

# **“Al-‘Urf and Al-‘Adah al-Muḥakkamah as The Methodology of *Istinbāt* of Islamic Law: A Thematic Analysis from The Perspective of Sharia Economic Law”**

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## **Abstract**

**Purpose** - This research aims to analyze the position and function of al-‘urf and al-‘ādah al-muḥakkamah as a methodology for Islamic legal *istinbāt*, particularly in the context of the development of Sharia Economic Law that is responsive to contemporary social dynamics and economic practices. This research begins with the epistemological question of the extent to which social customs can obtain sharia legitimacy in establishing modern muamalah law.

**Method** - The method used is qualitative research through library research with normative-juridical, philosophical, and comparative approaches to Islamic schools. Data are analyzed thematically against classical and contemporary sources of ushul fiqh, as well as Sharia economic law literature, to map the position of al-‘urf within the framework of the *ijtihad* methodology.

**Result** - The results show that authentic al-‘urf has legal legitimacy if it meets the criteria of conformity with the *maqāṣid al-syarīah*, does not conflict with the *qathī* texts, and is generally applicable and consistent in muamalah practices. A comparative study of Islamic schools of thought reveals that despite differences in the intensity of its acceptance, all Islamic schools of thought recognize al-‘urf as a valid instrument of *ijtihad*. In the realm of Islamic Economic Law, al-‘urf and al-‘ādah al-muḥakkamah have proven to play a strategic role in responding to contract practices, market customs, and modern transaction innovations.

**Implication** - The implications of this research emphasize the importance of strengthening al-‘urf as a methodology for legal *istinbāt*, not merely as a supplementary argument, to ensure that Islamic economic law remains adaptive, contextual, and oriented toward the welfare of the people.

## **Keywords :**

al-‘urf; al-‘ādah al-muḥakkamah; *istinbāt* law; ushul fiqh; sharia economic law; *maqāṣid al-syarīah*.



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## INTRODUCTION

One of the fundamental characteristics of Islamic teachings is their universal nature, which is universal and comprehensive, both in terms of the teaching system (*syumūliyyat al-manhaj*), the spatial dimension (*syumūliyyat al-makān*), and the temporal dimension (*syumūliyyat al-zamān*) (Amin et al., 2023). This character necessitates that Islam exists as a system of values and laws that are always relevant for application in various social, cultural, and temporal contexts that continue to evolve. Therefore, Islamic law is not understood as a static set of norms, but rather as a dynamic legal system capable of dialogue with social realities, including in the fields of contemporary economics and *mu'āmalah* (Dewi, 2013).

Within the framework of Islamic law, scholars agree that the Qur'an and the Sunnah are the main sources for establishing law (Maulana et al., 2021). However, not all issues of human life, particularly those related to social and economic practices, are regulated in detail and explicitly in the texts. Many provisions of sharia are general (*kullī*) or *zannī al-dalālah*, thus opening up space for *ijtihad* as a methodological mechanism for responding to the dynamics of life. This is where Islamic law demonstrates its flexibility, as the process of *istinbāt* allows for contextualization according to the conditions and needs of society (Akbar & Mohd Bakri, 2024).

One of the important instruments in the legal *istinbāt* methodology is the concept of *al-'urf* and the principle of *al-'ādah al-muḥakkamah*. These two concepts represent the sharia's recognition of existing social customs and practices as legal considerations (Marinsah et al., 2025). In the context of *mu'āmalah* and Sharia Economic Law, the existence of *al-'urf* becomes very significant because economic activities, contracts, and transaction mechanisms often develop faster than normative formulations in classical texts.

Through the principle of *al-'ādah al-muḥakkamah*, scholars emphasize that prevailing and widely accepted customs can be used as a basis for establishing law as long as they do not conflict with the *qath'i* texts and basic principles of sharia (Samsudin, 2024; Jazil, 2015).

However, the position of *al-'urf* as a legal basis is not free from differences of opinion among scholars of ushul fiqh. The Hanafi and Maliki schools are known to be relatively more accommodating in using *al-'urf* as an instrument of legal *istinbāt*, while the Shafi'i and Hambali schools tend to be more cautious and selective in accepting it (Ramli, 2022). This difference indicates epistemological variations in understanding the relationship between revealed texts and social reality. At the same time, this difference raises important theoretical issues, namely the extent to which *al-'urf*

has authority as evidence, and the limits of customs that can be used as a basis for establishing Islamic law (Andriyaldi, 2021).

Despite these differing views, social reality demonstrates that traditions, customs, and economic practices have a significant influence on the formulation of Islamic law, particularly in the realm of *mu'āmalah* (Putra et al., 2025). In fact, scholars such as *al-Syātibī* emphasized that understanding Islamic law cannot be separated from considerations of *al-'urf*, because sharia was essentially revealed to realize the welfare of humans according to the context of their lives. Therefore, the integration of normative texts and social reality is a crucial prerequisite for the sustainability of adaptive Islamic law oriented towards *maqāṣid al-shari'ah* (Andriyaldi, 2021).

Despite the growing body of literature discussing *al-'urf* and *al-'ādah al-muḥakkamah* within the framework of *uṣūl al-fiqh*, most existing studies tend to focus either on their classical doctrinal foundations or on their fragmented application in specific legal cases, without positioning them explicitly as a coherent methodological framework of *istinbāt* in Sharia Economic Law.

Previous research generally treats *al-'urf* as a supplementary or secondary legal argument, rather than examining its ontological status, epistemological legitimacy, and axiological function in a systematic and integrated manner. Moreover, few studies engage in a comparative analysis of madhhab perspectives while simultaneously relating these theoretical debates to contemporary economic practices and legal realities.

This gap indicates the absence of a comprehensive analytical framework that situates *al-'urf* and *al-'ādah al-muḥakkamah* as an independent and structured methodology of legal reasoning in Sharia economic contexts. Therefore, this article positions itself as a conceptual and theoretical contribution that bridges classical *uṣūl al-fiqh* discourse and modern Sharia economic law by reconstructing *al-'urf* not merely as a complementary source, but as a legitimate and dynamic methodology of Islamic legal *istinbāt* responsive to evolving socio-economic realities.

Based on these academic concerns, this article aims to thematically analyze the position and function of *al-'urf* and *al-'ādah al-muḥakkamah* as the methodology of Islamic legal *istinbāt* from the perspective of Sharia Economic Law. This study seeks to emphasize that *al-'urf* and *al-'ādah al-muḥakkamah* do not merely serve as complementary arguments, but have a clear ontological, epistemological, and axiological basis in the process of establishing law. By using normative-juridical, philosophical, and comparative approaches to schools of thought, this article is expected to provide a theoretical contribution in understanding the flexibility and adaptability of Sharia economic law amidst contemporary social and economic dynamics.

## METHOD

This research is a qualitative study using a library research approach. The approaches used include a normative-juridical approach to analyze the position of *al-'urf and al-'ādah al-muḥakkamah* within the framework of the *istinbāt* methodology of Islamic law, a philosophical approach to examine its ontological, epistemological, and axiological foundations, and a comparative approach to examine the differing views of Islamic jurisprudence scholars regarding the authority of *al-'urf*, particularly in the context of *mu'amalah* and Islamic economic law.

Primary data sources include classical and contemporary works by scholars of ushul fiqh and fiqh, such as al-Qarafi, Ibn 'Abidin, al-Syāṭibī, Wahbah al-Zuhailī, and Mustafa al-Zarqā'. Secondary data sources include scientific journal articles, academic books, and previous research relevant to the study's theme.

The research instrument was a documentation study guide. Data collection techniques were conducted through literature searches, critical reading, recording, and classification of library materials related to the concepts of *al-'urf* and *al-'ādah al-muḥakkamah* as a methodology for Islamic legal *istinbāt*, particularly those relevant to the practice of Islamic economic law.

Data analysis was conducted using descriptive-analytical and thematic analysis techniques. The classified data were analyzed to identify the concepts, principles, and arguments of Islamic scholars related to *al-'urf* and *al-'ādah al-muḥakkamah*. Furthermore, a comparative analysis of Islamic schools of thought was conducted to compare the views of Islamic jurists, as well as a contextual analysis to assess their relevance and implications for the development of adaptive, contextual, and welfare-oriented Islamic economic law.

## RESULT

### **The concept of *Al-'Urf* and *Al-'Ādah al-Muḥakkamah***

The title is adjusted to the editorial/description of the problem formulation in question. This section contains research results and discussion related to the formulation of the first problem. In the research results, first describe the research results that have been obtained without including a description of the results of the author's thinking or literature review. The discussion section contains an explanation of the research results in relation to the formulation of the problem in the research, interpretation of the research results, and comparing or linking the research results with the theory referred to.

Etymologically, the term *al-'urf* comes from the root word 'arafa-ya'rifu, which means to know, recognize, and understand. In Arabic and Qur'anic usage, this derivation is closely related to the term *al-ma'rūf*, which refers to goodness that is known, consciously accepted, and has moral value. Thus, '*urf* does not simply refer to factual habits, but also contains a normative dimension in the form of rational acceptance and positive social assessment. The opposite of '*urf* is *nakara*, which is something foreign, rejected, or not accepted, just as *ma'rūf* is the opposite of *munkar* (Arifin & Haqqi, 2024).

Several verses of the Quran can serve as the basis for a conceptual analysis of the meaning of *al-'urf*. In Surah al-Baqarah [2]: 89:

وَلَمَّا جَاءَهُمْ كِتَابٌ مِّنْ عِنْدِ اللَّهِ مُصَدِّقٌ لِّمَا مَعَهُمْ وَكَانُوا مِنْ قَبْلٍ يَسْتَفْتَحُونَ عَلَى الْأَدْيَنَ كَفَرُوا أَفَلَمَا جَاءَهُمْ مَا عَرَفُوا كَفَرُوا بِهِ فَلَعْنَةُ اللَّهِ عَلَى الْكُفَّارِينَ

*"After the Book (Al-Qur'an) came to them from Allah which confirmed what they had, while previously they had asked for victory over the disbelievers, it turned out that when what they had known came to them, they denied it. So, Allah curses those who disbelieve"* (quran.kemenag.go.id).

The phrase "fa lammā jā'ahum mā 'arafū" (فَلَمَّا جَاءَهُمْ مَا عَرَفُوا) indicates confirmation and recognition of a previously known truth. This meaning emphasizes that '*urf* relates to something that has been consciously recognized and accepted.

Surah al-Baqarah [2]:146 uses the word "ya'rifūnahu" (يَعْرِفُونَهُ) to indicate a clear process of identification, even stronger than recognizing one's own child. This verse emphasizes that '*urf* has a strong social identity dimension. Meanwhile, Surah al-Baqarah [2]:198 demonstrates the comprehensive meaning of recognition, which is not only individual but also collective.

The meaning of identity is also apparent in QS. Muhammad [47]: 30:

وَلَوْ نَشَاءُ لَا رِينَكُمْ فَلَعَرَفْتُمْ بِسِيمِهِمْ وَلَتَعْرَفَنَّهُمْ فِي لَحْنِ الْقُوْلِ وَاللَّهُ يَعْلَمُ أَعْمَالَكُمْ

*"Had We willed, We would have shown them to you (Prophet Muhammad) so that you could truly recognize them by their signs. You will really recognize them by the tone of their speech. Allah knows all your deeds".* (quran.kemenag.go.id).

Through the phrase 'raftahum bi simāhūm (عَرَفْتُهُمْ بِسِيمَهُمْ), which indicates that recognition is carried out through inherent signs. This strengthens the understanding that al-'urf is internalized social knowledge and is not artificial. Meanwhile, QS. al-Ma'idah [5]: 83 :

وَلَدَا سَمِعُوا مَا أُنْزِلَ إِلَيَ الرَّسُولِ تَرَى أَعْيُنَهُمْ تَفِيضُ مِنَ الدَّمْعِ مِمَّا عَرَفُوا  
مِنَ الْحَقِّ يَقُولُونَ رَبَّنَا أَمَّا فَاكْتُبْنَا مَعَ الشُّهَدَيْنَ

When they hear something (the Qur'an) that was revealed to the Messenger (Prophet Muhammad), you see their eyes welling up with tears because of the truth that they already know (from their own books). They said, "O our Lord, we have believed. So, record us with those who are witnesses (of the truth of the Qur'an and the prophethood of Muhammad ﷺ). (quran.kemenag.go.id).

Through the phrase *mimma 'arafū min* (مِمَّا عَرَفُوا مِنْ) (الْحَقِّ) shows the dimension of meaningfulness and utility of value, namely recognition of the truth that gives rise to ethical attitudes and moral responses. (Robaniyah et al., 2023).

From the analysis of these verses, it can be concluded that *al-'urf*, from the perspective of the Qur'an, contains elements of recognition, acceptance, identity, and the value of wisdom. Therefore, *al-'urf* can be understood as a social methodology for establishing law, not simply a static source of law.

In the terminology of ushul fiqh (Islamic jurisprudence), scholars offer diverse but complementary definitions. Al-Nasafi and al-Jurjani define 'urf as customs that exist within society, are accepted by common sense, and are in harmony with the righteous natural disposition (fitrah) (Pakartim et al., 2025). Contemporary scholars such as Khallaf, Badran, and Mustafa al-Zarqa' expand on this definition by emphasizing that 'urf encompasses collective societal behavior, whether in the form of speech, deeds, or the habit of abandoning an action, as long as the practice is carried out consistently and accepted by a community of sound minds. Thus, 'urf represents internalized social knowledge and possesses beneficial value (Andriyaldi, 2021).

The term *al-ādah* comes from the word ‘āda-ya‘ūdu, which means to return or repeat. Conceptually, ‘ādah refers to practices that are carried out repeatedly to the point of forming habitual patterns. Unlike ‘urf, which emphasizes the dimensions of value acceptance and social rationality, ‘ādah places greater emphasis on the repetition of actions (Mahfudhi., & Arrosid, 2021). Therefore, not every ‘ādah can automatically be categorized as ‘urf. However, every ‘urf is essentially rooted in ‘ādah that has developed, is widely accepted, and is considered beneficial (Samsudin, 2024).

The term al-muḥakkamah itself comes from the word ḥakkama-yuḥakkimu, which means to make something a judge or arbiter. Thus, the principle of *al-ādah al- muḥakkamah* emphasizes that customs can be used as a basis for legal consideration in sharia matters that do not have explicit provisions in the text, as long as the customs meet the established sharia criteria (Samsudin, 2024).

### **Similarities and Differences between *Al-‘Urf* and *Al-‘Ādah***

Substantively, ‘urf and ‘ādah both refer to customs that are alive and repeated in society. Both serve as important instruments in understanding human social practices. However, the fundamental difference lies in the normative and rational aspects. ‘Ādah encompasses all forms of human customs, both positive and negative, without prior consideration of their moral or beneficial aspects. Meanwhile, ‘urf is more specific, namely customs that are known, accepted, and considered good by society because they align with common sense and collective experience. (Samsudin, 2024).

Some scholars view ‘ādah as having a broader scope than ‘urf, while others hold the opposite view. However, a moderate view holds that ‘ādah is a factual custom, while ‘urf is a custom that has acquired social and normative legitimacy. The final assessment of whether an ‘urf or ‘ādah is valid remains based on the criteria of sharia, particularly its compliance with the *maqāṣid al-syarī‘ah* (Rizal, 2019).

Table 1. Comparison of *Al-‘Urf* and *Al-‘Ādah* in the Perspective of Ontology, Epistemology, and Axiology

Aspect	<i>Al-‘Urf</i>	<i>Al-‘Ādah</i>
Ontology	The reality of social values and norms that are alive and consciously accepted by society	Social practices that are repeated and rooted in people's behavior

Epistemology	It is known through the process of recognition ( <i>ma'rifah</i> ), internalization of values, and rational acceptance.	Known through repetition of actions and continuity of social practices
Source of Formation	Formed naturally without formal engineering	Generally driven and maintained by social figures or structures ( <i>rijāl</i> )
Relationship with Sharia	Can function as an <i>istinbāt</i> methodology when the text is general or silent	It can become evidence if it has risen to the level of authentic ' <i>urf</i> .
Axiology	Oriented towards welfare, values of wisdom, and social justice	Oriented towards social stability and sustainability

Source: Analysis results from various sources

In general, this distinction is in line with *al-Qarafi*'s view which emphasizes that changes in law are often caused by changes in customs and '*urf* of society, not by changes in the text itself (Yaqin, 2021). Ibn 'Abidin also emphasized that many fiqh provisions change along with changes in '*urf* and human habits, so that the mufti is obliged to understand social reality before enacting laws (Ibn Abidin, n.d.). Meanwhile, Ahmad al-Zarqa formulated the rules of *al-'ādah* al-muḥakkamah as methodological principles that work within the corridors of *maqāṣid al-syarī'ah*, not as absolute legitimacy for all customs.

### **Normative and Epistemological Basis of Al-'Urf and Al-'Ādah al-Muḥakkamah**

The normative basis for the legitimacy of '*urf* and *al Adah* can be sourced from the Qur'an, Sunnah, *Ijma'* and *qiyas*. The normative basis for '*urf* and *al 'adah* in the Koran is found in the words of Allah ﷺ SWT. Surah Al A'raf verse 199, (Rizhan, 2024):

حُذِّرُ الْعُفُوٰ وَأَمْرٌ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجُهْلِينَ

"Be forgiving, and enjoin what is right, and turn away from the foolish"

This verse commands us to uphold recognized goodness ('urf), as a moral and social principle consistent with Islamic values. The normative basis derived from the Sunnah includes the following Hadith of the Prophet Muhammad ﷺ SAW:

فَمَا رَأَى الْمُسْلِمُونَ حَسَنًا فَهُوَ عِنْدَ اللَّهِ حَسَنٌ

*"So what is seen by Muslims as good is seen by Allah as good. And what is seen by Muslims as evil is in the sight of Allah as evil." [Narrated by Ahmad, no. 3418, declared hasan by Al-Albani in Takhrij Ath-Thahawiyah, no. 530].*

Based on the verses of the Qur'an and the hadith of the Prophet above, it can be concluded that 'urf which does not conflict with the Shari'a can be the basis for legal considerations.

Apart from being based on the main normative sources, namely the Qur'an and al- Hadith, the basis for the legitimacy of the use of '*urf* and *al-'adah* can also be found in *ijma'* and *qiyyas*. The imams of the school of thought argue that *ijma'* '*amali* (agreement in general social or cultural practices) can be used as a basis for the validity of '*urf* and '*adah*. In line with this view, Imam al-Syathibi emphasized that the main objective of Islamic law (*maqāṣid al-syarī'ah*) is to realize and maintain the benefit of the people (Rizal, 2019).

Therefore, habits that support the achievement of these benefits need to be maintained as part of the application of Islamic law. (al-Syathibi, t.t., p. 212). The basis for the legitimacy of '*urf* and *al-'adah* can also be explained through the *qiyyas* (analogy) approach. According to Wahbah al-Zuhaili, the validity of *al-'adah* is based on *qiyyas* or logical reasoning supported by several arguments (Mursid et al., 2023).

First, many Islamic legal provisions adopt pre-Islamic customary practices, such as the *al-salam*, *al-istisna'*, *al-mudarabah*, and *al-'araya* contracts.

Second, customs ('urf) have an important role in understanding religious teachings, because the existence of prophecies and miracles can be recognized through things that are outside general customs.

Third, the determination of law based on '*adah* is not independent, but is based on recognized methodological principles of Islamic law, such as *ijma'*, *maslahah murlahah*, and *sadd al-dharā'i*. In addition, Islamic law is dynamic because it can change according to the situation and conditions of society which are influenced by local customs (Muhammadun, 2016).

## **The Urgency of *Al-'Urf* and *Al-'Ādah al-Muḥakkamah* in Determining Law**

The principle of *al-'ādah al-muḥakkamah* is of great urgency, particularly in the field of mu'amalah. This is due to the strong influence of customs and traditions in social life, while their influence in the realm of worship is limited. Therefore, a *mufti* or *qadhi* is required to understand local '*urf* so that his fatwas and legal rulings are in line with social reality. (Arsiti & Asmuni, 2024).

Classical and contemporary scholars, such as al-Qarafi, Ibn 'Abidin, and Ibn al-Qayyim, emphasize that changes in law are often caused by changes in '*urf*, not changes in text. This thought was later developed by Mustafa al-Zarqa and Yusuf al-Qaradawi who placed '*urf* as an important instrument in maintaining the flexibility and relevance of Islamic law amidst social change (Khan, 2025). Thus, '*urf* and *al-'ādah al-muḥakkamah* function as a methodological bridge between sharia norms and the dynamics of modern society, while ensuring that Islamic law remains oriented towards justice and benefit.

### ***Al-'Urf* in the Perspective of the School of Jurisprudence**

All schools of Islamic jurisprudence accept *al-'urf* to varying degrees. The Hanafi and Maliki schools use it most extensively, while the Shafi'i and Hanbali schools are more cautious. Ibn 'Abidin and al-Qarafi emphasized that legal changes are often caused by changes in '*urf*, not changes in texts. Al-Zarqa positioned *al-'ādah al-muḥakkamah* as a methodological principle that operates within the framework of *maqāṣid al-shari'ah* (Ghani, 2011).

### **Contemporary Relevance and Application**

In the modern context, '*urf* plays a crucial role in Islamic economic law, business contracts, digital transactions, and contemporary muamalah practices. The application of '*urf* to *salam*, *bai'* *al-wafa*, guarantee systems, and foreign exchange transactions demonstrates the flexibility of Islamic law in responding to the needs of modern society (Fadhilah & Zen, 2025).

For example, in Islamic civil law, local customs in sales or marriage contracts can form the basis for valid contracts, as long as they do not conflict with Sharia principles. Similarly, in contemporary fatwas, many fatwa institutions use the '*urf* approach to address new issues such as digital transactions, Sharia fintech, and local customary law (Harefa, 2025).

In addition to its role in establishing law, 'urf also plays a crucial role in the implementation of Sharia economics. Some of its applications include (Syarvina et al., 2022) :

a. *Sale and Purchase Salam*

*Salam* is a transaction involving the ordering of goods with advance payment and delivery at a later date. This practice was already known in Medina before Islam, and when the Prophet Muhammad ﷺ witnessed it, he did not prohibit it but stipulated that the quantity, measurement, weight, and time of delivery be mutually agreed upon (Amalia et al., 2024). This demonstrates that salam is an accepted and prescribed practice because it fulfills the principles of clarity and fairness.

b. *Bay' al-Wafā'*

The *bay' al-wafa'* contract is a sale and purchase transaction with an agreement that the goods sold will be returned to the seller after the buyer has fully paid their obligations within a specified time. This form of transaction has evolved to meet human needs without ignoring sharia principles (Susanti et al., 2022). Unlike *ijarah* (rental) and *rahn* (pawn), the *bay' al-wafa'* contract maintains a balance between the rights and obligations of both parties. This practice allows people to meet their economic needs without falling into usury, while simultaneously creating social benefits.

c. *Warranty in the Sale and Purchase of Electronic Goods*

In a modern context, a guarantee is part of a conditional sale. If the purchased item is damaged, the seller is obligated to cover the repair costs as stated in the warranty. This practice is a contemporary form of 'urf (good manners) that aligns with the Islamic principles of responsibility and consumer protection.

d. *Taqabuth (handover) in Foreign Exchange Transactions*

Currency exchange transactions (*al-sharf*) are considered 'urf' (lawful acts) recognized in modern Islamic jurisprudence. Currency trading is permissible as long as it meets sharia requirements. If the currencies exchanged are of the same type, the value must be equal and the transaction must be made in cash (*taqabuth*). However, if the currencies are of different types, the transaction remains valid as long as it is made in cash without delay (Amalia et al., 2022). This provision emphasizes the importance of the principles of fairness and clarity in modern financial transactions.

Some economic transaction practices in society that can be indicated by the application of ‘urf and *al ‘adah* include, the community tradition in buying and selling in several restaurants or eateries where the contract is made and payment is made at the end after the buyer has finished eating, whereas in reality the contract and transaction should be made at the beginning; the tradition carried out by farmers in several areas who provide wages to workers in the form of harvest results.

## CLOSING

Based on the analysis and discussion, this study demonstrates that *al-‘urf* holds a significant epistemological position as a methodological instrument that bridges the normative texts of revelation with the socio-economic realities of society. The validity of *al-‘urf* is determined by its conformity to the *maqāṣid al-shari‘ah* (the principles of Islamic law), its adherence to the *qath‘i* texts, and its general and consistent application in the practice of *muamalah* (religious transactions). These findings confirm that *al-‘urf* and *al-‘adah al-muḥakkamah* cannot be understood merely as complementary evidence, but rather as a methodology of *ijtihad* that plays an active role in maintaining the flexibility, justice, and relevance of Islamic law amidst the dynamics of the modern economy.

Based on these findings, this study develops a new perspective: strengthening *al-‘urf* as a methodology for legal *istibbāt* is a crucial prerequisite for the development of adaptive and welfare-oriented Islamic economic law, without losing its normative foundation. Practically, the results of this study suggest that *al-‘urf* be used as a primary analytical framework in the formulation of fatwas, regulations, and rulings on Islamic economic law, particularly in responding to innovations in contemporary business transactions and practices.

Furthermore, this study recommends the development of further studies that integrate *al-‘urf* with empirical approaches and case studies in specific Islamic economic sectors to strengthen the validity of this methodology's application in national and global legal contexts.

## Declaration of Conflict Interest

The authors declare that there is no **conflict of interest** regarding the publication of this article. This research was conducted independently, and the authors confirm that there are no personal, or institutional relationships that could have influenced the research process, analysis, interpretation of data, or the writing of this manuscript. The use of artificial intelligence-assisted tools during the writing process was limited to language refinement and editorial support, without affecting the originality, substance, or academic integrity of the study.

## Author Contributions (CRediT Author Statement)

**Mualim:** Conceptualization, research design, data collection, primary analysis, and original draft preparation.

**Chaerul Shaleh:** Theoretical framework development, comparative analysis of Islamic jurisprudence, and critical revision of the manuscript.

**Aden Rosadi:** Methodological validation, interpretation of findings, supervision, and final review and editing of the manuscript and language structures.

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