

The Dual Role of Saddu Al-Dzari'ah: An Ijtihad Method in Islamic Law Sources and a Case Analysis Approach

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Abstract:

Saddu Al-Dzari'ah as a Method of Ijtihad in Islamic Legal Sources has been widely discussed in scholarly discourse. It is frequently employed as an analytical approach to address contemporary issues not explicitly mentioned in primary sources, such as Bitcoin, COVID-19, early marriage, and other novel phenomena. However, existing research has yet to comprehensively examine its dual role as a method of ijthad in Islamic legal sources and as a case analysis approach, simultaneously. The objectives of this study are: (1) to understand the meaning of Saddu Al-Dzari'ah, (2) to explore its role as a method of ijthad and source of Islamic law, and (3) to investigate its function as a case analysis approach. This study employs a literature review with a descriptive-analytical approach, utilizing both primary and secondary sources. The findings of this research are as follows: (1) Etymologically, Saddu means barrier, obstacle, or blockage, while Dzari'ah refers to a means or intermediary. Terminologically, it refers to the act of closing or blocking all pathways that lead to disobedience or harm; (2) Saddu Al-Dzari'ah's role as a method of ijthad is supported by its integration with the Qur'an and Hadith; and (3) the concepts of Dzari'ah proposed by scholars such as Ibn Qayyim and Abu Ishaq al-Shatibi are categorized into four types and have been applied in various published articles.

Keywords: Saddu Al-Dzari'ah; Islamic Law; analytical approach method; ijthad method; dual role.

Introduction

As a global religion, Islam relies not only on clear sources such as the Qur'an, Hadith, *ijma'* (consensus), and *qiyas* (analogy) but also employs various methods of *istidlal* (derivation of law) developed by scholars to address contemporary legal issues that were not explicitly mentioned in the foundational texts. Throughout Islamic history, scholars have formulated diverse legal theories, techniques, and principles in response to increasingly complex social needs, many of which extend beyond the explicit discussions found in the Qur'an and the Prophetic Hadith. Among these methods, *Sadd al-Dzari'ah* (blocking the means to harm) and *Fath al-Dzari'ah* (facilitating the means to good) are noteworthy approaches for determining Islamic rulings. The former seeks to prevent unfavorable outcomes by blocking harmful pathways. This method stands out as a unique intellectual property of Islam,

unparalleled by other religions in terms of its well-documented and systematic legal framework.¹

Numerous previous studies have explored *Saddu al-Dzari'ah* as a method of *ijtihad* for determining Islamic law. These include: (1) *The Concept of Sadd Al-Dzari'ah in the Perspective of Ibn Al-Qayyim Al-Jauziyah*;² (2) *Sadd Al-Dzari'ah as an Islamic Legal Evidence (Comparative Study of Ibn Al-Qayyim Al-Jauziyah and Ibn Hazm)*;³ (3) *Implementing Innovative Islamic Law with the Sadd Al-Dzari'ah Method*;⁴ (4) *The Concept of Sadd Al-Dzari'ah According to Ibn Qayyim Al-Jauziyyah and Its Application in Sharia Economic Law (Mu'amalah Mâliyyah)*;⁵ (5) *The Concept of Dzari'ah on Preventing Transmission of Covid-19 (PSBB and PPKM Government Policy Analysis Study)*;⁶ and (6) *Review of Islamic Law and Law No. 1/1974 on the Prohibition of Customary Marriages in Cikawung and Sukamanah Hamlets*.⁷

Studies on *Saddu al-Dzari'ah* as a method for contemporary case analysis have also gained traction. Examples include: (1) *Polygamy in Sad Dzariah Study*;⁸ (2) *Al-Dzari'ah Analysis of the Circular Letter of the Directorate General of Islamic Community Guidance Number 06 of 2020 concerning COVID-Safe Marriage Services*;⁹ (3) *Legal Policy on Non-Organic Firearms Ownership for Civilians in Indonesia: Saad Al-Dzari' ah Perspective*;¹⁰ (4) *Nikah Dina under the Saad Al-Dzari'ah Perspective*;¹¹ (5) *Implementation of Saddu Dzariah in Providing Security Consumer Protection at Lazada E-Commerce in*

¹ Muhamad Takhim, 'Saddu al-Dzari'ah dalam Muamalah Islam', *AKSES: Jurnal Ekonomi dan Bisnis* 14, no. 1 (9 March 2020), <https://doi.org/10.31942/akses.v14i1.3264>.

² Imam Fawaid, 'KONSEP SADD AL-DZARÎ'AH DALAM PERSPEKTIF IBNU AL-QAYYIM AL-JAUZIYAH', *LISAN AL-HAL: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 13, no. 2 (2019): 323–40, <https://doi.org/10.35316/lisanalhal.v13i2.599>.

³ Kawakib, Yusuf, and Hafdz Syuhud, 'SADD AL- DZARÎ ' AH SEBAGAI DALIL HUKUM ISLAM (Studi Komparatif Ibnu Al-Qayyim Al-Jauziyah Dan Ibnu Hazm)', *Al-Bayan: Jurnal Ilmu al-Qur'an Dan Hadist* 4, no. 1 (2021): 78–104.

⁴ Ali Imron, 'Menerapkan Hukum Islam Yang Inovatif Dengan Metode Sadd Al-Dzari'ah', *Jurnal Ilmiah Ilmu Hukum QISTI* 4, no. 1 (2010): 65–82.

⁵ Imam Fawaid, 'KONSEP SADD AL-DZARÎ'AH DALAM PERSPEKTIF IBNU AL-QAYYIM AL-JAUZIYAH'.

⁶ Miskari Miskari, 'The Concept of Dzari'ah on Preventing Transmission of Covid-19 (PSBB and PPKM Government Policy Analysis Study)', *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan* 9, no. 2 (2022): 225, <https://doi.org/10.29300/mzn.v9i2.7812>.

⁷ Acep Alfian Khoerurrijal Saprudin and Asep Ramdan Hidayat, 'Tinjauan Hukum Islam Dan UU No. 1/1974 Terhadap Larangan Perkawinan Adat Dusun Cikawung Dan Sukamanah', *Bandung Conference Series: Islamic Family Law* 2, no. 2 (2022): 112–19, <https://doi.org/10.29313/bcsifl.v2i2.4503>.

⁸ Idrus and Shifriyan Fuadi, 'Poligami Dalam Kajian Sad Dzariah', *Jurnal Islam Nusantara* 04, no. 01 (2020): 58–68, <https://doi.org/10.33852/jurnal.in.v4i1.186>.

⁹ M Faiz Nashrullah and Maratus Shalikhah, 'Al-Dzari'ah Analysis of the Circular Letter of the Directorate General of Islamic Community Guidance Number 06 of 2020 Concerning COVID-Safe Marriage Services', *Media Syari'ah* 23, no. 2 (2021): 2021, <https://doi.org/10.22373/jms.v23i2.10263>.

¹⁰ Sausan Apria Rasyid, 'Legal Policy on Non-Organic Firearms Ownership for Civilians in Indonesia : Saad Al-Dzari ' Ah Perspective', *JURNAL SULTAN: Riset Hukum Tata Negara* 2, no. 2 (2024): 33–41, <https://doi.org/10.35905/sultan>.

¹¹ Ma'ruf Muhammad, 'NIKAH DINI MENURUT PERSPEKTIF SAAD AL- DZARI ' AH', *USRAH: Jurnal Hukum Keluarga Islam* 4, no. 2 (2023): 209–18.

Indonesia;¹² and (6) *Perception of Muslim Farmers and Saddu Az-Zari'ah Analysis of the Haram of Helping People Eat Pigs*.¹³

This paper aims to highlight the dual role of *Saddu al-Dzari'ah* as both a method of *ijtihad* in Islamic legal sources and an approach to contemporary case analysis. While the aforementioned studies have discussed its role in determining Islamic law—such as in the perspectives of Ibn Al-Qayyim Al-Jauziyah and Ibn Hazm—and its application in fields like Sharia Economic Law and public policies during the COVID-19 pandemic, this study seeks to integrate these perspectives. Furthermore, its application as a case analysis method in contexts such as polygamy, COVID-Safe Marriage Services, legal policies, early marriage, and consumer protection in e-commerce demonstrates its contemporary relevance. By combining the dual roles of *Saddu al-Dzari'ah* as an *ijtihad* method and a case analysis approach, this paper seeks to explore its unique versatility and offer new insights into its applications. This dual focus represents a novel contribution to the field and provides a compelling area for further exploration.

Results and Discussion

Definition of Saddu Al-Dzari'ah

The term *Saddu Al-Dzari'ah* comprises two words: *saddu* and *dzari'ah*. Etymologically, *saddu* means a barrier, obstacle, or blockage, while *dzari'ah* refers to a path or intermediary. Terminologically, *Saddu Al-Dzari'ah* is defined as the act of clogging, closing, or blocking all pathways that lead to disobedience or harm.¹⁴ According to Ibn Qayyim,¹⁵ the term *dzari'ah* in linguistic terms (*lughawi*) refers to something that serves as an intermediary and a way to something (مَا كَانَ وَسِيلَةً وَطَرِيقًا) (إِلَى شَيْءٍ).¹⁶ Similarly, Badran defines it as anything leads to something forbidden or harmful (هُوَ الْمَوْصِلُ إِلَى الشَّيْءِ الْمَمْنُوعِ الْمُشْتَمِلِ عَلَى مَفْسَدَةٍ).¹⁷ Additionally, others define *al-dzari'ah* as a path that leads to something,¹⁸ whether it is physical (*hissi*) or abstract (*ma'nawi*), and whether it results in good or bad (الْوَسِيلَةُ الَّتِي يَتَوَصَّلُ بِهَا إِلَى الشَّيْءِ سَوَاءً كَانَ (جَسَدِيًّا أَوْ مَعْنَوِيًّا)).¹⁹

In its broader application, the term *dzari'ah* is often understood in a more general sense, referring to anything that serves as a means or pathway to an outcome, whether it results in *mafsadah* (harm) or *maslahah* (benefit).²⁰ Consequently, if the outcome is harmful, the principle of *Saddu Al-Dzari'ah* (blocking the path) applies,

¹² Ermi Suryani Harahap and Nurhotia Harahap, 'Implementasi Saddu Dzariah Dalam Memberikan Keamanan, Perlindungan Konsumen Pada E-Commerce Lazada Di Indonesia', *Yurisprudencia: Jurnal Hukum Ekonomi* 8, no. 2 (2022): 226–37, <https://doi.org/10.24952/yurisprudencia.v8i2.6222>.

¹³ Dwiki Agung Rizki Saputro and Muhammad Hanif Al Hakim, 'Persepsi Peternak Muslim Dan Analisis Saddu Az-Zari'ah Tentang Keharaman Membantu Orang Mengonsumsi Babi', *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi* 4, no. 2 (2022), <https://doi.org/10.22515/jurnalalhakim.v4i2.5606>.

¹⁴ Moh Bahrudin, *Ilmu Ushul Fiqh* (lampung: AURA CV. Anugrah Utama Raharja, 2019).

¹⁵ Ibn. Qayyim al Jauziyah, *I'lam al Muwaqi'in 'An Rabbil'Alamin Jilid III* (Beirut: Daar al Jail, n.d.).

¹⁶ Amir Syarifuddin, *Ushul Fiqh Jilid 2* (Jakarta: Kencana Prenada Media Group, 2011).

¹⁷ Syarifuddin.

¹⁸ Rusdaya Basri, *Ushul Fikih 1* (pare-pare: IAIN PAREPARE NUSANTARA PRESS, 2019).

¹⁹ Syarifuddin, *Ushul Fiqh Jilid 2*.

²⁰ Ibn. Qayyim al Jauziyah, *I'lam al Muwaqi'in 'An Rabbil'Alamin Jilid III*.

while if the outcome is beneficial, the principle of *Fath Al-Dzari'ah* (opening the path) applies. However, in modern discourse, the latter term has become less prominent.

For example, a judge is prohibited from accepting gifts from litigants before a case is resolved because it may lead to injustice in their judgment. Although accepting gifts is generally permissible, in this context, it is prohibited to prevent potential harm or bias. This prohibition aligns with the foundational principles of shari'ah, emphasizing efforts to promote benefit and prevent harm.²¹

The establishment of Islamic law through *sadd al-dzari'ah* serves to achieve several objectives: facilitating good outcomes, preventing harm, and avoiding sinful acts. This aligns with the overarching purposes of *shari'ah*, which aim to establish legal commands that either can be implemented directly or need to be done beforehand.²²

The Role of Saddu al-Dzari'ah as a Method of Islamic Legal Ijtihad

There are differing scholarly opinions regarding the role of *Saddu al-Dzari'ah* as a tool or argument (*ijtihad* method) in deriving Islamic rulings (*istinbath*) within *shari'ah*. Scholars from the *Malikiyah* and *Hanabilah* schools of thought generally accept *Saddu al-Dzari'ah* as one of the legitimate tools or arguments for determining legal rulings.²³ The reason cited by the Malikis and Hanbalis is based on a hadith of the Prophet Muhammad (peace and blessings be upon him), which states:

"Verily, the greatest of major sins is that a person curses his parents." The Prophet was asked, "O Messenger of Allah, how can a person curse his parents?" The Messenger of Allah replied, "If a man reviles another man's father, his father will also be reviled; and if a man reviles another man's mother, his mother will also be reviled." (Narrated by Al-Bukhari, Muslim, and Abu Daud).

According to Ibn Taymiyyah, this hadith demonstrates the validity of *Saddu al-Dzari'ah* as a basis for determining rulings in shari'ah. While the prohibition may only be based on presumption, the Prophet (peace be upon him) still forbade the act, indicating its importance.²⁴ The inclusion of *al-dzari'ah* as an argument in deriving legal rulings, though debated, signifies that even if *shari'ah* does not explicitly state the ruling for a particular action, it can still be prohibited if it serves as a means (*washilah*) to something clearly forbidden. This principle provides a framework for understanding the legal status of intermediary acts based on their consequences. Many scholars argue for this approach, as it is supported by several verses in the Qur'an. For instance, the following verse from *Surah al-An'am* (6:108):

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ

*"Do not revile those who invoke other than Allah, lest they revile Allah in enmity without knowledge."*²⁵

²¹ Imron, 'Menerapkan Hukum Islam Yang Inovatif Dengan Metode Sadd Al-Dzari'ah'.

²² Wahbah al Zuhaily, *Ushul Fiqh al Islamy Juz II* (Beirut: Daar al Fikr, 1986).

²³ Ibn. Qayyim al Jauziyah, *I'lam al Muwaqi'in 'An Rabbil'Alamin Jilid III*.

²⁴ Basri, *Ushul Fikih 1*.

²⁵ 'Surat Al-Anam Ayat 108', accessed 27 February 2024, <https://tafsirweb.com/2232-surat-al-anam-ayat-108.html>.

This verse serves as an example of *Saddu al-Dzari'ah* in action, as it prohibits a behavior that could provoke negative outcomes, such as causing others to blaspheme Allah out of hostility and ignorance. Reviling and insulting those who worship other than Allah is generally permissible, especially in the context of combat or defense. However, when such actions provoke them to insult Allah in return, reviling and insulting them becomes prohibited. This demonstrates the application of *Saddu al-Dzari'ah* in Islamic law.

a. QS. an-Nur [24]: 31:

وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَا الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ

*A woman should not stomp her feet to make known what they conceal of their adornment. And turn to Allah in repentance, all of you, O believers, that you might succeed.*²⁶

Stomping is ordinarily permissible for women, but it becomes forbidden when it reveals hidden jewelry, thereby drawing inappropriate attention or stimulating those who hear it. This serves as an example of a permissible action becoming prohibited due to its potential consequences.

b. QS. al-Baqarah [2]: 104:

أَيُّهَا الَّذِينَ آمَنُوا لَا تَقُولُوا رَاعِنَا وَقُولُوا انظُرْنَا وَاسْمَعُوا وَلِلْكَافِرِينَ عَذَابٌ أَلِيمٌ

*O you who have believed, do not say [to the Prophet], 'Ra'ina' but say, 'Unzurna,' and listen. And for the disbelievers is a painful punishment.*²⁷

The term *rā'inā* initially means "pay attention to us." When the Companions of the Prophet used this term to address him, the Jews twisted it, mocking the Prophet by muttering the similar-sounding word *ru'unah*, which means "extreme ignorance." In response, Allah forbade the use of *Ra'ina* and instructed believers to use *Unzurna* instead, which has the same meaning but avoids the potential for mockery. This prohibition exemplifies *Saddu al-Dzari'ah*, preventing harm by changing permissible language to eliminate the risk of insult.²⁸ From these examples, it is evident that *Saddu al-Dzari'ah* prohibits actions that may lead to something forbidden, even when the original action is inherently permissible.

The Role of *Saddu al-Dzari'ah* as an Analytical Approach Method

Ibn Qayyim categorizes *dzari'ah* into four types based on the consequences (impact) they cause:²⁹

- Dzari'ah that leads to damage including drinking intoxicating beverages, which result in harm to the mind (intoxication), and adultery, which disrupts the integrity of the lineage system.
- Dzari'ah involving permissible acts that become destructive: *intentionally*, for instance, *nikah muhalil* (a marriage performed solely to legalize remarriage with a former spouse), which is impermissible despite marriage itself being allowed. *Unintentionally*, Reviling the gods of other religions is technically permissible,

²⁶ 'Qur'an NU', accessed 27 February 2024, <https://quran.nu.or.id/an-nur/31>.

²⁷ 'QS. al-Baqarah [2]: 104', accessed 30 April 2024, <https://quran.nu.or.id/al-baqarah/104>.

²⁸ Darmawati H., *Ushul Fiqih* (Jakarta: PRENADAMEDIA GROUP, 2019).

²⁹ Syarifuddin, *Ushul Fiqh Jilid 2*.

but because it can provoke adherents of those religions to insult Allah, it is prohibited.

- c. Dzari'ah that initially permits an action but often leads to harm: This applies when harm outweighs the benefit, such as a widow adorning herself during the *'iddah* period (waiting period after her husband's death). While self-adornment is generally permissible, it becomes problematic during this sensitive time as it may lead to misunderstandings or inappropriate reactions.
- d. Dzari'ah that allows permissible actions but occasionally results in harm: The harm in such cases is usually minor compared to the potential benefit. An example is looking at a woman's face during the marriage proposal process.

Abu Ishaq al-Shatibi also categorizes *dzari'ah* into four types based on the level of harm caused:³⁰

- a. Dzari'ah that inevitably leads to damage: If such actions are not avoided, harm is certain to occur. For instance, digging a hole in one's land near the entrance of another person's house during the night will almost certainly cause someone exiting the house to fall into the hole.
- b. Dzari'ah that commonly leads to damage: These actions are highly likely to result in harm or lead to prohibited outcomes. Examples include selling grapes to a liquor factory or selling a knife to a criminal looking for their enemy. While selling grapes or knives is permissible, the circumstances suggest that the items are likely to be used for illicit purposes, such as producing alcohol or committing violence.
- c. Dzari'ah that often leads to forbidden acts: While not always leading to harm, these actions frequently result in prohibited outcomes. For example, credit-based transactions are permissible, but they often serve as a gateway to usury (*riba*), a prohibited act in Islam.
- d. Dzari'ah that rarely leads to damage or prohibited acts: These are actions where harm is unlikely, although not impossible. For example, digging a hole in a private garden that is seldom visited may not pose an immediate risk. However, there remains a slight chance that someone might wander into the area and fall into the hole.

Based on the four types of *dzari'ah* concepts outlined by the two scholars above, these principles can be applied to real-life cases, including contemporary realities that have recently emerged. This highlights the role of *Saddu al-Dzari'ah* as a method of analytical reasoning and problem-solving in modern contexts. In the contemporary era, several studies have utilized *Saddu al-Dzari'ah* as an analytical approach to address various cases. Notable examples include: (1) Polygamy in Sad Dzariah Studies;³¹ (2) Al-Dzari'ah Analysis of the Circular Letter of the Directorate General of Islamic Community Guidance Number 06 of 2020 concerning COVID-Safe Marriage Services;³² (3) Legal Policy on Non-Organic Firearms Ownership for

³⁰ Syarifuddin.

³¹ Idrus and Fuadi, 'Poligami Dalam Kajian Sad Dzariah'.

³² Nashrullah and Shalikhah, 'Al-Dzari'ah Analysis of the Circular Letter of the Directorate General of Islamic Community Guidance Number 06 of 2020 Concerning COVID-Safe Marriage Services'.

Civilians in Indonesia: Sad Al-Dzari'ah Perspective;³³ (4) *Dini Nikah* (Early Marriage) under the Saad Al- Dzari'ah Perspective;³⁴ (5) Implementation of Saddu al-Dzari'ah in Providing Security and Consumer Protection at Lazada E-Commerce in Indonesia;³⁵ and (6) Perception of Muslim Farmers and Saddu Az-Zari'ah Analysis of the Prohibition Against Assisting in Feeding Pigs.³⁶ These examples demonstrate the versatility of *Saddu al-Dzari'ah* as a tool for analyzing and addressing complex and evolving issues in modern society.

There must be clear and definitive evidence, either in the form of *nash* (textual sources) or *ijma'* (scholarly consensus), regarding the permissibility of using *Saddu al-Dzari'ah*. Therefore, its application is based solely on *ijtihad* (independent reasoning), guided by caution in performing good deeds and avoiding actions that may lead to harm. The factors of benefit (*maslahah*) and harm (*mudarat*), or good and evil, serve as the guideline for careful action.³⁷ Most scholars, who consider the balance of benefit and harm in determining legal rulings, also accept the use of the *Saddu al-Dzari'ah* method, although they vary in the extent of their acceptance. The *Malikiyah* scholars, who are well-known for prioritizing the *maslahah* factor, also incorporate the *Saddu al-Dzari'ah* method in their legal reasoning.³⁸

Mustafa Syalabi categorized scholars' opinions about *Saddu al-Dzari'ah* into three groups,³⁹ as follows:

1. Dhari'ah that leads to inevitable damage or is highly likely to cause harm: this corresponds to the first and second forms of *dhari'ah* in al-Syatibi's classification. In such cases, scholars unanimously agree on the prohibition of this type of *dhari'ah*. For instance, the *fiqh* books of this school explicitly prohibit digging a hole in a place where people commonly walk, as it will inevitably cause harm. Similarly, selling grapes to a liquor factory and selling a knife to a criminal intending to harm someone are strictly forbidden.
2. Dhari'ah that is unlikely to cause harm or prohibition: this corresponds to the fourth form of *dhari'ah* in al-Syatibi's classification. In such cases, scholars generally agree that there is no need to prohibit it, meaning that the door to this type of *dhari'ah* does not need to be closed. For example, the *fiqh* books of this school do not prohibit growing and selling grapes, nor do they prohibit making and selling knives under normal circumstances or digging holes in private gardens where no one is expected to go.
3. Dhari'ah that lies between the possibility of causing and not causing harm: this corresponds to the third form of *dhari'ah* in al-Syatibi's classification. Scholars differ on whether such *dhari'ah* should be prohibited. Syalabi argued that Imam

³³ Rasyid, 'Legal Policy on Non-Organic Firearms Ownership for Civilians in Indonesia : Saad Al-Dzari ' Ah Perspective'.

³⁴ Ma'ruf Muhammad, 'NIKAH DINI MENURUT PERSPEKTIF SAAD AL- DZARI ' AH'.

³⁵ Suryani Harahap and Harahap, 'Implementasi Saddu Dzariah Dalam Memberikan Keamanan, Perlindungan Konsumen Pada E-Commerce Lazada Di Indonesia'.

³⁶ Saputro and Al Hakim, 'Persepsi Peternak Muslim Dan Analisis Saddu Az-Zari'ah Tentang Keharaman Membantu Orang Mengonsumsi Babi'.

³⁷ Syarifuddin, *Ushul Fiqh Jilid 2*.

³⁸ Syarifuddin.

³⁹ Syarifuddin.

Malik and Ahmad ibn Hanbal supported prohibiting this type of *dhari'ah*, while al-Shafi'i and Abu Hanifah maintained that it does not need to be prohibited.

The basis for scholars using *Saddu al-Dzari'ah* lies in the principle of prudence when faced with a clash between *maslahah* (benefit) and *mafsadah* (harm). If *maslahah* is dominant, the action may be taken, but if *mafsadah* is greater, it must be avoided. If both are equally strong, the principle of prudence dictates the following rule:

دَرَأُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جُلْبِ الْمَصَالِحِ

Rejecting harm takes precedence over obtaining benefit

When lawful and unlawful matters are mixed, the guiding principle is formulated in the rule:

إِذَا اجْتَمَعَ الْحَلَالُ وَالْحَرَامُ غُلِبَ الْحَرَامُ

When the unlawful mingles with the lawful, the unlawful takes precedence

As a guide for scholars who take precautionary measures in doing charity, the Prophet (peace be upon him) said:

دَعْ مَا يُرْيَبُكَ إِلَى مَا لَا يُرْيَبُكَ

Leave what causes you doubts for what does not doubt you

Similarly, the Prophet (peace be upon him) stated:

الْحَلَالُ وَالْحَرَامُ بَيِّنَةٌ وَبَيْنَهُمَا أُمُورٌ مُتَشَابِهَاتٌ أَلَا وَإِنَّ حُمَى اللَّهِ مُحَرَّمَةٌ فَمَنْ حَوَّلَ الْحُمَى يُوشِكُ أَنْ يُوقَعَ فِيهِ.

"What is lawful is clear, and what is unlawful is clear. Between the two lies matters of doubt (*shubhat*). Be aware that the protected field of Allah is what He has forbidden. Whoever grazes near Allah's forbidden field risks falling into it."

The scholars who rejected the *Saddu al-Dzari'ah* method were the *Zhahiriyah* scholars. Their rejection was elaborated upon by Ibn Hazm, and its essence can be summarized as follows:⁴⁰

- Weakness in the Hadith presented by proponents of *Saddu al-Dzari'ah*: According to the *Zhahiriyah* scholars, the Hadith used by those who support *Saddu al-Dzari'ah* is weak in both its *sanad* (chain of transmission) and meaning. The Hadith is narrated in multiple versions with different narrators. Its primary meaning suggests that grazing near a forbidden field is not the same as grazing within the field itself. While the Hadith warns against entering the forbidden field, grazing nearby remains permissible. Thus, the ruling reverts to the original principle of permissibility.
- Saddu al-Dzari'ah* as *ijtihad* based on considerations of benefit: the *Zhahiriyah* scholars reject *ijtihad* that relies on subjective reasoning (*ra'yu*) or considerations of benefit, such as those employed in *Saddu al-Dzari'ah*.
- Shari'ah law is strictly confined to what Allah has decreed: *Zhahiriyah* scholars argue that Shari'ah law pertains only to rulings explicitly decreed in the Qur'an, the Sunnah, or scholarly consensus (*ijma'*). Any ruling derived outside these

⁴⁰ Syarifuddin.

three sources cannot be considered Shari'ah law. With regard to *Saddu al-Dzari'ah*, its prudential basis is not determined by explicit *nash* (text) or *ijma'*. While primary laws or *maqasid* (objectives of Shari'ah) may be derived from *nash*, the laws pertaining to *washilah* (means) or *dzari'ah* (intermediary actions) are not. Consequently, *Saddu al-Dzari'ah* is rejected by *Zhahiriyah* scholars, who cite the following verse from Surah an-Nahl [16]: 116,

يَنْتُكُمُ الْكَذِبَ هَذَا حَلَلٌ وَهَذَا حَرَامٌ لِّتَقْتَرُوا عَلَى اللَّهِ الْكَذِبَ ۖ وَلَا تَقُولُوا لِمَا تَصِفُ

"And do not say about what your tongues describe falsely: 'This is lawful, and this is unlawful,' to invent lies against Allah."⁴¹

Based on these arguments, the *Zhahiriyah* scholars firmly reject the method of *Saddu al-Dzari'ah*. The Hanafis, Shafi'is, and Shiites accept *Saddu al-Dzari'ah* only in specific cases and do not apply it universally. For example, Imam Shafi'i allows a person with a valid excuse, such as illness or travel, to miss Friday prayers and replace them with *Zuhr* prayers. However, he advises that the *Zuhr* prayer should be offered discreetly to avoid suspicion of deliberately neglecting Friday prayers. Similarly, a person who is excused from fasting should not eat or drink openly in public to avoid slander or misjudgment. Imam Shafi'i's opinions in such cases are based on the principle of *Saddu al-Dzari'ah*.⁴²

The Hanafis reject the confession of a person in a state of *marḍ al-maut* (a terminal illness) if it is suspected that their confession might invalidate the rights of others, particularly in matters of inheritance. For instance, a dying person's acknowledgment of debt to someone else, which could cover all or part of their property, is deemed suspicious. According to the Hanafis, such a confession could unjustly deprive heirs of their rightful inheritance.⁴³

As for Ibn Hazm, he categorically rejects the use of *Saddu al-Dzari'ah* as a Shari'ah argument. He adheres strictly to the *zahir* (literal meaning) of the text and refuses to employ *ijtihad* in the form of *qiyas* (analogical reasoning) or extending laws from texts that he considers *zanni* (speculative). Ibn Hazm argues that rulings on permissibility or prohibition should not be based on *zanni* evidence but on *qaṭ'i* (definitive) evidence. He supports his stance with the following verse from Q.S. al-Najm [53]: 28,

وَمَا لَهُمْ بِهِ مِنْ عِلْمٍ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا

"And they have no knowledge of it. They follow nothing but conjecture, and indeed, conjecture avails nothing against the truth."⁴⁴

There are two perspectives on *Saddu al-Dzari'ah* proposed by *ushul fiqh* scholars:

1. Motivation behind an action, whether *halal* or *haram*: this perspective examines the intention driving an action. For instance, if a woman who has been divorced three times by her husband marries another man solely to return to her first husband, this practice, called *nikah tahlil*, is prohibited. Although marriage is

⁴¹ 'Q.S. An-Nahl : 116', accessed 27 February 2024, <https://quran.nu.or.id/an-nahl/116>.

⁴² Darmawati H., *Ushul Fiqih*.

⁴³ Firdaus, *Ushul Fiqh "Metode Mengkaji Islam Secara Komprehensif"* (Depok: PT RajaGrafindo, 2017).

⁴⁴ 'QS. al-Najm [53]: 28', accessed 30 April 2024, <https://quran.nu.or.id/an-najm/28>.

encouraged in Islam, when it is performed with intentions contrary to Islamic principles, such a marriage becomes impermissible.

2. Consequences of actions that produce negative impacts: this perspective considers the outcomes of an action. For example, a Muslim who reviles the worship of polytheists might intend to defend the Islamic faith. However, such behavior could provoke the polytheists to retaliate by reviling or acting against Allah SWT, leading to greater harm.⁴⁵

Conclusion

Based on the above discussion, the following conclusions can be drawn: (1) etymologically, *Saddu* means barrier, obstacle, or blockage, while *Dzari'ah* refers to a way or intermediary. Terminologically, *Saddu Al-Dzari'ah* means blocking or closing all roads that lead to disobedience or harm; (2) The role of *Saddu al-Dzari'ah* as a method of *ijtihad* and a source of Islamic law is supported by its foundation in the Qur'an and Hadith. Relevant examples include verses from the Qur'an, such as *Surah al-An'am* (6:108), *Surah an-Nur* (24:31), and *Surah al-Baqarah* (2:104), as well as a hadith narrated by Al-Bukhari, Muslim, and Abu Dawud; (3) Ibn Qayyim and Abu Ishaq al-Shatibi proposed four types of *Dzari'ah*, which have been applied in various contexts, such as polygamy, COVID-safe marriage services, legal policy, early marriage, and consumer protection at Lazada E-Commerce in Indonesia. This research focuses on the role of *Saddu al-Dzari'ah* as a method of *ijtihad* in Islamic legal sources and as an analytical approach. However, it does not delve deeply into the works and thoughts of particular scholars such as Ibn Qayyim and Abu Ishaq al-Shatibi, which are only briefly mentioned in this paper.

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⁴⁵ Misbahuddin, *Ushul Fiqh, Jilid I* (Makassar: Alauddin University Press, 2013).

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