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Comparative Analysis of *Madzhab Zahiriyah* and the *Madzahib al-Arba'ah* through the Study of the Book *al-Ittijahat al-Fiqhiyah 'Inda Ashabil Hadith*

Nabilah Qothrul Muna[1], Jamaludin Acmad Kholik[2]
[1]Ma'had Aly Hasyim Asy'ari Jombang, Indonesia, [2]Institut Agama Islam
Negeri Syekh Wasil Kediri, Indonesia
Email: [1]nabilahqothrulm@gmail.com, [2]gamal_ac@iainkediri.ac.id

Abstract
Madzhab Zahiriyah is more often known for its textualist approach to texts as legal ijtihad and for its rejection of the *qiyas* and *ra'y* methods. Most of its legal sources are the Qur'an and hadith, which are clearly evident. Some *Madzhab* also give their opinions on *Madzhab Zahiriyah*, and compare it to the the *Madzahib al-Arba'ah,* regarding its legal istinbat. This study aims to examine the relationship between *Madzhab Zahiriyah* and the *Madzāhib al-Arba'ah* of fiqh, through the literature study research method with the primary source of the book *al-Ittijahat al-Fiqhiyah 'Inda Ashhab al-Hadis fi al-Qarni ats-Tsalits*, supported by other literature sources. This study examines the relationship between *Madzhab Zahiriyah* and the *Madzāhib al-Arba'ah* of fiqh, specifically regarding differences in ijtihad methodology. Although both are based on the Qur'an and Hadith as primary sources, *the Madzhab Zahiriyah* of thought takes a fundamentally different approach. *Madzhab Zahiriyah* of thought strongly rejects the use of *qiyās*, *istihsān*, and all forms of *ra'y*-based *ijtihad*, which are the primary instruments in the legal *istinbāṭ* methodology of the other *Madzahib al-Arba'ah* of thought.
Keywords: Comparative analysis, *madzhab Zahiriyah*, *madzahib al-Arba'ah*.

Introduction

Tracing back, the existence of *Madzhab*s of thought has existed since the time of the Companions, whose contributions inspire respect and appreciation. Then emerged the *fuqaha of Medina*, and numerous *Madzhab* emerged in Kufa, Basra, Baghdad, and various other regions. Muslims were faced with issues requiring further interpretation after the death of the Prophet Muhammad. In this regard, the Companions and their successors played a key role in developing fiqh based on the Qur'an and Hadith, which often gave rise to differing interpretations.

Among the various *Madzhab*s of thought, one is *Madzhab Zahiriyah*. This *Madzhab* emerged in the West after its decline by the *Madzhab* of Ahmad ibn Hanbal in the East, specifically in Andalusia, underscoring its historical context. Although not as popular as the four main *Madzhab*s of jurisprudence, *Madzhab Zahiriyah* continues to attract researchers due to its unique legal approach and

consistent literal interpretation of texts. According to Abu Zahrah, in his book *Mahadharat fi Tarikh al-Madzahib al-Fiqhiyah,* there is a special chapter discussing the history of *Madzhab Zahiriyah.* This indicates that this *Madzhab* is one of the important *Madzhab* of Islamic jurisprudence (Tihami, 1995).

His rejection of legal *istinbat* using *the qiyas* and *ra'y methods* gave rise to significant differences between *Zahiriyah* and *the Madzahib al-Arba'ah. Madzhab Zahiriyah*, known for its highly textualist nature, does have a methodological closeness to the *muhadditsin* (hadith *Madzhab*). However, the closeness of *Madzhab Zahiriyah* to the imams of the fiqh *Madzhab*s, who are also hadith *Madzhab,* is not uniform. In general, *Madzhab Zahiriyah* tends to express closeness to Imam Ahmad ibn Hanbal, primarily because Imam Hanbali is widely known as an authoritative muhaddith and tends to limit the use of *ra'y* (rational or free reasoning) in fiqh. However, *Madzhab Zahiriyah* shows the least level of closeness to Imam Malik ibn Anas, even though Imam Malik is also a prominent muhaddith with monumental works such as *al-Muwatta'*. This difference is caused by Imam Malik's methodology which still uses other sources of law besides the hadith, such as *'Amal Ahlul Madinah* (practices of the people of Madinah) and *Istislah*, which are considered too elastic and contradict the absolute textualist principles held by *Madzhab Zahiriyah* (Mahmud, 1979, pp. 96–97).

Several previous studies have highlighted the contributions of thinkers such as Dawud az-Zahiri and Ibn Hazm in shaping the methodological foundations of this *Madzhab*. One such study was conducted by Widodo Hami, entitled *"Tafsir atas Poligami melalui Pendekatan Interdisipliner"* (Hami, 2022). Discussing the pros and cons and the complexities of the law from various perspectives (socio-historical, *maqāṣid al-Syari'ah*) underscores the importance of an interdisciplinary approach. This approach—which utilises a combination of disciplines such as tafsir, fiqh, sociology, and stylistics—aims to reconcile the pro and con camps, produce a broad and proportional understanding, and avoid resolving issues through binary oppositions. This principle of justice is obligatory for men who wish to practice polygamy, even if it is not in matters of love or heartfelt affairs. This justice refers to matters that the husband can control, such as rotating his wives, providing maintenance, and so on. The most basic principle of justice in polygamy is not to harm one of the wives by favouring the other wife.

Research related to "Al-Imam Ibn Hazm wa Juhuduhu al-Ilmiyah" by Lalu Muhamad Fazlurrahman (Fazlurrahman, 2020). Discussing specifically Ibn Hazm, including his life profile, his views on *istishhab*, and the views of several

Madzhab regarding Ibn Hazm. Resulting in an environmental picture of Imam Ibn Hazm's efforts in developing Islamic sciences in the past. Further research by Yahya Muhammad Thalib et al. With the title Marriages of More Than Four and Its Impacts on Community Perspective of Islamic Law and Indonesian Law (Yahya et al., 2023). Discusses the law on marrying more than four wives based on the Quran and the Prophet's Sunnah, and compares it with Indonesian law. Highlights the Prophet's command to his companions to divorce their wives until only four remain. The prohibition on marrying more than four wives is also reflected in Indonesian law.

Also, research by Fadhlina Arief Wangsa and I Gusti Bagus Agung Perdana Rayyn titled "Ibn Hazm's Thoughts: Zhahiri Madzhab and Philosophy" (Wangsa & Rayyn, 2022). This research reveals, first, the biography of Ibn Hazm and his works; second, his general thoughts on fiqh, especially those related to the zhahiri *Madzhab* of thought; and third, his thoughts on philosophy regarding the process of creating the universe. The conclusion is that only the Qur'an, hadith, and *ijma'* can be used as legal evidence. Meanwhile, the universe emerged from nothing.

The literature above serves as a review of the discussion topic. Moreover, as a differentiator of the focus of existing studies from that of the studies that will appear in our journal. The focus of research in this journal covers the relationship of *Zahiriyah* with four major *Madzhab*s of thought in the context of legal differences by using the primary source, namely the *al-Ittijahat al-Fiqhiyah 'Inda Ashhab al-Hadis Fi al-Qarni ats-Tsalits*. The author examines the legal context within the fiqh *Madzhab*, between the *Madzhab Zahiriyah* of thought and the *Madzahib al-Arba'ah* of thought.

Result and Discussion
History of the *Madzhab Az-Zahiri*

This *Madzhab* of thought is attributed to Dawud bin Ali bin Khalal Ashbahani — originally from Isflahir in Kufah, and living in Baghdad — who is better known as Dawud Azh-Zhahiri. He was born in 200 H or later, and died in 270 H (Sulaiman, 1998). Founded around the middle of the 3rd century H, then popularized by Ali bin Ahmad Ibn Hazm (d. 1064 AD) (Shihab, 2019, p. 18), this *Madzhab* of thought was known to be literalist and strongly opposed liberalism in ijtihad. This great admirer of Imam Syafii, whom he considers a firm adherent to the texts of the Qur'an and Sunnah, is known for being "rigid" and "not adaptive" to changing times (Musadad, 2023, p. 172).

The leading figures in this *Madzhab* are Dawud ibn Ali and Ibn Hazm. Thanks to Ibn Hazm's skill in spreading in the West, namely Andalusia, through his various books. From a collection of writings estimated to be very large, Carl Brockelmann identified about thirty-six extant titles. In comparison, 'Abd al-Halim 'Uways lists fifty-three titles by Ibn Hazm al-Andalusi. Al-Humaydi mentions that the most important works of his teacher are *Al-Isal ilā Fahm Kitab al-Khishāl, Al-Ihkam li Ushul al-Ahkam, Al-Fishal fi al-Milal wa al-Ahwa' wa al-Nihal, Al-Ijma' wa Masa'iluh, Maratib al-'Ulum, and Al-Taqrib li Hadd al-Mantiq* (Ibrahim, 2013). Recognizing Ibn Hazm's extensive influence can inspire respect for his scholarly legacy.

In the 5th century, the Ahmad *Madzhab* (Hambali *Madzhab*) had a strong position and defeated the *Madzhab Zahiriyah*. In the era of the light of this *Madzhab* of thought, it had faded in the East; it was then that it shone strongly in Andalusia, radiated by Ibn Hazm. So when the Hambali *Madzhab*, with Abu Ya'la's efforts, defeated the Davidic *Madzhab* in the East, it was also at that time that Ibn Hazm shone his light in the West (Musadad, 2023, p. 176).

At the end of the 8th century and the beginning of the 9th century, the *Madzhab Zahiriyah* of thought experienced a decline in its following. The cause of this decline was the emergence of the book *al-Khuttat,* which contained historical notes containing negative information about the *Madzhab Zahiriyah* of thought. The book was written by Ahmad bin Ali bin Abdulkadir Abul Abbas al Husain al Ubaidi Taqiyuddin al Markizi (d. 845 h), a Persian historian.

Comparison of *Ijtihad* Methods Between the *Madzhab Zahiriyah* and *Madzahib al-Arba'ah*

If we examine the comparison between *Zahiriyah* and the *Madzahib al-Arba'ah* of thought, we will find that the Hanbali *Madzhab* of thought, whose legal principles are almost identical to those of the *Madzhab Zahiriyah* Madzhab, is due to their closeness in methodology and approach to the texts of the Qur'an and Hadith. Furthermore, the thought of *Madzhab* Shafi'i is also closely related to *that of Madzhab Zahiriyah* due to its close ties with the Ahl al-Hadith and its shared principles. Meanwhile, the Hanafi and Maliki *Madzhab*s of thought are far removed from the *Madzhab Zahiriyah* (Mahmud, 1979, p. 397).

Comparison of legal istinbat between the *Madzhab Zahiriyah* and the *Madzahib al-Arba'ah* is as follows*:*

No.	*Madzhab* of thought	**Legal Basis for *Istinbat* (Dalil)**
1.	Maliki	1. *Kitabullah* 2. Authentic *Sunnah* of the Prophet 3. *Amal 'Ulama* Madinah (*Ijma' Ahli* Madinah) 4. *Khabar ahad* and *Qiyas* 5. *Istihsan* 6. *Sadd az-Zara'i* (Prevention of Crime) 7. *Istishab* (Original Legal Decrees) 8. *Syar'u Man Qablana Syar'un Lana* (Shari'a of the Previous Ummah) 9. *Mashlahat Murlah* or *Istishlah* (Public Interest)
2.	Hanafi	1. *Kitabullah* (al-Qur'an) 2. *Sunnah* of Rasulullah 3. Fatwas of the Companions 4. *Qiyas* (Analogy) 5. *Istihsan* (Legal Goodness) 6. *Ijma'* 7. *Adat* and *'Uruf* (Community Customs)
3.	Shafi'i	1. al-Qur'an 2. *as-Sunnah* 3. *Ijma'* (Ulama Consensus) 4. *Qiyas* (Analogy)
4.	Hanbali	1. *Nash* (al-Qur'an and *Marfu'* Hadith) 2. Friends' Fatwas 3. Mursal Hadith and *Da'if* Hadith (If there are no others) 4. *Qiyas* 5. *Sadd az-Zara'i*
5.	Az-Zahiriyah	1. The Book (al-Qur'an) 2. The *Sunnah* 3. *Ijma'* of the Companions 4. *Ad-Dalil* (Only textual and literal evidence, while absolutely rejecting *Qiyas*)

The differences in ijtihad methods between the *Madzhab Zahiriyah* and the *Madzahib al-Arba'ah* (Hanafi, Maliki, Shafi'i, and Hanbali) have a significant impact on the style of interpretation of Islamic law. *Madzhab Zahiriyah*, which firmly rejects qiyas, istihsan, and other forms of rationalization, limits the legal istinbat process to the literal meaning of the Al-Qur'an and Hadith. One form of the ijtihad method used by Ibn Hazm is *istinbat al-hukm* based on *istishabul hal*. Ibn Hazm adheres to the hadith of the Prophet Muhammad.

عن أبي هريرة، عن النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: (دَعُونِي مَا ترَكتكم، إنما أهلك من كان قبلكم سؤَالهم واخْتِلاَفِهِمْ عَلَى أَنْبِيَائِهِمْ، فَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فَاجْتَنِبُوهُ، وَإِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا استطعتم) (Bukhori, 1993)

Based on this hadith, Ibn Hazm interpreted it to mean that, as long as it was not uttered by the Prophet (peace be upon him), it is not obligatory. Because there is no command, it is also not considered *haram*, as no prohibition is stated in the text. Furthermore, if it is new in a particular matter, it is permissible. However, in this case, istishab does not stand alone as a method of legal istinbat, unless there is a reason requiring its use, specifically to understand the essence of Sharia (Fazlurrahman, 2020, p. 69). This interpretation influences how contemporary scholars might approach new issues lacking explicit texts, emphasizing the importance of contextual understanding in legal rulings.

This approach results in a highly textual interpretation of the law, yet it also offers clarity and consistency in understanding the text. On the other hand, the four *other Madzhab*s of Islamic jurisprudence employ a more flexible approach,

accommodating rational principles such as qiyas, maslahah mursalah, and urf in the exploration of the law. This allows for greater flexibility in addressing new issues that lack explicit evidence. Consequently, in some instances, *Madzhab Zahiriyah* often produces laws that differ from those of other *Madzhab*s, particularly in contemporary issues that require a contextual approach. Understanding these differences clarifies how various interpretative methods impact legal outcomes and reflect diverse scholarly priorities within Islamic jurisprudence.

The views of *Madzhab* on the Principles and Methodology of *Madzhab Zahiriyah*

The methodology of *Madzhab Zahiriyah*, which emphasizes literal interpretation of texts and completely rejects the use of *qiyas* (analogy), has placed this *Madzhab* in an often controversial position in the history of Islamic jurisprudence. As a result of this fundamental difference in the sources of legal determination, the response of *Madzhab* from other *Madzhab*s—especially from the *Madzahib al-Arba'ah*—to *Zahiriyah* has not been uniform. However, it has ranged from recognition of the sharpness of its figures' knowledge to sharp criticism of legal conclusions considered to violate the majority or the consensus (*ijma'*).

The textual approach of *Madzhab Zahiriyah* has been a primary source of criticism by *Madzhab*. Among the most well-known is the scholar's opinion on the thoughts of Ibn Hazm, az Zahiriyah. In the West (Andalusia), *Madzhab Zahiriyah* of thought shone through thanks to Ibn Hazm's efforts, contributions, and significant influence in introducing the thoughts of David az-Zahiri through a number of his works (Siri, n.d., p. 9). For example, the Andalusian scholar Marwan ibn Hayyan argued that Ibn Hazm was a bearer of various sciences and was not free from errors in his knowledge, because of his courage in delving into every field. Ibn Hazm was not free from instability in his opinion (Fazlurrahman, 2020, p. 71). His rejection of the practice of conditional divorce drew special attention to Ibn Hazm. The majority of Madzhab agree that conditional divorce is legally valid in Sharia. A conditional divorce (*ta'liq*) is a divorce that is contingent on the fulfillment of a condition or the occurrence of a specific event in the future. For example, "I will divorce you at the beginning of the month." While the majority of scholars agree that this is valid according to Islamic law, Ibn Hazm opposes it. However, Ibn Hazm opposes it, arguing that conditional divorce is not legally valid. He holds the opinion on behalf of

Madzhab Zahiri. According to Ibn Hazm, conditional divorce lacks sharia validity because there is no explicit law stated in the text, either the Qur'an or the Hadith. Very contrary to the decision of the majority. The evidence is based on the *Surah at-Talaq*, verse 1:

يَٰٓأَيُّهَا النَّبِيُّ اِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوْهُنَّ لِعِدَّتِهِنَّ وَاَحْصُوا الْعِدَّةَ وَاتَّقُوا اللّٰهَ رَبَّكُمْ لَا تُخْرِجُوْهُنَّ مِنْ بُيُوْتِهِنَّ وَلَا يَخْرُجْنَ اِلَّآ اَنْ يَّأْتِيْنَ بِفَاحِشَةٍ مُّبَيِّنَةٍ وَتِلْكَ حُدُوْدُ اللّٰهِ ۚوَمَنْ يَّتَعَدَّ حُدُوْدَ اللّٰهِ فَقَدْ ظَلَمَ نَفْسَهٗ ۗ لَا تَدْرِيْ لَعَلَّ اللّٰهَ يُحْدِثُ بَعْدَ ذٰلِكَ اَمْرًا

Likewise, according to Ibn Hajar al-Haytami, he considered Ibn Hazm to be a fanatic (Fazlurrahman, 2020, p. 72) of his *Madzhab* of thought—*Madzhab Zahiriyah* —because of his courage in establishing laws. The following hadith evidence this:

سَمِعَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: (لِيَكُونَنَّ مِنْ أُمَّتِي أَقْوَامٌ، يَستحلُّون الْحِرَ وَالْحَرِيرَ، وَالْخَمْرَ وَالْمَعَازِفَ، وليِنزِلنَّ أَقْوَامٌ إِلَى جنب عَلَمٍ، يروح عليهم بِسارحة لهم، يأتِيهم - يَعني الفقير - لحاجة فيقولوا: ارجِعْ إِلَيْنَا غَدًا، فيُبَيِّتُهم اللَّهُ، وَيَضَعُ الْعَلَمَ، وَيَمْسَخُ آخَرِينَ قِرَدَةً وَخَنَازِيرَ إِلَى يَوْمِ الْقِيَامَةِ)
(Bukhori, 1993)

Ibn Hazm highlighted the hadith's textual nature and ruled that it provides a crucial legal basis, underscoring the importance of textual interpretation in Islamic law. However, the majority of Madzhab agree that the hadith conveys a warning. This demonstrates that *Madzhab* views *Madzhab Zahiriyah* thought as dangerous. He believes it is driven solely by fanaticism, justifying anything based solely on texts, without explicit consideration.

Ibn al-Qayyim's view is different. He believes that the *Madzhab Zahiriyah* of thought has the advantage of paying attention to religious texts and rejecting inappropriate analogies. However, they also have the risk of rejecting valid analogies and failing to consider the broader context (Mahmud, 1979, p. 400). Ibn al-Qayyim stated that the *Madzhab Zahiriyah* of thought has four errors: first, rejecting valid analogies, especially those with clear evidence. Second, failing to consider the broader context when interpreting texts. Third, adopting inappropriate analogies and abandoning more appropriate ones. Fourth, refusing to consider other, stronger opinions (Mahmud, 1979, p. 401).

In discussing Ibn al-'Arabi's perspective on the claim that *Zahiriyah* resembles the Khawarij, he explicitly rejected it. He regarded *Zahiriyah* as a distinct Khawarij group, describing them as "a group that is *weak* and calls

others infidels" because they solely accept what is explicitly stated by Allah and His Messenger, reject interpretative methods, and oppose *qiyas* (Mahmud, 1979, p. 398).

Many *Madzhab* do not recognize *Madzhab Zahiriyah* of thought and do not consider their differences of opinion to have any influence on ijma' (consensus of *Madzhab*). According to Dr. Abdul Majid Mahmud, *Madzhab* can be classified into three groups based on the extent to which they acknowledge the methodological validity and argumentative validity of *Madzhab Zahiriyah* in Islamic scientific studies (Mahmud, 1979, p. 399). This classification invites further exploration of how different schools approach Islamic jurisprudence and the recognition of Zahiriyah:

No.	View Group	Recognition Criteria	Methodological Reasons	Examples of *Madzhab*
1.	Absolute Rejection	Does not recognize the validity of *Madzhab Zahiriyah*	Considering their differences of opinion unimportant and only seeing *Zahiri* as a Hadith narrator , not a legitimate Sharia scholar (*fuqaha'*).	Ibn Hajar al-Haitami, Abu Bakr al-Razi al-Jassas, Abu Ishaq al-Isfarayini
2.	Conditional Recognition	Recognizes *Madzhab Zahiriyah* , but with exceptions and restrictions.	Acknowledge their views only as long as they do not contradict clear *Qiyas or other Jumhur* arguments which are considered strong.	Ibn al-Salah
3.	Full Receiver	Recognizes *Madzhab Zahiriyah* as a whole.	Considering their differences of opinion as something important and valid to be considered in Islamic scientific studies, even using them to challenge *taqlid* .	Ibn al-Subki

Ultimately, *Madzhab Zahiriyah* —particularly through the thought of Ibn Hazm—served as an institutional challenge to *Jumhur Ulama*. Although it failed to survive as the majority Madzhab of jurisprudence due to its methodological rigidity, *Madzhab Zahiriyah* still played a crucial role as a voice of textual criticism that ensured that the textual evidence remained the highest authority in every legal *istinbat* process, preventing the Jumhur from sinking into excessive use of reason (*ra'yu*).

Legal Implications in Islamic Practice

Comparison of legal decisions between *Zahiriyah* and the *Madzahib al-Arba'ah* of thought:

1. About a husband who takes his wife's property

   Madzhab Shafi'i says that a husband or wife who takes property from the other without permission does not constitute theft, so it cannot be punished by having their hand cut off. This variation in opinions reflects how Islamic law adapts to social realities and family dynamics, which can engage the audience by showing its practical relevance. However, this case included treason. This law is based on the principle *of syubhat (*doubt*)* and on considerations *of Maqāṣid al-Syari'ah* to maintain the family institution, thereby demonstrating the law's flexibility in addressing social reality. *Madzhab Zahiriyah*: Ibn Hazm stated that a husband or wife taking the property of the other without permission is still considered theft, and therefore the law of amputation applies (Ginanjar, 2004). This highlights how different jurisprudential principles shape legal opinions, helping the audience see their relevance in real-world contexts. This emphasizes the role of *Madzhab Zahiriyah* as a methodological opposition that limits rational *ijtihād* in the Islamic legal system.

2. About the purity of carcass skin after being tanned

   Madzhab agrees that the skin of all dead animals becomes pure through tanning, except for pigs' and dogs' skin, which is inherently impure. Therefore, it cannot be purified by tanning.

   Madzhab Shafi'i and *Madzhab Hanafi* say that animal skin becomes pure if it is tanned, and excludes dog skin, because they equate dogs with pigs in terms of the impurity of their substances. Both also allow the use of tanned leather for both dry and liquid items, based on the view that tanning has made the leather sacred. These two *Madzhab* of thought have great flexibility in the principle of purity and allow the use of resources, as long as there is a proven process for eliminating impurity while still limiting it to unclean because of its essence.

   The *Madzhab* Maliki and *Madzhab Hanbali* hold that tanning does not make the hide of a dead body pure. Both *Madzhab* of thought prohibit the use of tanned hides, and neither permits the use of liquids such as vinegar, honey, or oil. It is even unlawful to place liquids in them, as they become impure upon contact with them. These *Madzhab*s of thought place a higher degree of caution (*iḥtiyāṭ*) on the issue of purity (*ṭahārah*), prioritizing the prevention of impure contamination.

   Madzhab Zahiriyah holds that all the skin of a carcass becomes pure through tanning, including that of dogs and pigs. They do not differentiate between the outside and inside of the skin. Therefore, it is permissible to use tanned leather

for liquid or dry purposes (*Fiqh Al-Ibadah Al-Muqaran*, n.d., pp. 34–36). This opinion shows their literal interpretation of the tannic *text* without considering the impurity of essence, which is the oddest (*syāẓ*) and most extreme view on the principle of purity through natural processes.

3. About polygamy

Jumhur fuqaha' suggests that, from a legal perspective, justice in marriage is complex, which may help the audience feel respected and open to discussion. They argue that, based on the Qur'an, *Surah an-Nisa* verse 3 is the truth of *Surah an-Nisa* verse 129. According to Islamic jurisprudence (*Madzhab*), this verse is interpreted as the inability of humans to act justly in matters of affection and sexual relations. Considers the permissibility of marrying up to four wives to have legal force, while the demand to be fair (qualitatively) to them is merely considered a recommendation, without any particular binding effect. Thus, the jurists take specific verses (the permissibility of polygamy) as binding rules and general principles (qualitative justice) as recommendations. The majority of Islamic jurists realize that qualitative justice is impossible to realize (Hidayatulloh, n.d., p. 225). The *Jumhur Fuqaha* classifies justice into two: quantitative (obligatory, such as maintenance and night shifts) and qualitative (affection, considered impossible and only a recommendation/ethics), thus reducing ethical standards to recommendations so that the practice of polygamy remains valid and stable.

Az-Zahiriyah: according to Ibn Hazm in his book *al-Muhalla*, justice between wives is obligatory, especially regarding the division of the night; there should be no superiority between wives, whether free, slave, muslim, or married dhimmis (Hidayatulloh, n.d., p. 232). Asserting the full authority of the text and serving as a voice demanding high legal standards in the *Ahwāl ash-Shakhṣīyah*, forcing the *fuqaha* to always strictly consider aspects of justice in the *istinbāṭ* of family law.

Conclusion

This difference illustrates how the *ijtihad* method greatly influences the direction and outcomes of the interpretation of Islamic law and reflects the intellectual dynamics within the treasury of fiqh throughout history. Recognizing the unique approach of the *Madzhab Zahiriyah* can inspire respect and curiosity among *santri* about diverse legal methods. The relationship between *Madzhab Zahiriyah* and the *Madzāhib al-Arba'ah* of fiqh is better understood in terms of differences in ijtihad methodology rooted in their

respective legal paradigms. Although both are based on the Qur'an and Hadith as primary sources, the *Madzhab Zahiriyah* takes a fundamentally different approach. *Az-Zahiriyah* strongly rejects the use of *qiyās*, *istihsān*, and all forms of *ra'y*-based *ijtihad*, which are the main instruments in the legal *istinbāṭ* methodology of the *Madzāhib al-Arba'ah*.

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