

Ushul Fiqh, Qaidah Fiqhiyyah, and Islamic Jurisprudence: A Review

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This study aims to determine previous research trends on fiqh principles, assess the relationship of research collaboration, and identify future research directions. It uses 101 articles published between 20014-2022 about principle fiqh in Dimensions. Using a qualitative and quantitative approach, the Bibliometric method and Systematic Literature Review (SLR). This study uses VosViewers software to process the data that has been collected with the result that can be analyzed. It is known that five sub-themes dominate the research related to fiqh principles: the position of fiqh rules in Islamic law, the implementation of the application of fiqh rules to DSN-MUI fatwas the impact and important role of fiqh rules on muamalah. discusses how to use the rules of fiqh in *muamalah*, an overview and classification of fiqh rules, and the relationship between fiqh rules and ushul fiqh and ushul rules. This study can be used as a reference in identifying influential authors, articles, journals, and countries so researchers will find it easier to find references that have a significant impact on the development of the fiqh rule literature. This result can also imply the regulator to re-evaluate regarding improving the quality and quantity of the application of fiqh principles to the fatwas produced. Expected that researchers, practitioners and regulators will walk side by side to improve implementation and literature about fiqh rules for the future.

Keywords: Fiqh Principles; Fatwa; Bibliometric

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INTRODUCTION

By studying qawaid fiqhiyyah, we can explore the science of fiqh and will gain the convenience of knowing contemporary laws, especially economic issues, many of which do not have nash sharīh (definite propositions) in the Qur'an or Hadith based on actual problems that are close together or similar. Likewise to make it easier to master the problems of furu'iyyah (branches) which continue to grow and are countless (Hilal, 2011).

The first fiqh rule literature in the Dimensions database was published in 2014, which discusses the fiqh rules found in the book *Idat Al-Buruuq wa Furuuqihaa* by Imam Al-Wansharisi. From 2014 to 2017, publications on fiqh principles were still relatively minimal, with the number of publications being only one to five times a year. To date, 3,277 Dimensions indexed documents on fiqh principles and 7,370 documents have been found on Google Scholar.

The large number of publications on fiqh principles requires literature mapping. Bibliometric mapping will benefit the scientific community and the general public on the grounds that it helps transform metadata publications into maps or visualizations (Tanudjaja & Kow, 2018). This study presented bibliometric results, used analysis of literature studies using Systematic Literature Review (SLR). SLR is a systematic method for evaluating relevant research. SLRs provide a broader and more accurate level of understanding than traditional literature reviews (Delgado rodríguez et al., 2018). Literature review is traditionally a study method where the method of gathering facts and synthesis techniques does not follow standard methods such as SLR (Siswanto, 2010). There are several previous studies that have used literature studies to determine research developments. However, there have not been any previous studies using bibliometric and SLR analysis for the field of fiqh principles.

The researcher wants to identify the main areas and current dynamics of fiqh rules and suggest future research directions. Therefore, the researcher has the following three research questions (RQ) which are addressed in this study: RQ1: What are the current trends in fiqh publications (year, author, article, journal, and country)? RQ2: What are the common research themes flowing among researchers in this field? RQ3: What is the intellectual structure of the current research and the future direction of fiqh research?

To answer the above problems, researchers used a combination of bibliometrics and SLR. This research is

divided into five parts. Section 2 presents the methodology used and descriptive analysis. Section 3 contains a bibliometric analysis and content analysis, followed by a keyword analysis. Section 4 contains discussion and directions for future research, followed by a final section which concludes this research.

METHOD

This research is a mixed method or better known as a mixed method. Mixed research is research in which researchers mix or combine quantitative research approaches and qualitative research approaches in one research study. First, perform a bibliometric analysis. White in McCain (1989) is a well-accepted bibliometrics is a quantitative study of the literature presented in the bibliography. The second analysis of systematic literature reflection (SLR), it is research based qualitative.

This study uses secondary data. The source of the data in this study was obtained from the publication of reputable articles on the theme of fiqh rules from the Dimensions database from 2014 to 2022 obtained from the official website. The data used are articles with the keywords "Rules of fiqh" OR "Rules of Jurisprudence" in the Dimensions database. Dimensions is a trusted online database containing a collection of scientific publications and detailed bibliographies. The Dimensions database includes several thousand publications from thousands of publishers. Accessed on 10 December 2022, researchers found 3,277 documents related to fiqh principles from 2013 to 2022. In the SLR analysis, the following inclusion and exclusion criteria were used:

- Research is limited to article categories.
- Research is limited to the existence of the sentence "fiqh rules" contained in the title and abstract only.
- Journals are sorted based on the highest number of citations.
- The selection of articles related to fiqh rules is limited from 2014-2022 because Dimensions can only display journals in that time period.

Based on screening with the above criteria, 101 articles were found as the object of this study. This study adopted SLR and bibliometric analysis techniques from previous studies conducted by Kumar et al. (2019). However, in processing research data using HistCite and BibExcel software. As for this research, the software used VOS Viewer. Then for qualitative analysis (SLR) using content analysis.

Due to the existence of screening criteria for SLRs, it begins by following the steps of research using SLRs

in previous studies. In general, there are four steps proposed by Denyer and Tranfield (2009). These four steps are called by the acronym SALSA (Search, Appraisal, Synthesis, Analysis). However, this step only applies to SLR analysis, while bibliometric analysis uses the step technique carried out by Det Udomsap and Hallinger (2020) using PRISMA (Preferred Reporting Items for Systematic Review and Meta-Analyses). Therefore, this study used a combination of bibliometric analysis and PRISMA. Bibliometric studies on the topic of Islamic economics and finance have been carried out by several researchers, for example As-Salafiyah et al., (2021), Rusyadiana & Al-Parisi (2016), and Antonio et al., (2021).

RESULTS AND DISCUSSION

A descriptive analysis of 101 articles was conducted to find out the basic trend of ongoing publications on this topic. To answer this first research question (RQ1), researchers analyzed publication trends, as seen from the

total number of publications by year, author, article, journal, and country.

Research Activities

The year-wise trend of publication

Figure 1 shows publication trends by year. In general, this trend shows an increase in the number of articles published per year. In the database was found in Dimensions, publications on fiqh rules only appeared in 2014. However, from 2014 to 2017 the number of publications on fiqh rules was relatively small. Only 1 - 5 journals are published each year. In 2018, fiqh rules publications increased to 15 publications in one year. Even though there was a decline in 2019, in the end the trend rose again to 21 publications in 2020 and 27 publications in 2021. It is estimated that the number of publications in 2022 will again decrease to 17.

The results of the analysis show that there is a growth trend in the number of publications of fiqh rules. 2021 is the year with the highest number of publications with 27 publications. This means that in 2020-2021 the publication of fiqh rules received more attention.

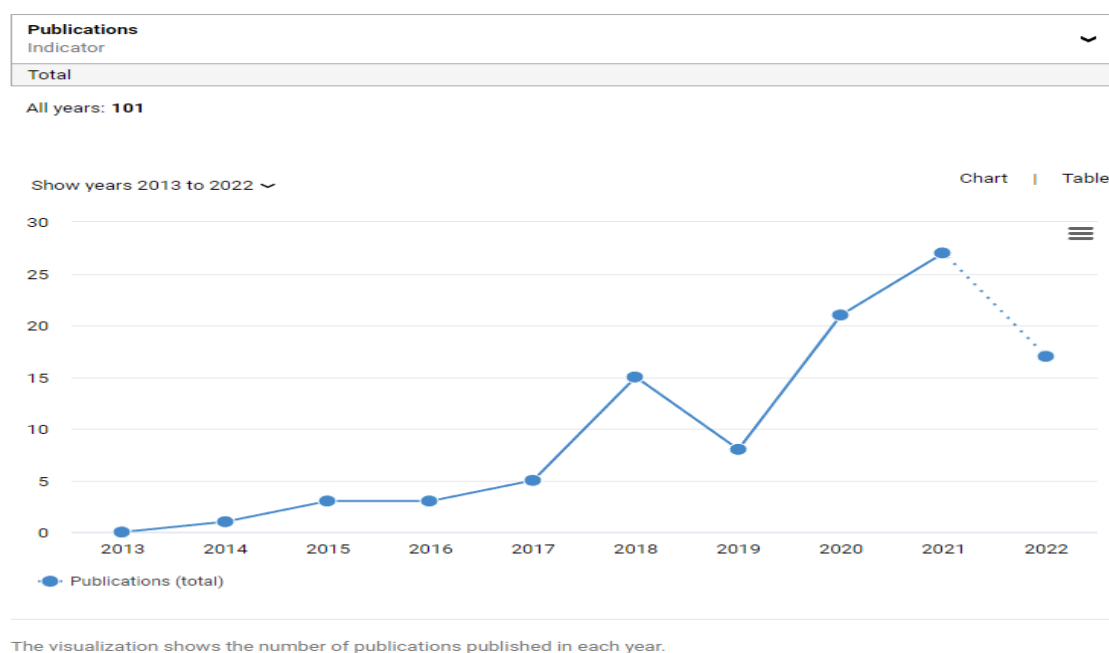


Figure 1: Annual number of articles published on fiqh rules

The most prolific writer is Rachmad Risqy Kurniawan. With a total publication of 3 articles related

to fiqh rules. However, the data shows that not a single article has been cited.

Table 1: The most productive authors

No	Authors	Institution	TP	TC
1	Rachmad Risky Kurniawan	SEBI Islamic Economics College, Indonesia	3	0
2	Kasman Bakry	Alaluddin Islamic State University, Indonesia	2	0
3	Bambang Husni Nugroho	Unknown, Indonesia	2	0
4	Sandi Rizki Febriadi Sanusi	Bandung Islamic University, Indonesia	2	0
5	Amrullah Hayatudin	Bandung Islamic University, Indonesia	1	1

Notes: TP=total number of publications, TC=total citations

Table 2 reveals the 6 most cited articles. An article about the issuance of an MUI fatwa related to Muslim community worship during the COVID-19 Pandemic by Muhamad Agus Mushodiq & Ali Imron in 2020 received the highest number of citations so far, namely

7 out of a total of 15 citations found in the keywords 'fiqh rules'. In general, the most cited articles discuss fatwa and shari'ah laws such as fiqh and ushul fiqh principles.

Table 2: The most productive article

No	Author	Title	Year	Cites
1	Muhamad Agus Mushodiq, Ali Imron	Peran Majelis Ulama Indonesia Dalam Mitigasi Pandemi Covid-19 (Tinjauan Tindakan Sosial dan Dominasi Kekuasaan Max Weber)	2020	7
2	Mahmud Arif	ISLAM, KEARIFAN LOKAL, DAN KONTEKSTUALISASI PENDIDIKAN: Kelenturan, Signifikansi, Dan Implikasi Edukatifnya	2015	4
3	Nurhayati Nurhayati	Memahami Konsep Syariah, Fikih, Hukum Dan Ushul Fikih	2018	1
4	Shubhan Shodiq	Penanganan Covid-19 Dalam Pendekatan Kaidah Fikih Dan Ushul Fikih (Analisis Kebijakan Pembatasan Sosial Berskala Besar Dibidang Keagamaan)	2020	1
5	Iiz Izmuddin	Fatwa Methodology Of National Sharia Board Of Indonesian Ulama Council In Islamic Economics	2018	1
6	Encep Abdul Rojak, Amrullah Hayatudin, Muhammad Yunus	Koreksi Ketinggian Tempat Terhadap Fikih Waktu Salat: Analisis Jadwal Waktu Sholat Kota Bandung	2017	1

A sample of 101 articles spread across 76 journals. Table 3 shows that the journal OSF Preprints published the most number of articles, amounting to 4. Meanwhile,

table 3 shows that SALAM Journal of Social and Cultural Affairs Syar'I has the highest citations, totaling 7 citations.

Table 3: Top contributing journal

No	Journal	TP	TC
1	OSF Preprints	4	0
2	El-Usrah Jurnal Hukum Keluarga	3	0
3	Bustanul Fuqaha	2	0
4	Al Tahrir Jurnal Pemikiran Islam	2	4
5	Justicia Islamica	2	0
6	Jurnal Hukum Ekonomi Syari'ah	2	1
7	SALAM Jurnal Sosial dan Budaya Syar'i	1	7

On the country contribution, of the 101 articles used as a sample, there are 4 countries that have contributed to writing literature related to fiqh principles. Indonesia ranks first with a total of 42 publications related to fiqh principles. From this it can

be said that Indonesia is quite serious in discussing and developing this material. Then Malaysia, Turkey, and India are in the next sequence where each country has published 1 article on fiqh rules.

Intellectual Structure of Current Research and The Future Research Directions

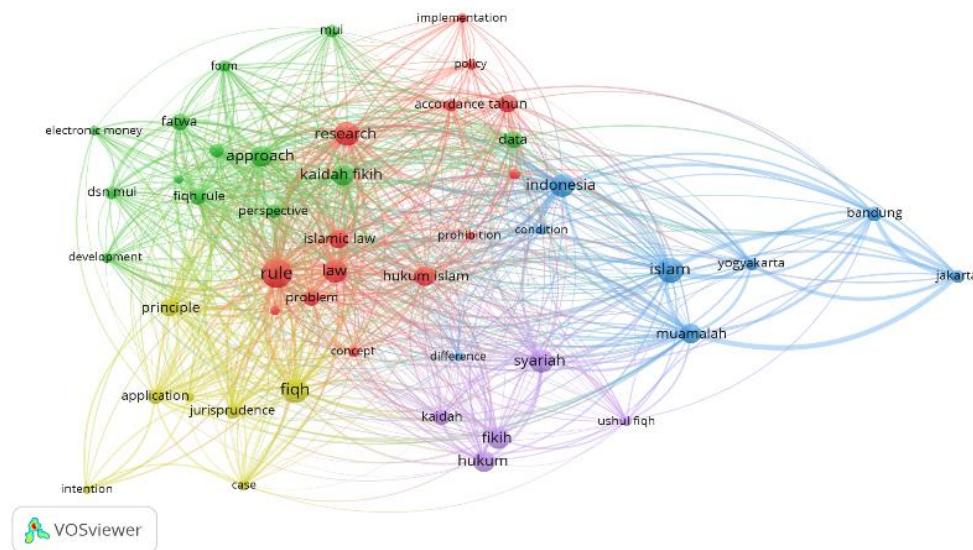


Figure 2: Visualization Network Analysis Co-occurrences

Table 4: Keywords in Vosviewer

No	Clusters	Word extraction	Sub-themes
1	Red (14 Items)	Accordance, Concept, Hukum Islam, Implementation, Islamic Law, Law, Policy, Problem, Prohibition, Reason, Research, Rule, Sharia, Tahun	Islamic Law
2	Green (13 Items)	Approach, Benefit, Data, Development, DSN MUI, Electronic Money, Fatwa, Fiqh Principle, Fiqh Rule, Form, Kaidah Fikih, MUI, Perspective.	Fatwa DSN MUI
3	Blue (8 Items)	Bandung, Condition, Difference, Indonesia, Islam, Jakarta, Muamalah, Yogyakarta	Muamalah
4	Yellow (7 Items)	Principle, Application, case, Fiqh, Intention, Jurisprudence, Position, Principle.	Principle of Islamic Jurisprudence
5	Purple (5 items)	Fikih, Hukum, Kaidah, Syariah, Ushul Fiqh.	Ushul Fiqh and Kaidah Ushul

In co-occurrence analysis, VOSviewer groups keywords according to similar themes (shown in different cluster colors). The results are grouped into five clusters from **47 items**. A cluster is a collection of nodes that are tightly bound. Each node has a different color according to its cluster grouping. The SLR method used in this research is a content analyst. Bibliometric research results that have been visualized in several clusters are sample data in content analysis.

Cluster 1 : Islamic Law

The rules of fiqh have an important role as strengthening the legitimacy of the implementation of Islamic economics, exploring and formulating legal provisions and facilitating the understanding of Islamic law (Hanneman, 2009; Ridwan, 2021; Syifa et al., 2022). The rules of fiqh make it easy for Islamic law practitioners to formulate laws on mustajaddat (updated) issues that are developing both now and in the future because of the efficiency they offer and make fiqh

science more orderly so that it makes it easier for someone to identify a large number of fiqh. In addition, the expertise of a jurist who formulates Islamic law is closely related to mastery of fiqhiyyah rules (Ahmad, 2018).

Ulama make al-qawaid al-fiqhiyyah as a source of law that is at the same level as istisnā', istislah and other. In the Shafi'i school, there is no khilafiyah in the argumentation of al-Qawaid al-Fiqhiyyah with the following provisions: first, if the rule is universal (aghlabiyyah) then no agreement may be used as a source of law, because there are many, such as conflict rules "at-Taabi'u taabi'un." Second, if the fiqh rules are general in nature (kulli) then they can be used as a source of law as in texts, ijma and qiyasm such as fiqh rules regarding mua'amalah origin law (Ulfa, 2019).

Therefore from cluster 1 it can be concluded that al-Qawaid al-Fiqhiyyah can be used as proof of Islamic law and its existence is very significant in fiqh, especially in the Shafi'i school of thought.

Cluster 2 : Fatwa DSN MUI

Cluster 2 discusses how to use fiqh rules in DSN MUI fatwas. The DSN-MUI fatwa decision-making process considers many factors, both technical and non-technical. Technical factors such as issued fatwas do not conflict with the limitations made in fiqh or ushulfiqh rules so that they do not conflict with sharia in general, but on the other hand fatwas must also consider non-technical matters, for example how fatwas are issued for the interests and aspirations of the people. This is a consideration for the DSN-MUI in establishing fatwas which sometimes tend to be mutasyaddid and mustasâhil, so a middle way is taken (mutawassith)(Husna, 2019; Izmuddin, 2018). The middle path taken by the DSN-MUI on a regular basis seems to be more inclined to approach textual schools by quoting verses from the Koran, hadith, the opinions of the clergy and the principles of fiqh and ushul fiqh. However, on the other hand, when viewed from the product of the fatwa, it tends to be more towards modernist schools which are characterized by the laxness of the arguments being debated because the arguments cited in the fatwa, such as fiqh principles, for example, are not on target with the issues discussed so that one argument can be used as the basis for fatwa arguments for various problems and in the end the Fatwa ended with the permissibility of making transactions which at first the general provisions seemed to prohibit these transactions. This was done by the DSN MUI to answer economic problems that were growing so rapidly and to provide opportunities for

Islamic financial institutions to be able to compete with conventional financial institutions, so that the Islamic economy would not experience stagnation and underdevelopment in competing with conventional economics (Izmuddin, 2018).

Study of (Mustofa, 2019) concluded that DSN-MUI fatwas containing Islamic finance often use the fiqh principles al-hajah qad tunazzalu manzilah al-darurah ammah kanat aw Khassah as their foundation. The high use of this rule in the fatwas shows that this principle is considered vital in responding to problems related to the products and services of Islamic Financial Institutions (LKS) that are needed by the community and are appropriate and can answer problems of economic law in Indonesia.

The application of fiqh principles to Islamic economic issues often uses general principles outside the field of muamalah, even though general fiqh principles have been formulated in the field of muamalah and detailed rules. The results studie of (Izmuddin, 2018; Sanusi et al., 2020) indicate that the development of fiqh principles in the DSN-MUI fatwas can be analyzed from two perspectives. First, the fiqh rule with the highest number of repetition intensities is the rule "Basically all forms of muamalat are permissible, unless there is evidence that prohibits it", where this rule is taken from the book al-Ashbâh wa al-Nazhair by Imam al-Suyûthi. Second, the DSN-MUI Fatwa Commission has used the theoretical level because its use includes: core principles, basic principles, general rules, special rules, to detailed regulations (Sanusi et al., 2020). Several studies stated that DSN-MUI was still half-hearted in implementing fiqh rules, limited and monotonous indications of their use and the many very general fiqh rules dominate most of their fatwas (Ahmad, 2018; Mudzhar, 2014).

From cluster 2 it can be concluded that the DSN MUI fatwa uses fiqh principles as one of its legal foundations, there is research which states that its use is appropriate and can answer problems of economic law in Indonesia but there are several other studies which state that its application is still not optimal.

Cluster 3 : Muamalah : Bandung, Condition, Difference, Indonesia, Islam, Jakarta, Muamalah, Yogyakarta

Beside al-qur'an and hadith, fiqh rules are one of the foundations that are no less important for determining law. This is due to the limited number of verses in the Al-Quran and hadits that discuss muamalah maliyyah, while contemporary issues related to this continue to grow and become more complex (Ulfa, 2019; Khanifa & Handoyo, 2019), The development of

the times allows for new things that cannot be found at the time of the Prophet Muhammad, such as Islamic banking which is present as a solution to this polemic to carry Islamic missions in achieving falah (prosperity) (Bachri, 2018).

The rules of fiqh have an important role as strengthening the legitimacy of the implementation of Islamic economics (Mustofa, 2019). Currently, application of qawā'id fiqhiyyah which influences business changes through e-commerce as a forum for developing contemporary business developments (Suhada et al., 2020; Zaki, 2021).

Cluster 4 : Principle of Islamic Jurisprudence : Principe, Aplication, case, Fiqh, Intention, Jurisprudence, Position, Principle.

Cluster 4 discusses the description of fiqh rules in general as well as the classification of the distribution of fiqh rules from several sides based on the opinions of previous articles. The rules of fiqh are formulated as a link and simplification in matters of furu' or fiqiyah which have legal resemblance or similarities (Ulfa, 2019).

H.A djazuli (2016) divides the fiqhiyyah rules based on their scope and level of coverage into five types, namely: *First*, the core principle is to achieve benefit and reject evil. As Izzuddin ibn Abd As-Salam stated " *Jalbu al-mashalih wa daf'u al-mafasid*". *Second*, the basic/fundamental principles (Al-Qawa'id Al-Asasiyah), namely the five main principles in fiqh which have been generalized by fiqh scholars from various existing furu'iyah problems. *Third*, the general principles (Al-Qawa'id Al-'ammah), namely the branch rules that are under the basic principles that are still in line with the basic principles. *Fourth*, the specific principle (Al-Qawa'id Al-Khaashshah), namely special rules that apply in certain fields of law, such as in the field of law of worship mahdhah, muamalat, munakahat, judiciary and jinayah. *Fifth*, the detailed principles (Al-Qawa'id At-Tafshiliyah), which are part of the rules that have been mentioned in point number four above.

Based on aspects of referral sources every time i think, divided Becomes two categories, namely: *Al-Qawaid al -Mansusah*, that is adopted rule _ in a manner direct based on nash syara' without exists changes, especially in the texts form Hadith. And *Al-Qawaid al -Mustanbatah*, that is arranged rules _ based on results understanding of fuqaha from gathering arguments and problems law similar fiqh (MUSA, 2015).

Cluster 5 : Ushul Fiqh and Kaidah Ushul

Fiqh is the implementation of syara' law. The rule in understanding and formulating syara' law is called ushul fiqh, while al-qawaid al-fiqhiyyah is a set of general

rules that cover the branches of fiqh issues and can be a guideline for determining the law of every fiqh issue (Zaki, 2021). Both ushul fiqh and fiqh rules, both of which are tools and roots in law-making which are very much needed as a response and solution to the latest legal practices or cases, especially in the field of muamalah which continues to develop in order to explore and produce clarity in its legal products (Bachri, 2018).

With the ijthad method, ushul fiqh experts discuss the problems of the people whose laws are not found in the Qur'an and Sunnah, which then emerge the principles of fiqh (Ridwan, 2018). Ushul fiqh is a procedure of ijthad as well as a barometer of legal jurisprudence. At its climax, ushul fiqh deals with the general principles of argument. Then the formulations of al-qawaid al-ushuliyyah and al-qawaid al-fiqhiyyah are made. In Islamic legal literacy, there is sometimes renewal between ushuliyyah rules and fiqh rules. Sometimes the rules of ushul cannot be separated in the same discussion as the rules of fiqh, but each has its own limits and scope. In its application, the ushul rules apply as "Takhrij al-Ahkam" (removing law from the source), while the fiqh rules apply to cases that arise in human life "Tathbiq al-Ahkam" (Ulfa, 2019).

Based on the results of the SLR with content analysis in the literature, several challenges were found in this area which will become the basis for determining future research directions:

- Most of the research is dominated by qualitative research, as many as 31 articles. The literature's qualitative research methods were dominated by literature study, observation, in-depth interviews. The small part consisted of mixed methods and quantitative. It is hoped that the fiqh principle literature can adjust or find new methods that are suitable and accurate. Bibliometric and SLR studies related to ushul fiqh are still limited.
- Bibliometric and SLR studies which related with fiqh rules have not been found
- The dominant research object occurred in Indonesia. It is hoped that *qaidah fiqh* research can expand the object of research.
- Some researchers tend to conduct research related to the theme of applying fiqh rules to MUI fatwas. Therefore, more research is needed for regarding fiqh rules and all of the dynamics.

CONCLUSION

The rules of fiqh are one of the important research themes in Islamic economics and finance, which is indicated by the increasing number of publications. This study uses bibliometrics and SLR to analyze literature related to fiqh rules. It is known that there are five sub-themes that dominate research related to fiqh principles, namely Islamic Law, DSN MUI Fatwa, Muamalah, Principles of Islamic Jurisprudence, Ushul Fiqh and Ushul Rules. This study provides several contributions, including for future researchers, research results can be used as a reference in identifying influential authors, articles, journals, and countries. Researchers will find it easier to find references that have a significant impact on the development of the fiqh rule literature. For regulators, the results of this research can become a reference in the policies needed in the development of fiqh principles. Regulators can improve the quality and quantity of the application of fiqh principles to the fatwas produced. They hope that researchers, practitioners and regulators will walk side by side, establish and implement policies for the future. Therefore, this study provides a clear picture of fiqh research using bibliometric and SLR analysis. However, like other studies, this study also has limitations. First, the database used in this research only comes from one database, namely Dimensions. Future research may be drawn from databases such as Scopus, Web of Science and Google Scholar.

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Manajemen Syariah.