JLGov. Journal of Law and Governance

Vol. 01, No. 02, August 2026

Reconstructing the Reasoning of Guardianship Jurisprudence: A *Bayānī*, *Burhānī*, and *'Irfānī* Epistemological Analysis of the Position of the Marriage Guardian

Dhiya'ulhaq Syahrial Ramadhan*[1], Kenneth Sulthon Alafi Al Hallaj[2], Eka Firmansyah[3], Syahrul Ramadhan[4], Erfanda Andi Mada Arectya[5]

[1]Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia, dhiyaulhaqsyahrialramadhan@gmail.com

[2]Universitas Islam Negeri Sunan Ampel Surabaya, Indonesia, elaphy07@gmail.com

[3]Universitas Muhammadiyah Palu, Indonesia, ekafirmansyah689@gmail.com

[4]Al-Mustafa International University, Iran, rulsyahyusuf@gmail.com

[5]Universitas Muhammadiyah Surabaya, Indonesia, erfandaandi99@gmail.com

*Coresponding author: dhiyaulhaqsyahrialramadhan@gmail.com

ABSTRACT: The debate over the position of the marriage guardian (*wali nikah*) in Islamic law persists between textual dogmatism and rationalism. The majority of madhhabs (Maliki, Shafi'i, and Hanbali) view the guardian as an absolute pillar of marriage alongside the right of *ijbar*, whereas the Hanafi school grants independent authority to adult women. This study aims to reconstruct the legal arguments of these four schools and analyze the roots of their divergence using Islamic epistemology: *bayani*, *burhani*, and *irfani*. Employing library research with a doctrinal-philosophical approach, the study reveals that their primary divergence stems from interpretative methodology. Methodologically, the majority interprets textual evidence (*bayani*) literally and universally, while the Hanafi school applies a customary (*'urf*) lens and strict *sanad* criticism. Furthermore, Hanafi rational reasoning (*burhani*) analogizes marriage to financial transactions to protect women's legal sovereignty, contrasting with the majority's reliance on preventive protection (*sadd al-dhari'ah*). Spiritually (*irfani*), all schools aim to uphold female dignity, though rigid *ijbar* can undermine inner tranquility. Ultimately, this *ikhtilaf* arises from methodological pluralism, highlighting the need to reform Islamic family law by balancing family protection with female autonomy.

Keywords: *Islamic Epistemology; Marriage Guardian; Ikhtilaf among Schools; Islamic Family Law; Bayani, Burhani, and Irfani*

Received: 2026-June-17
Rev. Req: 2026-July-19
Accepted: 2026-August-22

JLGov. Journal of Law and Governance
Vol. 01, No. 02, August 2026

I. INTRODUCTION

A valid marriage under Islamic law requires the fulfillment of pillars (*rukun*) and conditions (*syarat*) established by *fiqh* scholars. One of the most debated elements to this day is the existence of a marriage guardian (*wali nikah*), namely the party authorized to represent the woman in the execution of the marriage contract. The pillars of marriage are fundamental elements that must be present in every marriage, while the conditions of marriage function as supporting provisions that must be fulfilled to guarantee its validity. If the pillars and conditions are not fulfilled, the marriage cannot be considered valid (Alhamdani et al., 2023, p. 193).

In Islamic *fiqh*, one of the pillars of marriage is the presence of a guardian from the side of the prospective bride (Lubis et al., 2023, p. 14), and one of its conditions is that the marriage guardian be Muslim, male, of legal age (*baligh*), of sound mind, and not under compulsion or legally barred (Munawir, 2025, p. 24). In the context of marriages involving prospective spouses who are still minors, whether male or female, classical *fiqh* scholars agree in placing the guardian as an inseparable pillar of marriage. This agreement is based on the consideration that a prospective spouse who has not reached adulthood does not yet possess the legal capacity to independently carry out the marriage contract. Therefore, the marriage contract is carried out through the intermediary of a guardian (Syahanti et al., 2019, p. 54).

Many Islamic legal experts argue that the role of the guardian in marriage is very important, especially in terms of granting permission. The guardian not only holds a significant position but also has the right to compel (*ijbar*) the marriage of the daughter under his responsibility. Most Islamic countries stipulate the obligation of a marriage guardian and the guardian's permission in the marriage process. In fact, the position of the marriage guardian is often regarded as one of the pillars or conditions for the validity of marriage in Islamic law (Tohari, 2021, p. 3). The right of *ijbar* is the authority possessed by the guardian to make decisions on the basis of responsibility toward his daughter. In this context, *ijbar* is understood as a form of protection and responsibility of the guardian, especially the father, toward a daughter who is considered not yet capable or vulnerable in making decisions related to marriage. Thus, *ijbar* grants the guardian the power to carry out the marriage for the welfare of the child (Muhammad, 2001).

In classical fiqh, madhhab scholars hold differing views. There are two views regarding the marriage guardian. First, that the marriage guardian is a pillar of marriage (*rukn al-nikah*) (Perwitiningsih, 2025, p. 234) and a valid condition (Arabiyah, 2025, p. 147) of marriage that must be fulfilled, and possesses the right of *ijbar* over his daughter. A marriage without a guardian is never recognized under any circumstances, whether the woman is a virgin or a widow (Nasution, 2024, p. 86). The presence of a guardian is a fundamental element in marriage and occupies the position of one of the obligatory pillars of marriage. The marriage contract is declared invalid if the offer (*ijab*) is uttered directly by the woman, whether a virgin or a widow, without the involvement of a

guardian. This provision applies regardless of the guardian's permission, social equivalence (*kafa'ah*), or whether the contract is carried out for herself or on behalf of another party (Perwitiningsih, 2025, p. 235). This view is in line with the view of the majority of scholars (*jumhur*), among them Imam al-Shafi'i (Nasution, 2024, p. 97), Imam Malik (Umar, 2025, p. 100), and Imam Ahmad ibn Hanbal (Ashidiqie, 2021, p. 32). Second, the marriage guardian is not one of the pillars of marriage (Siregar et al., 2023, p. 42), and the woman has the authority to consent to or refuse the execution of the marriage contract, whether she is a virgin or a widow (Nasution, 2024, p. 91). If the woman refuses, the marriage contract may not be carried out even by her own father (guardian). This view was put forward by Imam Abu Hanifah (Ilyas, 2015, p. 154).

These differing views indicate that the concept of the marriage guardian is not a single, final norm, but rather the result of ijtihad shaped by particular socio-historical contexts. Classical *fiqh* developed within a male-dominated social structure, giving rise to a patriarchally-toned *fiqh* (Sumadi, 2018, p. 2), in which family relations are based on male leadership (*qiwamah*) and a hierarchical division of roles (Faizah, 2018, p. 13). Therefore, the presence of a guardian in the marriage contract cannot be separated from the social paradigm that positions men as representatives of family honor and protection.

The discourse on the position of the marriage guardian gives rise to a sharp polarization between textual dogmatism and rationalism. While the majority of madhhab scholars establish the guardian as an absolute pillar of marriage, Gusti Rian Saputra highlights Imam Abu Hanifah's breakthrough in not requiring it for adult (*baligh*), sound-minded women. Through analogy (qiyas) with commercial contracts, Abu Hanifah viewed a woman capable of independently managing her own property as also possessing full sovereignty over her marriage decision (Saputra, 2024, p. 108). This tension culminates in the issue of the right of *ijbar* (the guardian's authority to compel marriage). Muhammad Nabil explains that the concept originally designed to “protect” now collides with the principle of gender equality. In response, Indonesian positive law (the Marriage Law and the Compilation of Islamic Law/KHI) has taken a corrective stance by abolishing the absoluteness of the right of *ijbar* and establishing the consent of both spouses as an absolute condition of validity (Nabil, 2020). Bridging classical texts and modern realities, Chamim Tohari deconstructs the legal rationale (*'illat*) behind the obligation of the guardian. Because its historical *'illat* was “protecting women who were domesticated in a patriarchal era,” when modern women have become educated and independent, the *'illat* of powerlessness disappears. Based on the rules of *ushul fiqh*, the disappearance of the legal cause automatically shifts the position of the guardian from an absolute obligation to a mere supporting instrument (Tohari, 2021). However, these studies have not yet systematically employed the framework of Islamic epistemology *bayani*, *burhani*, and *irfani* as an analytical tool to uncover why these differences occur at a deeper methodological level.

This study seeks to fill this gap with two main objectives: (1) to systematically reconstruct the arguments of each madhhab regarding the position and rights of the marriage

guardian, and (2) to analyze these differences through three approaches of Islamic epistemology *bayani*, *burhani*, and *irfani* in order to identify the methodological point of divergence among the schools and its implications for the issue of women's rights in Islamic marriage.

II. METHOD

This qualitative library research employs a doctrinal-philosophical approach through a comparative madhhab design based on argument reconstruction (Wardiono, 2026, p. 10). The primary data sources rely on classical texts (*kitab turats*) across madhhabs, including Al-Umm (al-Shafi'i), Bidayah al-Mujtahid (Ibn Rushd), *Al-Fiqh 'ala al-Madhahib al-Arba'ah* (*al-Jaza'iri*), and the *Kutub al-Sittah*. Secondary data are supported by literature on the philosophy of Islamic law, particularly the thought of Muhammad Abed al-Jabiri, and reputable journal articles related to guardianship rights.

Al-Jabiri's tri-epistemology framework is operationalized as the analytical tool: Bayani (examining linguistic aspects and criticism of the chain of transmission), Burhani (tracing logical syllogisms, legal cause/*'illat*, and analogical reasoning/qiyas in transactions), and Irfani (assessing the guarantee of inner consent free from compulsion/*ikrah*). The research process is carried out through four stages: (1) codification of the evidence (*dalil*) of the four madhhabs; (2) mapping of argumentation; (3) reading through the tri-epistemological matrix; and (4) formulation of philosophical conclusions along with their contemporary implications.

III. RESULT AND DISCUSSION

Definition of the Guardian (*Wali*)

Etymologically, *wali* derives from the Arabic *al-waliy* (الولي), with its plural form *awliya'* (الأولياء), meaning caretaker, one who manages affairs, one who loves, a close friend, and a follower. In Islamic *fiqh* literature it is referred to as *al-walayah* (الولاية), namely one who manages or holds authority over something. Terminologically, a guardian (*wali*) is a person who has the right or authority to perform a legal act on behalf of the person represented, for the benefit and in the name of that person (Nasution, 2020, p. 56).

The marriage guardian specifically refers to a person who has the authority to carry out the marriage contract on behalf of a woman under his guardianship, where, without the permission or involvement of that guardian, the woman's marriage is considered invalid according to the view of the majority of scholars (Inayatillah, 2024, p. 84). This definition, although seemingly simple, conceals a lengthy debate that touches upon the epistemological foundations of each madhhab, particularly regarding the question of whether the absence of a guardian results in the absolute invalidity of the contract, or only under certain conditions.

Reconstruction of the Arguments of Madhhab Scholars on the Marriage Guardian

The Hanafi School: Imam Abu Hanifah built his argument on the main premise concerning the legal capacity of an adult, sound-minded woman. The basic logic of his

argument can be formulated as follows: the first premise, an adult woman of sound mind is recognized as possessing full legal capacity in transactions (*mu'amalah*) such as buying and selling; the second premise, the marriage contract is a *mu'amalah* contract that demands an equivalent legal capacity; the conclusion, an adult, sound-minded woman is therefore entitled to carry out the marriage contract without requiring a guardian. This argument is not merely a rejection of the guardian's role, but a coherent framework of thought based on the principle of consistency of legal capacity (Saputra, 2024, p. 108).

The basis of the argument that the presence of a guardian is not absolute in the marriage contract refers to a hadith narrated by Muslim through the chain of Ibn Abbas (Nabil, 2020, p. 69):

سلم و عليه الله صلى النبي أن :حدثهم هريرة أبا أن سلمة أبي عن يحيى عن هشام حدثنا فضالة بن معاذ حدثنا
تسكت أن قال ؟ إذنها وكيف الله رسول يا قالوا تستأذن حتى البكر تنكح لا و تستأمر حتى الأيّم تنكح لا قال

“It has been narrated to us by Mu'adh ibn Fudalah, it has been narrated to us by Hisham, from Yahya, from Abu Salamah, that Abu Hurairah told them: that the Prophet (peace be upon him) said: ‘A previously married woman (*thayyib*) must not be married off until her explicit consent is sought, and a virgin must not be married off until her permission is sought.’ The Companions asked: ‘O Messenger of Allah, how is her permission (given)?’ He replied: ‘By her silence.’” (al-Bukhari, 1998)

This hadith affirms that the guardian does not have the authority to refuse the execution of a marriage, and conversely, if a woman refuses, she may not be compelled, even by her own father. This shows that the guardian's objection has no effect if the prospective spouse is of equal social standing (*kafa'ah*), and that the validity of the marriage contract does not depend on the guardian's involvement. Thus, the woman's consent, whether she is a virgin or a widow, is an absolute condition for the execution of marriage (Nabil, 2020, p. 69).

The case of al-Khansa' serves as an important basis for establishing the obligation to obtain a woman's consent in marriage. In this incident, the Prophet Muhammad rejected the marriage arranged by al-Khansa's father because the daughter did not consent to it. After al-Khansa' recounted that she had been married off to a relative she disliked, the Prophet asked for her consent. Upon learning that al-Khansa' refused, the Prophet declared the marriage invalid and affirmed that a woman must marry someone she likes. This decision was given without regard to whether she was a virgin or a widow, thereby affirming the principle of a woman's right to give consent in her own marriage (Nabil, 2020, p. 69).

Qur'anic evidence forming the basis of the opinion permitting marriage without a guardian includes Q.S. al-Baqarah [2]:232 (Saputra, 2024, p. 108). The Hanafi school criticizes the fact that the Qur'anic verse used as the basis by the Maliki, Shafi'i, and Hanbali schools regarding the guardian in marriage, namely Q.S. al-Baqarah [2]:232, does

not provide a detailed explanation as to whether the guardian constitutes an obligatory pillar in marriage or not (Tohari, 2021, p. 6).

“It has been quoted from Imam al-Shafi'i that this verse relates to the necessity of a guardian's presence. However, according to the Hanafi view, there are two interpretations. First, the prohibition in this verse is directed at the guardian, but it could also be directed at the husband and wife, or even at believers in general. Second, this verse is intended for a person of sound mind or the close relative of the divorced woman, and does not absolutely require the presence of a guardian. The verse also depicts a vulnerable woman, but this does not mean that the husband is permitted to exploit that vulnerability. The prohibition in this verse grants freedom to the woman to choose whether she wishes to return to her former husband or not.” (al-Jaza'iri, n.d., pp. 48–49)

In addition to the previous explanation, the verse contains the word *'adhl*, which means a prohibition against other parties preventing a divorced woman from remarrying, whether with her former husband or with another person. The process of reconciliation (*rujuk*) between husband and wife should be resolved by the two of them without third-party interference, so that they may directly experience the consequences and dynamics of the divorce (Nabil, 2020, p. 69).

As for the hadith that forms the basis for the obligatory presence of a guardian:

عائشة عن عروة عن الزهري عن موسى بن سليمان عن جريج ابن حدثنا معاذ حدثنا شيبة أبي بن بكر أبو حدثنا أصابها فإن باطل فنكاحها باطل فنكاحها الولي ينكحها لم امرأة أيما :سلم و عليه الله صلى الله رسول قال :قالت له ولي لا من ولي فالسلطان اشتجروا فإن .منها أصاب بما مهرها فلها

“It has been narrated to us by Abu Bakr ibn Abi Shaybah, it has been narrated to us by Mu'adh, it has been narrated to us by Ibn Jurayj, from Sulayman ibn Musa, from al-Zuhri, from 'Urwah, from 'A'ishah (may Allah be pleased with her), she said: The Messenger of Allah (peace be upon him) said: ‘Any woman who marries without the permission of her guardian, her marriage is void, her marriage is void, her marriage is void. If the husband has consummated the marriage, she is entitled to her dower for what he has made lawful from her. If they (the guardians) dispute, then the ruler (sultan) is the guardian of whoever has no guardian.’” (Narrated by Ibn Majah, No. 1869) (al-Qazwini, 1952)

عن سيرين بن محمد عن حسان بن هشام حدثنا العقيلي مروان بن محمد حدثنا العتكي الحسن بن جميل حدثنا نفسها تزوج التي هي الزانية فإن نفسها المرأة تزوّج لا سلم و عليه الله صلى الله رسول قال قال هريرة أبي

“It has been narrated to us by Jamil ibn al-Hasan al-'Ataki, it has been narrated to us by Muhammad ibn Marwan al-'Uqayli, it has been narrated to us by Hisham ibn Hassan, from Muhammad ibn Sirin, from Abu Hurairah, he said: The Messenger of Allah (peace be upon him) said: ‘A woman must not marry herself off, for indeed it is the adulteress who marries herself off.’” (Narrated by Ibn Majah, No. 1872) (al-Qazwini, 1952)

In the Hanafi view, both hadiths discussing the guardian in marriage are considered weak (*da'if*) because of the status of the narrator, Ibn Shihab al-Zuhri, who, when asked about the matter, admitted he did not know. Moreover, in this hadith, the guardian's obligation

is more specifically directed toward minors who do not yet understand *mu'amalah*. The marriage contract, which is equated with a sale contract, grants a free woman the freedom to act according to her will, both in matters of buying and selling and in carrying out the marriage contract. Therefore, it is not appropriate to restrict a woman from carrying out the marriage contract merely because a guardian is required, given that the marriage contract is a general contract that prioritizes freedom, and can thus be analogized (qiyas) with a sale contract (Tohari, 2021, p. 7).

According to this school, the meaning of the word *al-mar'ah* (المرأة) in this context refers to "a young woman (not yet an adult)." This is because a woman who has not yet reached adulthood is considered incapable of acting independently, unlike an adult woman who has the right to act, as in a sale contract. Based on this, marriage is equated with buying and selling, and this is permissible according to *usul*. In this context, the Hanafi school interprets the meaning of the word *al-mar'ah* by referring to the method of *'urf*, which refers to the custom or habit prevailing at that time. Based on this custom, the term is understood to mean women who have not yet reached adulthood and are still dependent on their parents' decisions in various aspects of life (Tohari, 2021, p. 7).

In the Hanafi school, the position of the guardian is not absolute, and applies only to women who are still young (not yet adult). In his work, Jawwad Mughniyah cites the Hanafi opinion that a woman who has reached puberty and is of sound mind has the right to choose her own husband and to carry out the marriage contract without the guardian's intervention, whether she is a virgin or a widow. However, this choice must fulfill the condition that the prospective husband be of equal standing (*kafa'ah*) and that the dower given be at least equivalent to the customary dower (*mahr mithl*). If the woman chooses a husband who is not of equal standing, her guardian has the right to object and request the qadi to annul the marriage contract. Furthermore, if the dower given is less than the customary dower, a judge may be asked to annul the marriage contract (Mughniyah, 2004, p. 309).

Based on this understanding, in the Hanafi school, the role of the marriage guardian is not absolute. The presence of a guardian is mainly directed at women who are still young and have not yet reached the age of majority. Conversely, for women who are widowed or have reached adulthood, the guardian's right of *ijbar* no longer applies. Thus, the guardian only plays a role if consent has been obtained from the party concerned prior to the execution of the marriage.

The Maliki School: Imam Malik, as cited by Ibn Rushd, held that a marriage cannot be considered valid without the presence of a guardian. For Imam Malik, the guardian is one of the essential conditions for the validity of marriage (Rusyd, n.d., Vol. 2, p. 9). The followers of Imam Malik, known as the Malikiyah, firmly hold that the guardian is one of the inseparable pillars of marriage. In this school's view, a father as guardian has the right to compel his daughter to marry without needing to wait for her consent. However, this power of compulsion is held only by the father, while the grandfather does not have the

same authority. The guardian's involvement in determining the validity of a marriage grants the guardian the power to compel a child into marriage even without the child's consent; the marriage contract is considered invalid without the guardian's presence (Nabil, 2020, p. 70).

This opinion is based on an interpretation of Surah al-Baqarah, verses 232 and 221, as well as a hadith of the Prophet (peace be upon him), which states (Tohari, 2021, p. 9):

عائشة عن عروة عن الزهري عن موسى بن سليمان عن جريج ابن حدثنا معاذ حدثنا شيبة أبي بن بكر أبو حدثنا أصابها فإن باطل فنكاحها باطل فنكاحها الولي ينكحها لم امرأة أيما :سلم و عليه الله صلى الله رسول قال :قالت له ولي لا من ولي فالسلطان اشتجروا فإن .منها أصاب بما مهرها فلها

"...The Messenger of Allah (peace be upon him) said: 'Any woman who marries without the permission of her guardian, her marriage is void, her marriage is void...'" (Narrated by Ibn Majah, No. 1869) (al-Qazwini, 1952)

وحدثنا إسحق أبي عن عوانة أبو حدثنا قتيبة وحدثنا إسحق أبي عن الله عبد بن شريك أخبرنا حجر بن علي حدثنا زيد حدثنا زياد أبي بن الله عبد وحدثنا إسحق أبي عن إسرائيل عن مهدي بن الرحمن عبد حدثنا بشار بن محمد عليه الله صلى الله رسول قال :قال موسى أبي عن بردة أبي عن إسحق أبي عن إسحق أبي بن يونس عن حباب بن بولي إلا نكاح لا وسلم

"It has been narrated to us by 'Ali ibn Hujr, it has been reported to us by Sharik ibn 'Abdullah, from Abu Ishaq, and it has been narrated to us by Qutaybah, it has been narrated to us by Abu 'Awanah, from Abu Ishaq, and it has been narrated to us by Muhammad ibn Bashshar, it has been narrated to us by 'Abd al-Rahman ibn Mahdi, from *Isra'il*, from Abu Ishaq, and it has been narrated to us by 'Abdullah ibn Abi Ziyad, it has been narrated to us by Zayd ibn Hubab, from Yunus ibn Abi Ishaq, from Abu Ishaq, from Abu Burdah, from Abu Musa, he said: The Messenger of Allah (peace be upon him) said: 'There is no marriage except with a guardian.'" (al-Turmudzi, 1983)

According to Imam Malik, the requirement of a guardian's presence in marriage is contextual. For an individual without notable social standing, attractiveness, or wealth, marriage may be conducted without a guardian. Conversely, if the prospective bride possesses high social status, an attractive appearance, or significant wealth, the presence of a guardian becomes necessary. The Maliki school interprets the relevant Qur'anic and hadith evidence as the basis for the guardian's right of *ijbar*, namely the guardian's authority to consent to or refuse the marriage of his daughter (al-Jaza'iri, n.d., p. 28).

In the Maliki school, a guardian's right to marry off an adult, sound-minded woman depends on her status. If the woman is still a virgin, the right to arrange the marriage rests entirely with the guardian. However, if she has become a widow, the right is shared between the woman and the guardian; the guardian is not permitted to marry off a widow without her consent, and conversely, the woman may not marry without the guardian's approval. Nevertheless, the pronouncement of the marriage contract remains the guardian's prerogative, and it suffices to be uttered once, even though the contract requires the woman's consent (Tohari, 2021, p. 10).

In Imam Malik's view, the order of guardianship in the marriage of a minor begins with the father. If the father is absent, guardianship may be exercised by the party appointed by the father's will (*wasiyyah*). If no such party exists, guardianship falls to the judicial guardian (*wali hakim*). The paternal grandfather has no right of guardianship because he does not occupy the father's position, and likewise, neither the mother nor the maternal grandfather has the right of guardianship. Notably, Maliki scholars place all agnate (*'asabah*) blood relatives as lineage guardians and permit a son to arrange his mother's marriage, their position even being regarded as more entitled than that of the father or grandfather (Nabil, 2020, p. 70).

Based on the foregoing, the guardian's right of *ijbar* applies fully to minors because they do not yet possess the legal capacity to carry out marriage. Conversely, for women who have reached adulthood or become widows, the compelling guardian (*wali mujbir*) cannot fully compel them. The execution of marriage requires the consent of both parties, namely the guardian and the woman concerned. According to Imam Malik, a woman, whether a virgin or a widow, is not permitted to marry herself off, and for a widow, explicit consent is required before the marriage contract. Furthermore, for a virgin or widow who is a minor and has never been married, the guardian's right of *ijbar* attaches only to the father as guardian; if the guardian is someone other than the father, that right does not apply (Nabil, 2020, p. 71).

The Shafi'i School: In the Shafi'i school's perspective, as explained by Imam Taqi al-Din Abi Bakr ibn Muhammad al-Husayni al-Dimashqi al-Shafi'i in *Kifayat al-Akhyar fi Halli Ghayat al-Ikhtisar*, the guardian is one of the pillars of marriage, such that marriage is invalid without his presence. The legal basis of this school refers to Q.S. al-Baqarah [2]:232, which affirms that a guardian may not prevent a woman from remarrying her former husband. This verse was revealed in the context of the case of Ma'qil ibn Yasar, who refused to marry off his sister, and according to al-Dimashqi, this verse affirms that a guardian's refusal to allow marriage without valid reason is wrong, not a prohibition against a guardian exercising *ijbar* over a woman. Thus, this case affirms the necessity of a guardian's presence in marriage and simultaneously rejects the concept of a woman marrying herself off without a guardian (al-Dimsyiqi, n.d., p. 48).

According to al-Dimyati, the prohibition against a woman marrying herself off or acting as a marriage guardian is a strong opinion, as it is supported by authentic hadiths and reinforced by other relevant hadiths (al-Dimsyiqi, n.d., p. 48). This opinion aligns with al-San'ani's explanation that the relevant verse was revealed regarding the case of Ma'qil ibn Yasar, who refused to marry off his sister after a revocable divorce (*talaq raj'i*). Imam al-Shafi'i affirms that this verse establishes the obligation of a guardian's presence in every marriage (al-Shan'ani, n.d., pp. 120–121).

In general, the marriage of the Prophet to 'A'ishah (may Allah be pleased with her) is used as a reference by the majority of madhhab scholars in formulating views concerning the

age limit and the principle of guardianship. Imam al-Shafi'i responded to this event with an opinion stating:

“The marriage of 'A'ishah to the Prophet, (arranged) by Abu Bakr when 'A'ishah was six years old, and its consummation when 'A'ishah was nine years old, shows that a father has more right over his virgin daughter than she herself does. For if she were to reach puberty while still a virgin, she would then have more right over herself than her father, so it appears the father may not compel her once she reaches puberty, such that the marriage must be conducted with her permission.” (al-Mutthalibi, 2004, p. 882)

Based on al-Shafi'i's opinion, a guardian holds a stronger right over the marriage of his virgin daughter as long as she has not reached the age of puberty or adulthood, because at that age the child is not yet considered legally competent. Conversely, if the virgin daughter has reached puberty, the guardian is advised to obtain her permission before marrying her off, although this is a recommendation rather than a legal obligation.

According to al-Shafi'i, for a girl who has not yet reached puberty, the guardian's right of *ijbar* applies, such that the guardian has the authority to marry her off without her consent. However, once the child has reached puberty, the guardian is advised to obtain the child's permission before proceeding with the marriage, although this is a recommendation rather than an obligation. The guardian's right of *ijbar* also does not apply to a daughter who has become a widow (Nabil, 2020, p. 73). This is based on a hadith of the Prophet which states:

مسلم رواه .صماتها وإذنها ،نفسها في تستأذن والبكر ،وليّها من بنفسها أحق الأيّم

“A previously married woman has more right over herself than her guardian, while a virgin is asked for her permission concerning herself, and her silence is her permission.” (Narrated by Muslim) (al-Mutthalibi, 2004, p. 98)

As Imam al-Shafi'i stated: “It appears that the Sunnah of the Prophet, in which he distinguished between a virgin and a previously married woman making the previously married woman have more right over herself than her guardian, and requiring that a virgin be asked for her permission concerning herself indicates that the guardian he referred to is specifically the father, such that he made the previously married woman have more right over herself than her father. This indicates that his command to the father to seek his virgin daughter's permission regarding her own marriage is a recommendation, not an obligation. For if a virgin who disliked (the match) could not be married off by her father, she would then be like a previously married woman.” (al-Mutthalibi, 2004, p. 882)

Based on al-Shafi'i's view, the guardian's right of *ijbar* can be divided into three categories. First, for a daughter who is a widow, the guardian's right of *ijbar* does not apply; the marriage is valid only with her explicit oral consent. Second, for a virgin who has reached puberty, the guardian retains the right of *ijbar*, but is recommended to seek

the child's consent before marrying her off. Third, for a virgin who has not yet reached puberty, the guardian holds full right of *ijbar* and may marry her off without her consent.

The Hanbali School: In the Hanbali school, the view regarding the guardian is in line with the Maliki and Shafi'i schools, which emphasize the importance of the guardian's role in marriage. Without a guardian or a valid substitute, the marriage is considered void. A woman is not permitted to marry herself off, whether she is still a virgin, nor may this be done for a man, whether an adult or a minor, except in the case of a widow, whose marriage is valid only with her consent and approval (Tohari, 2021, p. 12).

In the Hanbali school, the evidence relating to the guardian is drawn from Q.S. al-Nur [24]:32 and Q.S. al-Baqarah [2]:228, as well as hadiths concerning the guardian. Although the hadiths used as references are similar to those used in the Shafi'i and Maliki schools, the wording differs.

بولي إلا نكاح لا

“There is no marriage except with a guardian.” (al-Turmudzi, 1983)

باطل فنكاحها باطل فنكاحها الولي ينكحها لم امرأة أيما

“...Any woman who marries without the permission of her guardian, her marriage is void, her marriage is void...” (Narrated by Ibn Majah, No. 1869) (al-Qazwini, 1952)

Based on this evidence, the Hanbali school affirms that the guardian is an obligatory pillar in marriage, such that without his presence the marriage is considered invalid, whether for an adult or a minor. Regarding the guardian's right of *ijbar*, the Hanbali school is aligned with the Shafi'i and Maliki schools, as reflected in how they organize the order of guardianship in marriage.

In the Hanbali school, the criteria for who holds the authority of *ijbar* and the rights of the compelling guardian are regulated as follows. First, scholars agree that the guardian for a minor is the father, while the mother generally has no right of guardianship, except that some Shafi'i scholars provide an exception. Second, for a woman who has reached puberty and is of sound mind, if she is still a virgin, the guardian has the right to marry her off. However, if the woman is a widow, the right to marry her off must be mutually agreed upon between the guardian and the woman, such that the guardian may not marry off a widow without her consent. On the other hand, a woman is not permitted to marry herself off without the guardian's approval; the pronouncement of the contract by the woman herself without a guardian is invalid even if she consents to the marriage (Nabil, 2020, p. 74).

Fundamentally, the guardian's right of *ijbar* is a collective right held by the guardian or the family of the prospective bride to determine her spouse; however, the final decision remains the individual right of the woman, because a marriage without her consent is invalid. Unlike *ijbar*, *ikrah* (compulsion) constitutes forcing someone to perform an act

through a threat endangering life or body, such that the act contradicts the will of one's conscience and mind (Nabil, 2020, p. 75).

Islamic Epistemological Analysis of the *Ikhtilaf* among the Madhhabs

First, *bayani* epistemology emphasizes the authority of the text as the primary foundation for acquiring knowledge, with the Qur'an and Hadith as the primary sources underlying interpretation and scholarly understanding (Sya'adah et al., 2025, p. 372). Bayani is an epistemology that integrates various disciplines rooted in the Arabic tradition, including grammar (*nahwu*), *fiqh* and *ushul fiqh*, theology (kalam), and rhetoric (*balaghah*). The approach applied is linguistic (*lughawiyah*), emphasizing analysis and interpretation based on language as the foundation for understanding texts and scholarly concepts (Hasyim, 2018, p. 221).

According to Imam al-Shafi'i, *bayani* epistemology is grounded in three main sources: the Qur'an, the Sunnah, and qiyas (analogical reasoning). In addition, he also emphasized the importance of ijma' (consensus) as an additional foundation for acquiring knowledge and establishing law (al-Jabiri, 1991, p. 23). Based on scholarly study, scholars establish that the sources of *shari'ah* law concerning human conduct are rooted in four references, namely the Qur'an, the Sunnah, ijma', and qiyas. Among these four sources, the Qur'an and the Sunnah are the primary foundations, with the Sunnah functioning to interpret the broad meaning of the Qur'an as well as to explain and complement its contents (Khalaf, 1996, p. 22).

Second, *burhani* epistemology is an approach that focuses on the use of rational reasoning through the application of demonstrative logic (*burhan*), systematically structured argumentation, and scientific method. This intellectual tradition developed within the context of Islamic philosophy, with significant contributions from figures such as al-Farabi, Ibn Sina, and Ibn Rushd, who integrated Aristotelian logic with Islamic theology (Sya'adah et al., 2025, p. 372). As a rationally grounded epistemology, *burhani* asserts that the primary source of knowledge derives from the process of rational thought, not merely reliance on text or intuition. In its view, reason plays a highly important role in evaluating and making decisions regarding information received through the senses (Hasyim, 2018, p. 225).

Thus, *burhani* epistemology is a school of thought holding that reason is the primary source for acquiring knowledge. In this epistemological view, reason has the capacity to uncover various forms of knowledge, including in the field of religion. Even in matters relating to determining good and bad (*tahsin* and *taqbih*), reason is considered capable of knowing them. This *burhani* epistemology is widely accepted by rationalist schools in religious thought, such as the *Mu'tazilah* school, and by moderate scholars. In the study of tafsir, this approach is often translated through the term *tafsir bi al-ra'y*, which refers to the interpretation of the Qur'an based on rational opinion or reason (Hasyim, 2018, p. 226).

Third, *irfani* epistemology differs from both *bayani* and *burhani*. Whereas *bayani* is more textual and *burhani* prioritizes the use of reason, *irfani* holds that inner experience, intuition, and the process of spiritual purification are the primary methods for acquiring knowledge. Knowledge obtained through this approach is illuminative in nature, that is, knowledge that arises from a deep spiritual connection between humans and God. Thus, *irfani* epistemology emphasizes the importance of the internal dimension and spiritual experience in achieving a higher understanding of reality and truth (Erdiyani et al., 2025, p. 2189).

The three madhhabs that require a marriage guardian Maliki, Shafi'i, and Hanbali all operate within a strong *bayani* framework characterized by a holistic-literalist reading, namely accepting the text as it stands and in the full context of its revelation.

Three main pieces of evidence they rely on carry substantial *bayani* weight. First, Q.S. al-Baqarah [2]:232, which, in the majority reading, implies that the prohibited act of the guardian (preventing marriage) in fact affirms the very existence and authority of the guardian. Their *bayani* reasoning runs as follows: a prohibition against an action presupposes the existence of an authorized actor; therefore, the prohibition against a guardian preventing marriage means that the guardian indeed holds a legally recognized position under *shari'ah*. Second, the hadith from 'A'ishah (may Allah be pleased with her) narrated by Ibn Majah: “any woman who is married off without her guardian's permission, her marriage is void.” From the *bayani* perspective, this statement is explicit and leaves no room for figurative interpretation (*ta'wil*); the annulment of a marriage without a guardian is a definitive (*qath'i*) ruling. Third, the hadith narrated by al-Tirmidhi from Abu Musa al-Ash'ari: “There is no marriage except with a guardian” (*la nikaha illa bi waliyyin*). In *bayani ushul fiqh*, the structure of negation with exception signifies the negation of validity, not merely the negation of perfection.

In their *bayani* analysis, these three madhhabs apply the principle of *al-'ibrat bi 'umum al-lafz la bi khusus al-sabab* (what is to be relied upon is the generality of the wording, not the specificity of the occasion of revelation), such that these pieces of evidence apply universally without restriction to particular conditions or subjects. This is what establishes the guardian's status as an absolute pillar that cannot be waived under any circumstances.

Furthermore, the Shafi'i school adds a more nuanced *bayani* dimension through its reading of the story of Ma'qil ibn Yasar. Al-Dimashqi and al-San'ani interpret Q.S. al-Baqarah [2]:232 not as a prohibition against a guardian exercising *ijbar*, but rather as a prohibition against a guardian preventing a valid marriage. This interpretation does not problematize the guardian's presence itself, but rather the abuse of the guardian's authority.

Imam Abu Hanifah, working within the same *bayani* framework, arrives at a diametrically different conclusion. This difference stems from two distinct *bayani* strategies.

First, the Hanafi school applies a restriction of general meaning to the hadiths concerning the guardian. The word *al-mar'ah* in the hadith "a woman must not marry herself off" is not understood universally, but is restricted to a woman who has not yet reached adulthood, based on the *'urf* (custom) approach. Its argument rests on the understanding that a general term can be contextualized through socio-linguistic indicators. Second, the Hanafi school considers the two main hadiths concerning the guardian to be weak (*da'if*) based on chain-of-transmission analysis. The weakness in the transmission through Ibn Shihab al-Zuhri, who in certain cases admitted having no direct knowledge of the matter, is used as grounds for not treating it as binding legal proof. Third, the Hanafi school reads Q.S. al-Baqarah [2]:232 with a broader interpretive approach. They argue that the prohibition in this verse could be directed at the guardian, at the husband and wife, or at Muslims in general. This ambiguity of the legal subject in the verse, according to Hanafi *bayani* reasoning, cannot be used as a sole basis for the guardian's obligation.

Thus, in the *bayani* dimension, the *ikhtilaf* among the madhhabs is in fact a difference in the methodology of reading the text, not merely a difference in selecting different texts. All madhhabs refer to the same texts, but employ different interpretive procedures, thereby producing different legal constructions.

The Hanafi school's most significant contribution in the *burhani* dimension is its use of qiyas (analogy) between the marriage contract and *mu'amalah* (transactional) contracts. Its *burhani* argumentative structure can be reconstructed as the following syllogism: (1) Major Premise: An adult, sound-minded woman possesses full legal capacity to independently carry out *mu'amalah* contracts, without requiring a guardian or representative; (2) Minor Premise: The marriage contract is a form of contract that requires a legal capacity equivalent to that of a *mu'amalah* contract, because both are legal engagements giving rise to rights and obligations; (3) Conclusion: Therefore, an adult, sound-minded woman is entitled to carry out the marriage contract independently, without requiring the consent or involvement of a guardian.

This *burhani* argument carries significant logical force because it rests on the principle of consistency of legal capacity. If an adult woman is recognized as having the capacity to manage assets worth billions, to enter into cross-border business contracts, and to give testimony in legal proceedings, then it would be logically inconsistent to negate that same capacity in matters of her own marriage. This inconsistency, in the Hanafi *burhani* view, constitutes a logical flaw that cannot be sustained.

In addition, the Hanafi school also puts forward a *burhani* argument based on legal cause (*'illat*), namely that the obligation of a guardian in the hadith texts actually has the *'illat* of "legal incapacity," not merely gender. Because this *'illat* applies only to women who have not yet reached adulthood, the ruling based upon it (the obligation of a guardian) lapses when the *'illat* is absent, in accordance with the *ushul fiqh* maxim: al-*hukmu yaduru ma'a 'illatihi wujudan wa 'adaman* (a ruling revolves around its *'illat* in its presence and absence).

The Maliki, Shafi'i, and Hanbali schools do not entirely disregard the *burhani* dimension. They develop different rational arguments, grounded in the principles of *maslahah* (public benefit) and *sadd al-dhari'ah* (blocking the means to harm).

Their *burhani* argument can be reconstructed as follows: sociologically and psychologically, women, particularly in the context of pre-modern society, are vulnerable to emotional manipulation in marriage decision-making. The presence of a guardian functions as a protective mechanism that is rationally beneficial to the woman herself. Without institutional protection through a guardian, the door to corruption within the institution of marriage would be opened wide.

In the interesting perspective of the Maliki school, there is a highly contextual *burhani* dimension. The obligation of a guardian is proportional to a woman's social status. The higher a woman's social status, beauty, or wealth, the stronger the necessity for a guardian's presence, because the greater the potential for exploitation she faces. This is a fairly sophisticated *burhani* reasoning based on risk analysis for the standards of classical law.

The Shafi'i school adds a *burhani* dimension through its reading of the al-Khansa' case. Logically, the Prophet Muhammad annulled al-Khansa's marriage, which had been carried out without her consent, and this is used as a precedent that a woman's consent is a variable that causally affects the validity of marriage. However, what is notable is that al-Shafi'i interpreted this event not as the elimination of the guardian's role, but as a restriction on the abuse of the guardian's authority. A guardian remains necessary, but he may not act without considering the will of the woman under his guardianship.

When examined through the *irfani* lens, the institution of the marriage guardian in fact contains a noble substantive value: protection, compassion, and the collective responsibility of the family in ensuring the welfare of its members. These values are a manifestation of the universal and timeless spirit of Islam. In the *irfani* dimension, the institution of the marriage guardian reflects the awareness that marriage is not solely a private matter between two individuals, but a social event involving a broader network of responsibility.

However, *irfani* also demands intellectual honesty in acknowledging that when a legal instrument originally designed to protect instead functions as a mechanism of subjugation and disregard for a woman's will, then a betrayal of the very spirit of *shari'ah* has occurred. The right of *ijbar* applied arbitrarily, without regard for the woman's consent and welfare, stands in diametrical opposition to the higher objectives of *shari'ah* (*maqasid al-shari'ah*) in preserving life (*hifz al-nafs*) and preserving lineage (*hifz al-nasl*), because forced marriage in fact threatens both of these objectives.

From the *irfani* perspective, the story of al-Khansa' referred to in this article is a highly significant narrative. When the Prophet Muhammad annulled al-Khansa's marriage and affirmed her right to refuse, he was not merely making a legal decision, but was

expressing the most fundamental *irfani* value: that the inner will of a human being, including a woman, is something sacred and cannot be transferred to another party, even to her own parents.

The analysis of the three epistemologies above yields several significant theoretical implications for the discourse on women's rights in Islamic marriage law.

First, no single epistemology is capable of comprehensively addressing the complexity of the issue of the marriage guardian. A strong *bayani* epistemology is needed to ensure the authenticity of Islamic law and to prevent distortion of the revealed text. Burhani epistemology is needed to ensure the coherence and logical consistency of legal construction as well as its relevance to social change. Irfani epistemology is needed to ensure that the resulting legal product truly realizes the values of justice and compassion that form the core of Islamic teaching.

Second, the epistemological differences among the madhhabs identified in this study should foster an attitude of *tasamuh* (tolerance) and intellectual openness in accepting methodological pluralism within Islamic *fiqh*. Differing legal conclusions are not always a sign of error, but may instead reflect the richness of the ijtihad tradition that is responsive to diverse contexts and needs.

Third, at the level of Islamic legal research methodology, this study affirms that the use of al-Jabiri's epistemological framework is not merely academically relevant but also holds high practical value: it enables researchers to precisely identify where and why a particular disagreement occurs, while opening space for a more constructive inter-madhhab dialogue grounded in a deeper understanding of the epistemological roots of each position.

IV. CONCLUSION

Based on an examination of the argumentative structures of madhhab scholars, this study concludes that differing views regarding the position of the marriage guardian are not merely a black and white polarization between the “pro-guardian” and “anti-guardian” camps. The fundamental point of divergence in this *ikhtilaf* in fact lies in a clash of epistemological foundations, particularly concerning the hierarchy of evidence, the method of textual interpretation, and the construction of legal capacity. In *bayani* terms, the majority of scholars (Maliki, Shafi'i, and Hanbali) treat hadith texts literally and universally as the absolute determinant of validity, whereas the Hanafi school restricts general meaning through the *'urf* approach and rigorous scrutiny of chain-of-transmission authenticity. In *burhani* terms, Hanafi reasoning employs the method of qiyas, equating the marriage contract with a financial transaction that grants full sovereignty to an adult, sound-minded woman. In contrast, the majority of scholars construct a reasoning of protection (*sadd al-dhari'ah*) that treats the marriage contract as a sacred covenant guaranteeing family protection. As for the *irfani* dimension, all madhhabs essentially converge on the same moral spirit: honoring women's dignity, even

though the rigid application of the right of *ijbar* in practice contradicts the inner tranquility that constitutes the core objective of *shari'ah*.

The main limitation of this study lies in its focus, which reaches only the classical views of the four mainstream Sunni madhhabs. As a result, the richness of the spectrum of thought within each madhhab particularly how contemporary scholars re-read these classical texts has not been mapped in depth. Furthermore, because this study operates purely within the doctrinal philosophical domain, the tension of these norms when confronted directly with the sociological reality of modern Muslim society has not been tested.

To bridge this academic gap, further research may be directed toward two more concrete recommendations. First, conducting an analysis of religious court rulings in Indonesia to examine how the epistemological reasoning of *bayani*, *burhani*, and *irfani* is negotiated by judges when adjudicating guardianship cases (such as cases of a guardian's refusal/'*adhl*) within the corridor of positive law. Second, conducting a comparative study of family law policies across Muslim-majority countries to examine how a country's choice to adopt a particular madhhab's epistemology affects the overall enforcement of women's rights and autonomy.

V. REFERENCES

[1]. Alhamdani, A. K., Halim, H. A., & Abidin, Z. (2023). *Hukum tentang perkawinan Islam*. Sada Kurnia Pustaka.
[2]. Lubis, S., Harahap, M. Y., & Ependi, R. (2023). *Fiqih munakahat: Hukum pernikahan dalam Islam*. Sonpedia Publishing.
[3]. Munawir. (2025). *Hukum perkawinan dan waris dalam sistem hukum nasional dan syariah di Indonesia*. Serasi Media Teknologi.
[4]. Syahanti, S. H., Arsal, & Rosman, E. (2019). Analisis pemikiran Musdah Mulia tentang wali nikah dan relevansinya terhadap pembaruan hukum keluarga di Indonesia. *Islam Transformatif: Journal of Islamic Studies*, 3(1), 54. https://doi.org/10.30983/it.v3i1.835
[5]. Tohari, C. (2021). Kedudukan wali sebagai syarat sahnya perkawinan dalam hukum Islam: Perspektif historis dan ushul fiqh. *Al-Maslahah: Jurnal Ilmu Syariah*, 17(1), 3–12. https://doi.org/10.24260/al-maslahah.v17i1.1894
[6]. Muhammad, H. (2001). *Fiqh perempuan*. LKiS.
[7]. Perwitiningsih. (2025). Ustadz as marriage guardian for a Muslim convert bride. *Awang Long Law Review*, 7(2), 234–235. https://doi.org/10.56301/awl.v7i2.1505
[8]. Arabiyah, S. (2025). The existence of marriage guardians in Tunisia's Islamic family law. *Interdisciplinary Social Studies*, 4(3), 147. https://doi.org/10.55324/iss.v4i3.825
[9]. Nasution, K. (2024). *Hukum perkawinan I: Dilengkapi perbandingan UU negara Muslim* (pp. 86, 91, 97). IDEA Press.
[10]. Umar, N. (2025). *Ketika fikih membela perempuan: Jalan menuju Islam berkeadilan gender* (p. 100). Gramedia.

[11]. Ashidiqie, M. L. I. I. (2021). Kritik atas peraturan wali nikah dalam KHI dan fikih perspektif gender. *Al-Mazaahib: Jurnal Perbandingan Hukum*, 9(1), 32. https://doi.org/10.14421/al-mazaahib.v9i1.2304
[12]. Siregar, R. S., Syakban, M., & Rosele, M. I. bin. (2023). The role of marriage guardian of the same clan in the traditional marriage of Batak Toba Muslims in Samosir Regency in the perspective of Islamic law. *Al-Manahij: Jurnal Kajian Hukum Islam*, 17(1), 42. https://doi.org/10.24090/mnh.v17i1.6750
[13]. Ilyas, Y. (2015). *Kesetaraan gender dalam Al-Qur'an: Studi pemikiran para mufasir* (p. 154). ITQAN Publishing.
[14]. Sumadi. (2018). Ideologi bias gender dalam lembaran fikih populer di Indonesia. *Al-Afkar: Journal for Islamic Studies*, 1(1), 2. https://doi.org/10.31943/afkar_journal.v1i1.1
[15]. Faizah, N. (2018). Konsep qiwamah dalam yurisprudensi Islam perspektif keadilan gender. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 11(1), 13. https://doi.org/10.14421/ahwal.2018.11102
[16]. Saputra, G. R. (2024). The position of the marriage guardian from Imam Abu Hanifah's perspective: Normative study and legal implications. *Jurnal Ilmiah Ahwal Syakhshiyyah (JAS)*, 6(1), 108. https://doi.org/10.33474/jas.v6i1.21572
[17]. Nabil, M. (2020). Hak ijbâr wali nikah dalam perspektif hukum perkawinan Indonesia dan kesetaraan gender. *Iklila: Jurnal Studi Islam dan Sosial*, 3(2), 69–75.
[18]. Wardiono, K. (2026). *Metodologi ilmu hukum noetik* (p. 10). Muhammadiyah University Press.
[19]. Nadziroh, U., Isnaeni, A., & Hendro, B. (2024). Wali nikah anak perempuan tanpa ayah (Analisis pendekatan teori double movement). *At-Taisir: Journal of Indonesian Tafsir Studies*, 5(1), 74. https://doi.org/10.51875/attaisir.v5i01.322
[20]. Nasution, A. S. (2020). Aspek-aspek teologis dan filosofis tentang wali dan saksi perkawinan. *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 1(2), 56. https://doi.org/10.24042/el-izdiwaj.v1i2.8432
[21]. Inayatillah, R. (2024). Status keabsahan wali nikah menurut hukum Islam. *Acta Diurnal: Jurnal Ilmu Hukum Kenotariatan*, 8(1), 84. https://doi.org/10.23920/acta.v8i1.2159
[22]. al-Bukhari, I. al-H. A. M. bin I. (1998). *Sahih al-Bukhari*. Bait al-Afkar al-Dauliyyah Linnasyr.
[23]. al-Jaza'iri, A. (n.d.). *Al-Fiqh 'ala madzahib al-arba'ah* (Vol. 4, pp. 28, 48–49). Dar al-Fikr.
[24]. al-Qazwini, I. M. A. A. M. bin Y. (1952). *Sunan Ibn Majah*. Dar al-Kutub al-Ilmiyyah.
[25]. Mughniyah, M. J. (2004). *Fiqh lima madzhab* (p. 309). Lentera.
[26]. Rusyd, I. (n.d.). *Bidayah al-mujtahid wa nihayah al-muqtashid* (Vol. 2, p. 9). Dar al-Fikr.
[27]. al-Turmudzi, A. I. ibn I. ibn S. (1983). *Sunan al-Turmudzi*. Maktab al-Islami.
[28]. al-Dimsyiqi, M. (n.d.). *Kifayatu al-akhyar fi halli gayat al-ikhtisyar* (Vol. 2, p. 48). Dar al-Fikr.

[29]. al-Shan'ani, A. (n.d.). *Subul al-salam* (Vol. 3, pp. 120–121). Maktabah Dahlan.
[30]. al-Mutthalibi, A. A. A. M. bin I. A.-Q. al-Q. (2004). *Al-Umm* (pp. 98, 882). Bait Al-Afkar Ad-Dawliyah.
[31]. Sya'adah, F., Munir, & Ismail. (2025). Epistemologi integratif bayani-burhani-irfani: Kerangka holistik kontemporer. *Pendas: Jurnal Ilmiah Pendidikan Dasar*, 10(4), 372. https://doi.org/10.23969/jp.v10i04.38060
[32]. Hasyim, M. (2018). Epistemologi Islam (bayani, burhani, irfani). *Jurnal Al-Murabbi*, 3(2), 221–226. https://doi.org/10.35891/amb.v3i2.1094
[33]. al-Jabiri, M. A. (1991). *Bunyah al-'aql al-'Arabi* (p. 23). Al-Markaz al-Tsaqafi al-Arabi.
[34]. Khalaf, A. W. (1996). *Ilm ushul fiqh* (p. 22). Gema Risalah Press.
[35]. Erdiyani, F., Syarif, Z., Inayati, M., & Fitriyah, E. (2025). Integrasi epistemologi (bayani, burhani, dan irfani) dalam pendidikan Islam kontemporer. *Kartika: Jurnal Studi Keislaman*, 5(3), 2189. https://doi.org/10.59240/kjsk.v5i3.234
[36]. Tobroni, T., & Firmansyah, E. (2022). Tipologi manajemen tradisional dan modern dalam perkembangan pendidikan pesantren. *Research and Development Journal of Education*, *8*(1), 333-338.
[37]. Firmansyah, E. (2023). Various Paradigms in Islamic Educational Thought: Fundamentalism, Modernism, and Liberalism. *International Journal of Health, Economics, and Social Sciences (IJHESS)*, *5*(2), 139-145.
[38]. Tobroni, T., Firmansyah, E., Rajindra, R., & Fadli, N. (2023). Spirituality as a paradigm of peace education. *Multicultural Islamic Education Review*, 23-32.
[39]. Bakar, M. Y. A., Firmansyah, E., & Abdeljelil, M. B. (2024). Legal framework analysis of Islamic religious education policy implementation. *International Journal of Law and Society*, *3*(3), 217-237.
[40]. Firmansyah, E., Anwar, S., & Khozin, K. (2023). Anthropological Approach to Islamic Education: Establishing Noble Spirituality in Overcoming Social Conflict. *Al-Hayat: Journal of Islamic Education*, *7*(1), 163-172.
[41]. Firmansyah, E., Tobroni, T., & Rusady, A. T. (2023). Internalisasi Ajaran Islam Dalam Aktivitas Budaya Etnik Kaili Prespektif Antropologi Pendidikan Islam. *Research and Development Journal of Education*, *9*(1), 285-299.
[42]. Firmansyah, E., Tobroni, T., & Romelah, R. (2023). Anthropology of Islamic Education as A Socio-Cultural-Religious Modernization Strategy in Alam Al-Kudus Islamic Boarding School. *Edukasi Islami: Jurnal Pendidikan Islam*, *12*(03).
[43]. Firmansyah, E., Khozin, K., & Masdul, M. R. (2022). Implementasi Piaud Terhadap Anak–Anak Suku Kaili Pedalaman Di Desa Kalora Kabupaten Sigi. *Research and Development Journal of Education*, *8*(1), 386-390.
[44]. Faridi, F., & Firmansyah, E. (2024). Kelembagaan pendidikan Islam di Nusantara: Surau, meunasah, masjid, pesantren, madrasah. *Iqra: Jurnal Ilmu Kependidikan Dan Keislaman*, *19*(1), 93-97.
[45]. Firmansyah, E., & Khozin, K. (2022). Teologi dan filsafat sebagai basis Pengembangan Kurikulum pendidikan agama Islam. *Research and Development Journal of Education*, *8*(2), 546-550.

[46]. Tobroni, T., Firmansyah, E., Masdul, M. R., & Anwar, S. (2024). Strengthening Islamic Education Values through Kaili Da'a Local Ethnic Cultural Symbol. *Al-Hayat: Journal of Islamic Education*, *8*(1), 113-122.
[47]. Firmansyah, E., Sumantri, P. A. H., Mutmainna, N., & Azizah, N. (2025). Implementasi Ta'awun dan Ukhuwah Wathaniyah melalui Tradisi Gotong Royong di Desa Pombewe. *Iqra: Jurnal Ilmu Kependidikan Dan Keislaman*, *20*(1), 14-25.
[48]. Firmansyah, E., & Humaidi, M. N. (2022). Penerapan Media Pembelajaran Berbasis Teknologi dalam Menghadapi Turbulensi Pendidikan yang Berkemajuan. *Research and Development Journal of Education*, *8*(2), 660-665.
[49]. Firmansyah, E., & Idris, A. (2024). Moderation as a Solution to Religious Harmony in Poso Central Sulawesi. *International Journal of Law and Society*, *3*(1), 1-9.
[50]. Syah, E. F., Khozin, K., & Haris, A. (2023). Merenda The History of Sheik Sya'ban in The Framework of Banggai Ethnic Islamic Educational Anthropology 8th Century Ad. *Edukasi Islami: Jurnal Pendidikan Islam*, *12*(03).
[51]. Firmansyah, E., Arifin, S., & Humaidi, M. N. (2023). Kebijakan Pendidikan Agama Islam di Sekolah Umum Zaman Jepang. *JIIP-Jurnal Ilmiah Ilmu Pendidikan*, *6*(12), 10446-10453.
[52]. Khozin, K., & Firmansyah, E. (2024). Development of a holistic spiritual education model in higher college: A multidisciplinary perspective. *International Journal of Health, Economics, and Social Sciences (IJHESS)*, *6*(3), 591-594.
[53]. Nurhakim, M., Tobroni, T., Hasan, I., & Firmansyah, E. (2023). TRANSFORMASI PEMIKIRAN JAMAAH SALAFI DALAM MERESPON TUNTUTAN PEMBAHARUAN KURIKULUM PENDIDIKAN AGAMA ISLAM: Paham. keagamaan, transformasi. pemikiran, pimpinan pesantren. Salafi. *TAJDID: Jurnal Pemikiran Keislaman Dan Kemanusiaan*, *7*(2), 195-205.
[54]. Firmansyah, E., & Romelah, R. (2022). Implementasi Pembelajaran Pai Dengan Metode Discovery Learning Dalam Upaya Melatih Kemandirian Siswa (Studi Kasus: Sd Alam Ar-Rohmah Kec. Dau, Kab. Malang). *Research and Development Journal of Education*, *8*(1), 322-326.
[55]. Firmansyah, E., & Romelah, R. (2022). Tanggapan Guru Terhadap Perannya Dalam Melaksanakan Pembelajaran Di Sdit Al-Qolam Kecamatan Marawola Kabupaten Sigi. *Research and Development Journal of Education*, *8*(1), 345-353.
[56]. Yazid, S., & Firmansyah, E. (2022). Analisis problematika dan solusi atas motivasi belajar peserta didik dalam pendidikan Islam. *Research and Development Journal of Education*, *8*(1), 339-344.
[57]. Nasution, M. F. R., & Firmansyah, E. (2026). Kemampuan Literasi Digital Siswa Madrasah Tsanawiyah Madinatussalam pada Materi Bahasa Indonesia. *Jurnal Pendidikan dan Pembelajaran Indonesia (JPPI)*, *6*(1), 206-216.
[58]. Setiyawan, R., Hamsiah, W., Wahyuni, H. I., Ramadhan, S., & Firmansyah, E. (2026). Local Kyai's Religious Elite Transformation and Governance Paradox: A Comparative Study of Indonesia and Iran. *International Journal of Law and Society*, *5*(2), 290-306.

[59]. Syamsuddin, S. D., & Firmansyah, E. (2025). Developing Khuluqin'Adzim Through Tarbiyah Yaumiyah Program. *Al-Hayat: Journal of Islamic Education*, *9*(4), 766-781.
[60]. Firmansyah, E., Ummah, M., & Tsaqiif, N. (2025). REPRESENTASI IDENTITAS BUDAYA LOKAL DALAM DESAIN KEMASAN PRODUK UMKM. *Chester: Art and Design Journal*, *1*(1), 1-13.
[61]. Septian, C., Firmansyah, E., Rakhmat, R. S., & Kariadinata, R. (2025). The use of desmos-assisted creative problem-solving learning in improving critical thinking skills. *Pasundan Journal of Mathematics Education: Jurnal Pendidikan Matematika*, *15*(1), 58-70.
[62]. Wulansari, T., Rani, R., Wahidin, D., & Firmansyah, E. (2023). Refleksi pragmatisme terhadap motivasi belajar matematika siswa dalam logika dan cinta di drama korea. *Jurnal Pendidikan Dan Kewirausahaan*, *12*(1), 240-255.
[63]. Firmansyah, E., Tobroni, T., Lasawali, A. A., & Marhum, A. M. A. (2022). MERANGKAI PERKEMBANGAN LEMBAGA PENDIDIKAN PESANTREN DAN USAHANYA DALAM MELAHIRKAN TOKOH-TOKOH TERBAIK BANGSA. *Research and Development Journal of Education*, *8*(2), 702-706.
[64]. Firmansyah, E., & Wardati, N. A. (2022). Implementasi Pendidikan Muhammadiyah di Sekolah Dasar Muhammadiyah 6 Kota Batu. *Iqra: Jurnal Ilmu Kependidikan dan Keislaman*, *17*(2), 75-80.
[65]. Firmansyah, E., & Nurhakim, N. (2022). Strategies for Instilling Muhammadiyah Values within the Faculty of Islamic Religion, University of Muhammadiyah Palu. *International Journal of Health, Economics, and Social Sciences (IJHESS)*, *4*(2), 91-98.
[66]. Kurniawan, A. N. A. A., Al Hallaj, K. S. A., Firmansyah, E., Batubara, D. P., & Malihah, G. R. (2026). Extradition of Cross-Border Cybercrime Perpetrators: A Comparative Study of Indonesia and Singapore. *H-Veritas: Law and Society Research Journal*, *1*(01).
[67]. Al Hallaj, K. S. A., Batubara, D. P., Kurniawan, A. N. A. A., Firmansyah, E., & Arectya, E. A. M. (2026). A Juridical Review of the Implementation of Marital Property (Harta Bersama) in Interfaith Marriages in Indonesia. *H-Veritas: Law and Society Research Journal*, *1*(01).
[68]. Safira, P. R., Al Hallaj, K. S. A., Firmansyah, E., & Putra, A. S. E. (2026). Environmental Ethics Based on Akhlaq Tasawwuf: The Perspective of Majelis Tarjih dan Tajdid Muhammadiyah. *H-Luminia: Education, Psychology and Social Behavior Research Journal*, *1*(01).
[69]. Elmirna, N., Sahara, L., & Firmansyah, E. (2026). MANAJEMEN SUPERVISI AKADEMIK KEPALA SEKOLAH SEBAGAI UPAYA PENINGKATAN KOMPETENSI PEDAGOGIK GURU SMA NEGERI 02 BOMBANA. *Research And Development Journal Of Education (RDJE)*, *12*(01), 098-110.
[70]. Firmansyah, E., & Wardati, N. A. (2022). Implementation of Islamic Morning Stories in Implementing Student's Religious Character in SD Alam Ar-Rohmah. *International Journal of Health, Economics, and Social Sciences (IJHESS)*, *4*(3), 180-186.

[71]. Firmansyah, E., & Lasawali, A. A. (2022). Kiat-kiat yang dilakukan Fakultas Agama Islam Universitas Muhammadiyah Palu dalam Menciptakan Lulusan Berkualitas dan Berkemajuan. *Iqra: Jurnal Ilmu Kependidikan dan Keislaman*, *17*(1), 26-31.
[72]. Wijoyo, M. B., Al Hallaj, K. S. A., Firmansyah, E., Setiyawan, M. I., & Huda, M. T. (2026). Analysis of the Concept of Khidmat and Community Welfare in Abu Ubaid's Economic Thought: Its Relevance to Modern Fiscal Policy. *Journal of Economics, Business and Banking*, *1*(01).
[73]. Firmansyah, E., & Khalil, A. I. M. (2026). Epistemic Reclamation of Indigenous Local Wisdom as a Counter-Narrative to Anthropocentrism in Planetary Crisis Governance. *International Journal of Education and Cultural Transformation*, *1*(01).
[74]. Raditya, B., Arectya, E. A. M., Al Hallaj, K. S. A., Firmansyah, E., & Muhandis, U. K. (2026). DEEPFAKE IN THE PERSPECTIVE OF HYBRID THREATS TO INDONESIA'S NATIONAL RESILIENCE. *H-Veritas: Law and Society Research Journal*, *1*(01).
[75]. Firmansyah, E., & Ikwan, A. (2026). Inclusive Education as a Catalyst for Social Transformation: A Systematic Literature Review. *SUNDANO: International Journal of Education, Society and Cultural Transformation*, *1*(01).
[76]. Anam, K., Firmansyah, E., & Al Hallaj, K. S. A. (2026). Cultural Transformation as an Instrument of Global Geopolitical Hegemony in the Era of Great Power Contestation. *SUNDANO: International Journal of Education, Society and Cultural Transformation*, *1*(01).
[77]. Firmansyah, E. (2026). Determinants of Social Inclusion from a Gender Perspective Among Vulnerable Populations. *SUNDANO: International Journal of Education, Society and Cultural Transformation*, *1*(01).
[78]. Nusantara, H. D., Setiyawan, M. I., Firmansyah, E., Al Hallaj, K. S. A., & Wijoyo, M. B. (2026). Analysis of Potential and Legal Risks of Sharia Paylater in the Perspective of Contemporary Fiqh Muamalah. *H-Econexus: Economics, Business and Banking Research Journal*, *1*(01).
[79]. Al Hallaj, K. S. A., Setiyawan, M. I., Firmansyah, E., Arectya, E. A. M., & Nusantara, H. D. (2026). Economic Valuation of Mangrove Ecosystems as a Climate Change Mitigation Effort on the Surabaya Coast. *H-Econexus: Economics, Business and Banking Research Journal*, *1*(01).
[80]. Arectya, E. A. M., Al Hallaj, K. S. A., Firmansyah, E., Haiba, A. T., & Muhandis, U. K. (2026). Digital Economic Transformation and Its Implications for Economic Growth in Indonesia. *H-Econexus: Economics, Business and Banking Research Journal*, *1*(01).
[81]. Setiyawan, M. I., Al Hallaj, K. S. A., Firmansyah, E., Arectya, E. A. M., & Nusantara, H. D. (2026). Management Policy of Zakat, Infaq, and Sedekah (ZIS) as an Instrument for Extreme Poverty Alleviation: A Maqashid Shariah Perspective. *H-Econexus: Economics, Business and Banking Research Journal*, *1*(01).
[82]. Albirra, A. M., Firmansyah, E., Kenneth, K. S. A. A. H., Batubara, D. P., & Kurniawan, A. N. A. A. (2026). The Right to Freedom of Expression on Social Media in the Perspective of Hifz al-Aql (Preservation of Reason) and Positive Law. *H-Veritas: Law and Society Research Journal*, *1*(01).

[83]. Huda, M. T., Al Hallaj, K. S. A., Batubara, D. P., Arectya, E. A. M., & Firmansyah, E. (2026). State Responsibility in Protecting Indonesian Citizens as Migrant Workers Abroad. *H-Veritas: Law and Society Research Journal*, *1*(01).
[84]. Setiawati, S. Y., Al Hallaj, K. S. A., Firmansyah, E., Safira, P. R., & Junaidi, M. (2026). The Influence of Parenting Styles on Reading Interest of Elementary School Students. *H-Luminia: Education, Psychology and Social Behavior Research Journal*, *1*(01).
[85]. Al Hafidz, N. F. I., Al Hallaj, K. S. A., Safira, P. R., Firmansyah, E., & Putra, A. S. E. (2026). The Role of Teacher-Student Relationships in Minimizing Cyberbullying Behavior in the School Environment. *H-Luminia: Education, Psychology and Social Behavior Research Journal*, *1*(01).
[86]. Yazar, F., Farhan, F. A., Faqih, A., & Firmansyah, E. (2026). THE ROLE OF SOCIAL MEDIA IN SHAPING GENDER IDENTITY AMONG GENERATION Z. *H-Luminia: Education, Psychology and Social Behavior Research Journal*, *1*(01).
[87]. Nusantara, H. D., Wijoyo, M. B., Al Hallaj, K. S. A., Firmansyah, E., & Jati, A. P. (2026). The Impact of Artificial Intelligence (AI) Utilization as a Learning Assistant on Student Learning Independence at Universitas Islam Negeri Sunan Ampel Surabaya. *H-Luminia: Education, Psychology and Social Behavior Research Journal*, *1*(01).
[88]. Al Hallaj, K. S. A., Firmansyah, E., Arectya, E. A. M., Zakariah, I., & Junaidi, M. (2026). The Concept of Social Ihsan in the Thought of KH Ahmad Dahlan: A Reactualization of Practical Sufism (Tasawuf Amali) in the Modern Era. *H-Luminia: Education, Psychology and Social Behavior Research Journal*, *1*(01).
[89]. Wijoyo, M. B., Firmansyah, E., Al Hallaj, K. S. A., Zakariah, I., & Junaidi, M. (2026). The Impact of Academic Stress Levels and Grit (Perseverance) on Burnout Behavior Among Final Year Students Writing Their Theses at Universitas Islam Negeri Sunan Ampel Surabaya. *H-Luminia: Education, Psychology and Social Behavior Research Journal*, *1*(01).
[90]. Jati, A. P., Al Hallaj, K. S. A., Firmansyah, E., Arectya, E. A. M., & Nusantara, H. D. (2026). Noble Character Formation Through Transformative Spirituality Habituation Among Cadres of Ikatan Mahasiswa Muhammadiyah (IMM) Universitas Islam Negeri Sunan Ampel Surabaya (UINSA). *H-Luminia: Education, Psychology and Social Behavior Research Journal*, *1*(01).
[91]. Firmansyah, E. (2026). The Constitutional Court in Guaranteeing Citizenship Rights in Indonesia. *Journal of Law and Society Review (JLSR)*, *1*(1), 12-21.