

## RECONSTRUCTION OF THE METHODOLOGY OF LEGAL DISCOVERY IN ISLAMIC LEGAL PHILOSOPHY: A COMPARATIVE ANALYSIS OF THE THEORIES OF BAYANI, TA'LIL, AND ISTISLAHI IN A CONTEMPORARY CONTEXT

Muspita Sari<sup>1</sup>, Rahmatiah HL<sup>2</sup>, Lomba Sultan<sup>3</sup>  
Universitas Islam Negeri Alauddin Makassar

<sup>1</sup>[muspita.sari@iain-bone.ac.id](mailto:muspita.sari@iain-bone.ac.id),

<sup>2</sup>[rahmatiah@uin-alauddin.ac.id](mailto:rahmatiah@uin-alauddin.ac.id)

<sup>3</sup>[lombasultan456@gmail.com](mailto:lombasultan456@gmail.com)

### ABSTRACT

This article examines the reconstruction of legal discovery methodology in Islamic legal philosophy through a comparative analysis of three classical approaches: Bayani theory, ta'lil, and istislahi, in response to legal challenges in the contemporary context. The impetus for this research stems from the increasing complexity of modern legal problems such as human rights, digital technology, and ecological justice, which demand a more dynamic methodology of *istinbāt al-ḥukm*, while still being grounded in the authority of revelation. This research uses a qualitative *library research* method with an Islamic legal hermeneutics approach and descriptive-comparative analysis, which allows for an in-depth study of classical texts and modern literature.

. The results of the study show: (1) Bayani theory, which emphasizes text (*nash*), maintains the continuity of sharia, but needs reinterpretation to be relevant to modern problems; (2) Ta'lil theory, with a focus on rationalization and identification of *'illat* (legal reasons), allows for contextual *ijtihad*, but is prone to subjectivity without a strict methodology; (3) The istislahi theory, which is based on *maslahah* and *maqāṣid al-sharī'ah*, has proven to be the most adaptive to contemporary issues, although it requires normative boundaries so as not to deviate from the principles of sharia. This research essentially affirms the urgency of reconstructing an integrative methodology for legal discovery, combining the strengths of Bayani, ta'lil, and istislahi within a comprehensive epistemological framework. This integrative model gives rise to textual, rational, and beneficial Islamic law, responding to the needs of global society without losing the authenticity of revelation. The results of this analysis contribute to the development of Islamic legal philosophy by offering a relevant, dynamic, and socially just paradigm of legal discovery.

**Keywords:** Islamic Legal Philosophy, Legal Discovery, Bayani Theory, Ta'lil, Istislahi, *Maqāṣid al-Sharī'ah*, Contemporary.

### INTRODUCTION

The development of modern civilization, marked by advances in science, technology, and social dynamics, demands the presence of laws that are responsive, adaptive, and fair. Islamic law, as a normative system derived from revelation and reason, has proven its ability to provide moral guidance and practical rules throughout history. However, the complexity of contemporary issues such as bioethics, human rights, ecology, digital finance, and gender equality presents new challenges for the methodology of legal discovery (*istinbāt al-ḥukm*). These challenges require a reconstruction of

methodology in Islamic legal philosophy that is not only faithful to the text of revelation but also capable of interpreting the universal values of sharia in accordance with the needs of the times <sup>1</sup>

Historically, Islamic legal thought has developed through various approaches. Three of these approaches stand out and remain relevant today: the Bayani theory, the ta‘lil theory, and the istislahi theory. The Bayani theory, which emphasizes the power of the text (*nash*), was inherited by classical thinkers such as al-Syāfi‘ī in *al-Risālah* as an effort to preserve the purity of revelation from excessive free interpretation. On the other hand, the ta‘lil theory, which focuses on the rationalization of law through the search for *‘illat* (legal causes or reasons), asserts that every provision of sharia has rational wisdom and purpose that can be studied. Meanwhile, the theory of istislahi, pioneered by al-Shātibī in *al-Muwāfaqāt*, places *maslahah* ( ) and maqāṣid al-sharī‘ah as the main pillars, emphasizing that Islamic law must lead to the preservation of religion, life, reason, lineage, and property.<sup>2</sup>

In the modern context, these three theories face new dynamics. The Bayani approach is often criticized for being inflexible in responding to current issues, while ta‘lil, although rational, is prone to subjectivity if it does not have a strong methodological framework. Istislahi, on the other hand, is often praised for its flexibility, but it requires boundaries so that it does not deviate from the normative principles of revelation. Therefore, it is important to reconstruct an integrative methodology that combines the strengths of these three theories in order to formulate Islamic law that remains authentic and contextual.<sup>3</sup>

This reconstruction is significant because Islamic law functions not only as a norm of worship, but also as a social guideline that regulates human relationships with one another and their environment. An integrative approach enables the creation of a textual-rational-maslahat methodology of legal discovery, which balances fidelity to the text, rational thinking, and a focus on public interest. This model is expected to address global issues such as social justice, environmental sustainability, and digital economic transformation, without losing its theological roots .<sup>4</sup>

By thoroughly examining the three main theories in Islamic legal philosophy and their relevance in the contemporary era, this study seeks to offer an integrative legal discovery methodology model as an academic and practical contribution to the development of Islamic law that is just, dynamic, and

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<sup>1</sup> Wildani Hefni, Imam Mustofa, and Rizqa Ahmadi, ‘Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law’, *Al-Istinbath: Jurnal Hukum Islam*, 10.1 (2025), pp. 30–57.

<sup>2</sup> Muh Fadel As’ ad, Ahmad Musyahid, and Lomba Sultan, ‘Teori Penemuan Hukum Islam: Pendekatan Bayani, Ta ‘lil, Dan Istislahī Dalam Kerangka Ijtihad Kontemporer: The Theory of Islamic Legal Discovery: Bayani, Ta ‘lil, and Istislahī Approaches within the Framework of Contemporary Ijtihād’, *AL-QIBLAH: Jurnal Studi Islam Dan Bahasa Arab*, 4.4 (2025), pp. 552–61.

<sup>3</sup> Muhammad Syarif, ‘Pendekatan Bayani, Burhani Dan Irfani Dalam Pengembangan Hukum Islam’, *Jurnal Al-Mizan*, 9.2 (2022), pp. 169–87.

<sup>4</sup> Hefni, Mustofa, and Ahmadi, ‘Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law’.

capable of responding to the challenges of the times. The proposed contextual epistemological reconstruction of the approach is not merely a historical exposition, but rather a reconstruction of a methodology for legal discovery that is relevant to contemporary realities and capable of integrating Islamic Legal Philosophy with Modern Social Theory.

## METHODOLOGY

This study uses a qualitative approach based on *library* research that emphasizes critical analysis of classical and contemporary texts on Islamic legal philosophy. This method was chosen because the issue of reconstructing the methodology of legal discovery in Islamic legal philosophy is a conceptual and theoretical study that requires in-depth literature as the main source of data. The research focuses on examining three classical methodological frameworks: Bayani theory, ta'lil, and istislahi, as well as their relevance to legal needs in the contemporary era. This type of research is normative qualitative with a philosophical-historical approach. The philosophical approach is used to examine the epistemological and ontological principles of the three theories of legal discovery, while the historical approach helps map the development of the *istinbāt al-hukm* methodology from the classical era to the modern era. Data collection is carried out through library documentation, including the identification, recording, and review of relevant literature, both printed and digital. This step ensures the traceability and validity of the information used and analyzed with descriptive-comparative and Islamic legal hermeneutics methods. Descriptive analysis aims to describe the core ideas of each theory, while comparative analysis is used to assess the differences and similarities within the Bayani, ta'lil, and istislahi frameworks. The hermeneutic approach is applied to understand classical texts contextually so that they are relevant to contemporary challenges.

## DISCUSSION

### 1. Epistemological Reconstruction of Legal Discovery Methodology

This study reveals that the process of *istinbāt al-hukm* in Islamic legal philosophy needs to be reconstructed at the epistemological level in order to remain relevant to contemporary social, technological, and political developments. A literature review of classical sources such as *al-Risālah* (al-Syāfi'ī), *al-Mustashfā* (al-Ghazālī), and *al-Muwāfaqāt* (al-Syātibī) shows that the three main theories (Bayani, ta'lil, istislahi) have strong foundations but differ in orientation.

- **Bayani theory** is based on textual authority (*nash*) and emphasizes the continuity of revelation. Data analysis shows that Bayani's strength lies in its ability to preserve the purity of Sharia from excessive liberal interpretations. However, findings from contemporary literature reveal its limitations when faced with modern bioethical issues, such as genetic engineering technology, which are not explicitly mentioned in the Qur'an and Hadith. This confirms the need to

reinterpret the Bayānī principles with a *maqāṣid al-sharī'ah* approach in order to remain relevant.<sup>5</sup>

Ayat yang terkait dengan teori Bayānī yakni QS. Al-Aḥzāb /33: 36

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلًّا مُبِينًا

Translation:

It is not fitting for believing men and women, when Allah and His Messenger have decided a matter, that they should have any choice in their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error.<sup>6</sup>

- **The theory of ta'lil**, with its focus on the search for *'illat* (legal reasons), provides broad scope for rationalization, demonstrating that this theory is capable of addressing issues such as digital transactions and sharia fintech because legal logic can be applied to new phenomena. However, many comparative studies have revealed that the application of ta'lil is prone to the subjectivity of scholars if it is not limited by strict methodological standards.<sup>7</sup> The verse related to the Ta'lilī theory is QS. Ṣād /38: 29

- كِتَابٌ أَنْزَلْنَاهُ إِلَيْكَ مُبَارَكٌ لِيَدَّبَّرُوا آيَاتِهِ وَلِيَتَذَكَّرَ أُولُوا الْأَلْبَابِ

Translation:

(This Qur'an is) a book that We have revealed to you (Prophet Muhammad) full of blessings so that they may ponder its verses and those of sound mind may learn a lesson.<sup>8</sup>

- **The theory of istislahi**, which is based on *maslahah mursalah* (public interest) and *maqāṣid*, has proven to be the most adaptive to the global context. The case studies analyzed, such as the contemporary fatwas of the National Sharia Council-MUI on *fintech* and the environment, demonstrate the application of istislahi in formulating policies oriented towards social justice and ecological sustainability. However, the important findings of this study emphasize the need for normative guidelines so that the concept of public interest is not used as an excuse to ignore the text of revelation.<sup>9</sup>

The verse related to the Ta'lilī theory is QS. Al-Anbiyā' /21: 107

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

<sup>5</sup> Muhammad Adrika Wahyu And M Amril, 'Epistemologi Dalam Konsep Islam: Bayani, Burhani, Dan Irfani', *LintekEdu: Jurnal Literasi Dan Teknologi Pendidikan*, 6.2 (2025).

<sup>6</sup> Al-Qur'an al-Karim, QS. Al-Aḥzāb [33]: 36, dalam *Al-Qur'an dan Terjemahnya*, Departemen Agama Republik Indonesia, Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019, h. 417.

<sup>7</sup> Rika Riyanti, 'Legal Status of Digital Financial Transactions in Sharia Economic Perspective: Literacy of Islamic Economic Law Study.', 2023.

<sup>8</sup> Al-Qur'an al-Karim, QS. Ṣād [38]: 29, dalam *Al-Qur'an dan Terjemahnya*, Departemen Agama Republik Indonesia, Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019, h. 450.

<sup>9</sup> Riyanti, 'Legal Status of Digital Financial Transactions in Sharia Economic Perspective: Literacy of Islamic Economic Law Study.'

Translation:

We did not send you (Prophet Muhammad) except as a mercy to all the worlds.<sup>10</sup>

Another related verse is found in QS. al-Baqarah/2: 185

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

Translation:

Allah desires ease for you and does not desire hardship for you.”<sup>11</sup>

When linked to the Integration of Three Theories: Rational Textual Model of Maslahat, comparative descriptive analysis finds that the integrative approach is the most ideal model for reconstructing the methodology of Islamic legal discovery. This integration is not merely a compromise, but a restructuring of legal epistemology by placing revelatory texts as the primary source, rationality as the critical mechanism, and maslahat as the ultimate goal of law.

These results are in line with several ideas that have been expressed regarding *the systems approach* in maqāṣid al-sharī‘ah, which emphasizes the importance of interdisciplinary connections and the flexibility of Islamic law. A comparison with previous studies shows a similar focus on maslahah, but this study adds the importance of the Bayani foundation as a normative pillar to prevent legal relativism. In other words, this study combines the three in a complementary framework:

- Bayani as a normative guide (text as a foundation).
- Ta‘lil as an instrument of rationalization (the search for contextual *‘illat*).
- Istislahi as a theological goal (social reality and public interest).

Forms of Reconstruction of the Method of Legal Discovery in the Bayani Theory, *Ta‘lil* Theory, and *Istislahi* Theory

| Case  | Bayānī  | Ta‘līlī  | Istislahī  | Conclusion  |
|---|---|--|--|---|
| Cryptocurrency transactions (digital economy) | Maintain legal certainty and prudence, so as not to be caught up in invalid transactions that are prohibited by the text. | Ta‘līlī opens up rationalization of ijihad, assessing the phenomenon of crypto based on its causes and effects on economic justice | Istislahī ensures the orientation of social welfare in the use of new technology, in accordance with maqāṣid al-syarī‘ah (ḥifẓ al-māl, ḥifẓ al-nafs, ḥifẓ al-‘aql, and ḥifẓ al-dīn). | Islamic law can reposition itself from a system of prohibitions to a system of digital sharia ethics, in which cryptocurrency is not merely a means of transaction, but also a means of upholding |

<sup>10</sup> Al-Qur’an al-Karim, QS. Al-Anbiyā’ [21]: 107, in *Al-Qur’an and Its Translation*, Ministry of Religious Affairs of the Republic of Indonesia, Jakarta: Lajnah Pentashihan Mushaf Al-Qur’an, 2019, p. 331.

<sup>11</sup> Al-Qur’an al-Karim, QS. al-Baqarah [2]: 185, dalam *Al-Qur’an dan Terjemahnya*, Departemen Agama Republik Indonesia, Jakarta: Lajnah Pentashihan Mushaf Al-Qur’an, 2019, h. 29.

|   |   |   |  |  |
|---|---|---|--|--|
|   |   |   |  | economic justice and moral integrity in the era of blockchain technology.  |
| Organ Transplantation (medical bioethics) | There is no explicit text that permits or regulates organ transplantation | The prohibition against harming the human body has an illat: preserving human dignity ( <i>ḥifẓ al-‘ird</i> ). However, if the purpose of transplantation is <i>ḥifẓ al-nafs</i> (saving lives), then the illat of prohibition disappears and becomes <i>maslahah</i> . | Transplantation is considered a <i>maslahah mursalah</i> ( <i>public interest</i> ) that is highly permissible ( ) because it saves lives, prolongs life, and improves social welfare. As long as it is done voluntarily, without exploitation or organ trading, it is in line with the maqāṣid (objectives): <i>ḥifẓ al-nafs</i> ( <i>preservation of life</i> ) and <i>ḥifẓ al-‘aql</i> ( <i>preservation of reason</i> ). | Human organ transplantation in the contemporary context can be permitted according to Islamic law if it meets the principles of public interest and Islamic ethics, without disregarding the dignity of the body and without commercialization |

From these contemporary cases, the bayani theory provides a framework of normative caution by maintaining the boundaries of the text so that Islamic law does not lose its revelatory foundation. This approach serves as a guardian of the authenticity of Sharia law, ensuring that innovation and social change do not exceed the boundaries of the divine text. However, in modern contexts such as the digital economy and biotechnology, this approach requires reinterpretation so that it does not become rigid and exclusive, while Ta‘līlī provides a rational bridge between the text and social reality. By tracing *‘illat al-ḥukm*, this approach allows for changes in law as the context changes. In the case of cryptocurrency, ta‘līlī assesses its causes and effects on *economic justice* and *transaction transparency*. In the case of transplantation, ta‘līlī views saving lives as a substitute for the ‘illat of prohibiting harm to the body. This approach demonstrates the flexibility of Islamic law, which is capable of adapting to the times. Meanwhile, the Istiṣlāḥī theory functions as the pinnacle of the epistemological evolution of Islamic law, with maqāṣid al-syarī‘ah as the center of legal analysis. This approach weighs *maslahah* and *mafsadat* with an orientation towards *ḥifẓ al-dīn*, *al-nafs*, *al-‘aql*, *al-nasl*, and *al-māl*. In digital

transactions, *istiṣlāḥī* demands that blockchain technology be used for economic justice and transparency (*ḥifẓ al-māl*). In organ transplantation, *istiṣlāḥī* asserts that saving lives (*ḥifẓ al-nafs*) is the highest benefit. Thus, this approach presents the ethical and humanitarian dimensions of Islamic law in the modern era.

## 2. The Essence of *Ta'lil* Theory as a Rational Approach in Islamic Legal Philosophy

The theory of *ta'lil* is one of the important pillars in Islamic legal philosophy (*uṣūl al-fiqh*) which emphasizes the search for 'illat (rational reasons or causes) behind every provision of Sharia law. The word *ta'lil* itself comes from the root word 'illah which means cause or legal motive. In this framework, law is not understood merely as a static normative text, but as a rational institution that contains wisdom and specific objectives (*maqāṣid al-sharī'ah*). The essence of *ta'lil* affirms that every Sharia provision must have a logical reason that can be grasped by human reason, while also demonstrating a balance between revelation and rationality.<sup>12</sup>

From a conceptual standpoint, classical scholars of *uṣūl* such as al-Ghazālī in *al-Mustashfā* and Fakhr al-Dīn al-Rāzī in *al-Maḥṣūl* emphasize that Allah's sharia cannot be separated from wisdom. Therefore, the process of *ijtihād* must involve searching for 'illat as the basis for applying the law to new cases through *qiyās* (analogy). For example, the prohibition of alcohol is not only based on the text of the prohibition, but also because it contains the 'illat of *iskār* (intoxication) which impairs the mind, a reason that can be transposed to other intoxicating substances not explicitly mentioned in the text.

Furthermore, from a rational perspective, *ta'lil* provides flexibility in Islamic law in responding to contemporary issues. Rationality here is not merely deductive logic, but a systematic method of connecting revelatory texts with social reality. By tracing the 'illat, a *mujtahid* is able to perform *istinbāṭ al-ḥukm* (legal ruling) on new issues such as digital transactions, medical bioethics, or and financial technology that were not found in classical times<sup>13</sup>

When discussing the balance between revelation and reason, even though emphasizing the role of reason, *ta'lil* does not mean subordinating revelation solely to rationality. Scholars have established strict criteria for discovering 'illat, such as consistency with the text, coherence, and the ability of 'illat to serve as a basis for analogy. Thus, *ta'lil* ensures that *ijtihād* remains rooted in the text while allowing room for intellectual creativity.

Thus, in a contemporary context, *ta'lil* has proven to be strategic in responding to legal challenges such as environmental protection, reproductive health technology, and Islamic economics. The rationality of 'illat facilitates the expansion of law without having to wait for new texts, so that

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<sup>12</sup> Muhammad Sabir and Abdul Muher, 'Maqasid Syariah Dan Metode Penetapan Hukum Dalam Konteks Kekinian (Memahami Korelasi Antara Keduanya)', *Tahkim: Jurnal Hukum Dan Syariah*, 17.1 (2021), p. 53.

<sup>13</sup> Sabir and Muher, 'Maqasid Syariah Dan Metode Penetapan Hukum Dalam Konteks Kekinian (Memahami Korelasi Antara Keduanya)'. h.12

Islamic law remains adaptive and progressive. Thus, the essence of *ta'wil* is to make 'illat a bridge between revelation and reason, ensuring that Islamic law is rational, contextual, and remains faithful to the objectives of sharia. This approach shows that in Islamic legal philosophy, rationality is not the antithesis of revelation, but rather a means of understanding divine wisdom in human life.

### 3. The Essence of *Bayani* Theory as a Rational Approach in Islamic Legal Philosophy in the Contemporary Context

*Bayani* theory is one of the methods of legal discovery in Islamic legal philosophy that is rooted in the ability of language (*bayān*) to reveal the meaning of revelatory texts. The word *bayani* comes from the root word *bayān*, which means explanation, description, or clarity of meaning. In essence, *Bayani* places the Qur'an and Sunnah as the highest sources of law that must be deeply explored through linguistic analysis, both in terms of grammar, semantics, and historical context.<sup>14</sup> Thus, this theory emphasizes that revelation has rational power that can be understood by humans through language, not merely as a normative text to be memorized. As for the epistemological foundation of the *Bayani* theory in the framework of classical *usul al-fiqh*, *Bayani* teaches that understanding the law begins with a strict interpretation of the text. Scholars such as al-Shafi'i in *al-Risālah* emphasize the importance of linguistic arguments: sentence structure, *majaz* (metaphor), and *'ām-khāṣ* (general-specific) as instruments for discovering legal meanings. The rationality of *Bayani* lies in linguistic logic, namely the belief that the meaning intended by Allah can be found through a systematic analysis of the Arabic language as the medium of revelation.

The characteristics of the rational approach used are as follows , which focuses on the text, and *Bayani*, which is not merely a literal interpretation. Its rationality is evident in the way *mujtahids* weigh *maqāṣid* (legal objectives), the context in which verses were revealed (*asbāb al-nuzūl*), and the intertextuality between verses and *hadiths*. This process requires intellectual precision and social sensitivity, so that the discovery of law does not stop at the letter, but at the substantive meaning in accordance with the principles of justice and benefit. Given its contemporary relevance, *Bayani* theory plays an important role in addressing new legal issues such as sharia fintech, bioethics, and digital rights. For example, the legal determination of electronic transactions can be made by interpreting the concept of contract in classical texts through inclusive linguistic analysis. *Bayani* rationality allows *mujtahids* to link classical terminology such as *bai'* (sale and purchase) with modern practices that differ in form but are in line with the substantive meaning.<sup>15</sup>

From the previous explanation, the comparison and synergy between the theories of *Ta'wil* (search for rational causes) or *Istislahi* (consideration of benefits), *Bayani* stands out as the guardian of

<sup>14</sup> Moh Ismail, 'Meneropong Filsafat Hukum Islam', *Jurnal Kajian Hukum Islam*, 7.2 (2020), pp. 126–38.

<sup>15</sup> Mohammad Hosseini, 'An Argument About the Realism of Legal Propositions Based on Islamic Philosophy', *Philosophy East and West*, 2025.h. 23

the authenticity of revelation. However, in the modern era, this approach is increasingly effective when combined with *maslahat* analysis, so that the text is not understood rigidly, but remains in harmony with social needs. Thus, the essence of the *Bayani* theory is to make the language of revelation a rational means of discovering law.

In the contemporary era, *Bayani* asserts that an authentic interpretation of Islamic law must be born out of critical linguistic analysis, integrated with the social context, and remain bound to the universal values of Sharia.

#### 4. The Essence of *Istislahi* Theory as a Rational Approach in Islamic Legal Philosophy in the Contemporary Context

The theory of *istislāh* is often linked to the concept of *maqāṣid al-sharī'ah*, which is a method of discovering Islamic law that places *maslahah* (al-*maṣlaḥah*) as the main foundation in formulating law. The word *istislāh* comes from the root word *ṣalāh*, which means goodness or benefit. In essence, this approach seeks to ensure that every legal provision brings real good to individuals and society, while rejecting harm (*mafsadah*). Unlike *Bayani*, which focuses on the text, or *Ta'wil*, which seeks 'illat (legal causes), *Istislahi* emphasizes the ultimate goal of Sharia, namely the preservation of religion, life, reason, lineage, and property (*al-darūriyyāt al-khams*).

From an epistemological standpoint, classical thinkers such as Imam al-Ghazālī in *al-Mustashfā* and al-Syāṭibī in *al-Muwāfaqāt* emphasized that Islamic law aims to bring about universal benefit. According to al-Syāṭibī, benefits that do not contradict the text can still form the basis of *ijtihad*. This principle affirms the rational and teleological dimensions of Islamic law: revelation was not sent down merely to be obeyed literally, but to bring about good for humanity.<sup>16</sup>

From the characteristics of the rational approach, *Istislahi* requires *mujtahids* to conduct critical analysis of social realities, predict the impact of a law, and weigh the possible benefits and harms that may arise. Its rationality is evident in its flexibility in responding to new issues not found in classical texts, as long as it remains in line with the principle of *maqāṣid*. For example, in determining laws on blockchain-based financial technology, *mujtahids* can use considerations of economic benefit and public protection even though explicit texts are not available. In terms of contemporary relevance, in the modern context, *Istislahi* theory is highly significant in responding to challenges such as medical bioethics (e.g., organ transplants), environmental protection, human rights, and public policy. Legal decisions related to these issues often cannot be found explicitly in the texts of the Qur'an or Hadith.

<sup>16</sup> Hosseini, 'An Argument About the Realism of Legal Propositions Based on Islamic Philosophy'.

With the *Istislahi* approach, laws can be formulated by considering real benefits that are in line with the universal values of Sharia, such as justice, mercy, and humanity.<sup>17</sup>

Compared to *Bayani*, which focuses on the language of revelation, and *Ta'lil*, which seeks rational causes, *Istislahi* presents a more open orientation towards *maslahat*. However, it does not negate the text; the *nash* remains the basic reference, while *maslahat* becomes a tool to expand the application of law when the text is general or silent. So, it can be concluded that the essence of the *Istislahi* theory is to make *maslahat* the core of Islamic legal rationality, ensuring that the established law remains relevant to the times without deviating from the objectives of sharia. In this complex contemporary era, this approach affirms that Islamic law is not just a collection of rules, but a dynamic means of maintaining the overall welfare of humanity.

The importance of epistemological reconstruction of Islamic legal discovery methodology in order to remain relevant to contemporary social, technological, and political dynamics. A comparative analysis of the three main theories of Bayani, Ta'lil, and Istislahi shows that each has a strong foundation but a different orientation. The Bayani theory places the text of revelation as a normative foundation that maintains the purity of sharia, but requires reinterpretation based on *maqāṣid* in order to be responsive to new issues such as modern bioethics. The Ta'lil theory, with its search for *'illat*, provides rational flexibility in determining laws on new phenomena such as fintech and bioethics, although it must be guided by strict methodological standards so as not to fall into subjectivity. Meanwhile, the Istislahi theory presents a universal welfare orientation that is most adaptive to global challenges, but still requires normative guidelines so as not to ignore the text. The reconstruction of the methodology of Islamic law discovery based on the integration of the Bayani, Ta'lil, and Istislahi theories is a strategic step towards authentic, rational, and beneficial Islamic law reform. This model emphasizes that Islamic law is not merely a normative system, but a dynamic and contextual value system capable of responding to contemporary challenges without losing its revelatory roots and the goal of sharia justice.

## CONCLUSION

The reconstruction of legal discovery methodology in Islamic legal philosophy affirms that the theories of Bayani, Ta'lil, and Istislahi are not three mutually exclusive paths, but rather three epistemological tools that must be synergized within the framework of *maqāṣid al-syarī'ah*. Bayani maintains the certainty and authority of the text, Ta'lil provides rationality and adaptation of the law, while Istislahi presents an orientation towards objectives and relevance to public interest. In the contemporary context, the integration of the three by making *maqāṣid* the main axis is urgently needed.

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<sup>17</sup> Sheyla Nichlatus Sovia and Rendy Dwi Hermanto, 'Konsep, Batasan Dan Implementasi Penalaran Istislahi Dalam Penerapan Hukum Keluarga Islam Di Indonesia', *El-Faqih: Jurnal Pemikiran Dan Hukum Islam*, 10.2 (2024), pp. 529–48.

New challenges such as fintech, crypto, smart contracts, bioethics, and environmental crises cannot be answered solely with a textual or rational approach, but require maqāṣid guidance that directs legal discovery towards justice, protection, and sustainability of life.

Thus, the reconstruction of the methodology of Islamic legal discovery based on the Bayani Theory of Legal Reasoning, the Theory of Ta‘lil, and the Theory of Istislahi offers a solid middle ground between textual formalism and the flexibility of maslahat. This framework keeps Islamic law authoritative, rational, and relevant in the midst of changing times, while demonstrating that Islamic legal philosophy has the vitality to respond to global challenges in an ethical, humanistic, and visionary manner.

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