_hamid.pdf
- Hasanuddin, H. (1995). Kedudukan Qaul Shahabat Sebagai Dalil Hukum Islam. *Alqalam*, 10(56), 33. <https://doi.org/10.32678/alqalam.v10i56.1546>
- Jum'ah, A. (2004). *Qaul As-Shahabi 'Inda Ushuliyyin*. Dar Ar-Risalah.
- Kamali, M. H. (2003). *Principles of Islamic Jurisprudence*. Islamic Texts Society.
- Kuncoro, A. T., & Nizar, M. C. (2021). The Epistemology of Fiqh-Science and Its Implementation in Contemporary Fiqh in Indonesia. *Proceedings of the 2nd Southeast Asian Academic Forum on Sustainable Development (SEA-AFSID 2018)*, 168. <https://doi.org/10.2991/aebmr.k.210305.041>
- Maghfirah, & Zulkifli. (2021). The Relevance of the Interpretation of The Qur'an with Qaul al-Ṣaḥābah as a Source of Islamic Law in the Current Era. *Jurnal Studi Al-Qur'an Dan Hadis*. <https://www.researchgate.net/publication/359649150>

- Makassar, U. I. N. A. (2022). Aplikasi Qaul Shahabi Dalam Mu'amalah Maliyyah. *Jurnal Iqtisaduna*. <https://journal.uin-alaudidin.ac.id/index.php/Iqtisaduna/article/view/21588>
- Maulidizen, A. (2019). the Urgency of Islamic Law Sources Knowledge Maṣādir Al-Aḥkām Al-Mukhtalaf Fihā Istiṣab, Sadd Al-Dzarī'a, and Qaul Al-Ṣaḥabī. *Hukum Islam*, 18(2), 49. <https://doi.org/10.24014/hi.v18i2.6749>
- Maulidizen, A. (2022). The Urgency of Islamic Law Sources Knowledge (Maṣādir al-Aḥkam al-Mukhtalaf Fiha). *Journal of Maṣādir Al-Aḥkam*. <https://media.neliti.com/media/publications/396144>
- Mubaroq, M. H. (2021). An Epistemological Examination Of Islamic Law between Material And Formal Truth. *Alulum Journal of Islamic Thought*. <https://albaayaninstitute.org/index.php/alulum/article/view/73>
- Musa, Z. M. (2020). Qawl al-Sahabiyy sebagai Sumber Hukum. *Jurnal Shariah*. <https://ejournal.um.edu.my/index.php/JS/article/download/22624/11223/49024>
- Nizar, M. C. (2018). Qaul Shahabi dan Aplikasinya dalam Fiqh Kontemporer. *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam*. <https://jurnal.unissula.ac.id/index.php/ua/article/view/1968>
- Rahman, A. (2018). The Relevance of Qaul Shahabi in Modern Islamic Legal Context. *Journal of Islamic Law*.
- Sanu, Q. M. (2000). *Mu'jam Musthalahat Usulul Fiqh*. Dar al-Fikr.
- Singgih, M. (2021). Hujjiyah Qaul As-Shahabi Dalam Penetapan Hukum Islam. *Jurnal Annaba*. <https://ejurnal.darulfattah.ac.id/index.php/Annaba/article/download/7/5>
- Tunai, S. F. (2016). Pandangan Imam Syafi'i tentang Ijma sebagai Sumber Penetapan Hukum Islam dan Relevansinya dengan Perkembangan Hukum Islam Dewasa Ini. *Jurnal Ilmiah Al-Syir'ah*, 3(2). <https://doi.org/10.30984/as.v3i2.340>
- Umar, M. (1985). *Ushul Fiqh*. Departemen Agama.
- Waid, A., & Lestari, N. (2020). Teori Maqashid Al-Syari'ah Kontemporer dalam Hukum Islam dan Relevansinya dengan Pembangunan Ekonomi Nasional. *Jurnal Labatila*, 4(1), 94–110. <https://doi.org/10.33507/lab.v4i01.270>