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THE REGULATED FATWA AND ITS IMPACT ON SHAPING HUMAN AND SOCIETAL VALUES: A JURISPRUDENTIAL ANALYSIS

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ABSTRACT

This study examines the regulated fatwa (al-fatwā al-mundabiṭa) as a mechanism for realising the objectives of the Lawgiver and for building human and societal values within contemporary Muslim communities. Drawing upon an analytical-inductive methodology applied to classical and contemporary Islamic jurisprudential sources, the study investigates the foundational conditions of a sound fatwa, the regulatory criteria governing its issuance, and the social consequences of both disciplined and undisciplined legal opinions. The findings demonstrate that a regulated fatwa – one grounded in scriptural evidence, scholarly consensus, analogical reasoning, consideration of public interest, temporal and spatial context, customary practice, and the higher objectives of the Sharī‘ah (maqāṣid al-sharī‘a) – functions as an effective instrument for reinforcing core societal values including justice, responsibility, tolerance, peaceful coexistence, and institutional integrity. Conversely, unregulated fatwas are shown to be a primary driver of ideological extremism, social fragmentation, and the corruption of ethical frameworks. The study further establishes that the discipline of fatwa-issuance constitutes a collective obligation and a major vehicle for the preservation of the five essential necessities of the Sharī‘ah. These findings carry significant implications for Islamic educational institutions, fatwa-issuing authorities,

and policymakers engaged in religious moderation and counter-extremism initiatives.

KEYWORDS: Fatwa Regulation; Islamic Legal Opinion; Maqāṣid Al-Sharī'a; Societal Values; Extremism; Jurisprudential Methodology; Religious Moderation.

1. INTRODUCTION

The Islamic legal opinion, or fatwa, occupies a position of singular importance within the normative architecture of Islamic societies. As the primary mechanism through which jurists disclose divine rulings on matters of concern to those subject to legal obligation, the fatwa has historically served as both a guide for individual conduct and a force for social cohesion. In the contemporary era, however, the fatwa landscape has been fundamentally transformed by the proliferation of digital media and social networking platforms, through which legal opinions of varying scholarly quality are disseminated to mass audiences without adequate institutional oversight. The consequent proliferation of unregulated fatwas – opinions that deviate from the established methodological criteria of the discipline – has been widely recognised as a contributing factor to the rise of religious extremism and the erosion of shared societal values in many Muslim-majority communities (Ibrāhīm, 2007; Al-Ḥaddād, n.d.).

Islamic legal theory is premised upon the principle that the Shari'ah is the final and comprehensive divine legislation, one that is inherently attentive to the conditions, customs, consequences, and interests of those it governs. A verse of the Qur'an (Al-Mā'idah: 3) affirms the perfection and completeness of this legislation. Among the necessary corollaries of this perfection is that the Shari'ah must remain responsive to the changing circumstances of human life across different times and places – a responsiveness that is realised precisely through the mechanism of the fatwa. When fatwas are issued in accordance with rigorous methodological criteria, they serve to translate the enduring principles of the Shari'ah into contextually appropriate guidance; when they are not, they risk distorting the religion's teachings and inflicting lasting damage upon the social fabric.

Despite the critical importance of fatwa discipline for social wellbeing, the academic literature has not yet produced a comprehensive treatment that integrates the methodological criteria of the regulated fatwa with a systematic analysis of its impact on specific societal values. Most existing scholarship addresses either the conditions and methodology of the fatwa in isolation (Ibn al-Ṣalāh, 2002; Al-Nawawī, 1988; Ibn Ḥamdān, 1977) or, from a social-science perspective, examines the social effects of religious discourse without adequate grounding in jurisprudential methodology (Al-Rayṣūnī, n.d.; Al-Tamīmī, n.d.). The present study

addresses this gap by providing an integrated jurisprudential-sociological analysis of the regulated fatwa and its constitutive role in shaping human and societal values.

1.1 Statement of the Research Problem

The central research problem may be formulated as follows: What are the regulatory criteria of the disciplined fatwa, and how does adherence to these criteria contribute to the reinforcement of human values and the protection of the societal fabric from ideological extremism and moral fragmentation? From this central question, the following subsidiary research questions are derived:

- (1) What are the recognised scholarly and methodological criteria of a sound, authoritative fatwa?
- (2) How does the regulated fatwa contribute to the reinforcement of human values such as justice, tolerance, and coexistence?
- (3) In what ways does the regulated fatwa serve as an instrument for realising the higher objectives of the Shari'ah?

1.2 Objectives of the Study

The study pursues three primary objectives:

- (1) To identify and systematise the scholarly and methodological criteria governing the regulated fatwa as established in the classical and contemporary jurisprudential tradition.
- (2) To illuminate the educational and social role of the fatwa in instilling human values, with particular attention to tolerance, coexistence, justice, responsibility, and institutional integrity.
- (3) To analyse the consequences of unregulated fatwas for societal cohesion and to establish the conceptual relationship between fatwa discipline and the realisation of the higher objectives of the Shari'ah.

1.3 Significance of the Study

The study's significance rests on several considerations. First, it engages with the nexus between the regulated fatwa and the realisation of societal peace and security – a nexus that has acquired renewed urgency in the context of contemporary religious extremism. Second, it integrates the disciplines of Islamic legal theory and substantive law with the immediate concerns of those subject to legal obligation in a rapidly changing world. Third, it establishes the fatwa as an institution operating at the intersection of religious authority and social governance, with direct implications for the construction of ethical and communal values. Fourth, it provides a theoretical and methodological

framework that can inform the work of official fatwa-issuing institutions, Islamic educational curricula, and counter-extremism policy.

1.4 Methodology

The study adopts an analytical-inductive methodology. The primary analytical method involves the systematic examination of the jurisprudential literature on the fatwa – encompassing classical works of legal theory (

The study adopts an analytical-inductive methodology. The primary analytical method involves the systematic examination of the jurisprudential literature on the fatwa – encompassing classical works of legal theory (*uṣūl al-fiqh*) and substantive law (*furū' al-fiqh*) alongside contemporary scholarship – to identify and synthesise the criteria of the regulated fatwa. The inductive method is applied to extrapolate the relationship between fatwa discipline and societal values from the accumulated evidence of the tradition. The study does not employ empirical or quantitative methods; its contribution is theoretical and jurisprudential, grounded in primary and secondary Islamic scholarly sources.

2. THE FATWA AND ITS JURISPRUDENTIAL FRAMEWORK

2.1 Definition of the Fatwa

2.1.1 Lexical Definition

Fatwā is a verbal noun derived from the verb *aftā*, *yuftī*, *iftā'an wa-fatwā*. As a nominal infinitive, it carries the meaning of the act of issuing a legal opinion (*iftā'*). The root of *futyā* denotes clarification and the elucidation of obscure legal rulings; it is also used to express the articulation of considered views. One is said to have *aftā fi al-mas'ala* – that is, he has clarified its ruling (Ibn Manzūr, 1993; Al-Azharī, 2001).

2.1.2 Technical Definition

Scholars have offered numerous technical definitions of the fatwa. Two principal definitions merit attention. First, the fatwa has been defined as "the exposition of the legal ruling governing a particular act or conduct" (Qal'ajī & Qunaybi, 1988). Second, a more elaborated definition characterises it as "the exposition of a legal ruling pertaining to a matter that either affects the Muslim community at large or concerns a specific individual, regarding which an inquiry has been made, with the purpose of bringing people into worshipful submission to God the Exalted – without, however, carrying the force

of binding obligation" (Al-Qarāfi, 1973; Al-Ṭūfi, 1987; Al-Subkī, 1999).

This definition warrants unpacking. The term *bayān* (exposition) serves as the genus of the definition and encompasses every form of clarification, whether pertaining to a legal, rational, or customary ruling. The qualification *ḥukm shar'ī* (legal ruling) refers to God's address as it relates to the acts of those subject to legal obligation, whether by way of requirement, option, or declaratory determination, thereby excluding opinions that do not pertain to Sharī'ah rulings. The qualification *waqa'at* (that has occurred) distinguishes the fatwa from independent legal reasoning (*ijtihād*), which may be exercised with respect to both actual and hypothetical cases, whereas fatwas typically relate to matters that have actually arisen. Finally, the qualification *lā 'alā wajh al-ilzām* (without carrying the force of binding obligation) clarifies that the fatwa is not binding in the manner of a judicial ruling – though it should be noted that where a fatwa is issued by an official authority such as the Grand Mufti, it acquires a binding character in that institutional context.

2.2 Definition of the Mufti and His Historical Evolution

Ibn Ḥamdān defined the mufti as "one who informs of God's ruling by virtue of his knowledge of its evidential basis" and "one who is fully capable of ascertaining the legal rulings applicable to actual events through scriptural evidence, together with his preservation of the greater part of the corpus of positive law" (Ibn Ḥamdān, 1977). The concept of the mufti has evolved considerably across historical periods, with its conditions varying in accordance with the prevailing state of independent legal reasoning. In the earliest period, extending to the mid-fourth Hijrī century, the mufti was identified with the absolute independent scholar (*mujtahid muṭlaq*). In subsequent eras, the role came to encompass the trained jurist (*mutafaqqih*) – one who has studied law within one of the recognised legal schools and to whom people turn for religious guidance. In contemporary usage, the mufti may additionally be formally appointed by the state to the office of *iftā'*, a development that introduces an institutional dimension to the role (Al-Zuhayli, n.d.).

2.3 Conditions Required of the Mufti

The conditions required of the mufti fall into two categories: those that are divinely conferred, over which the mufti has no agency, and those that are acquired through learning and effort. The classical

jurisprudential tradition stipulates six principal conditions. The mufti must be: (1) of mature age, sound reason, and upright character; (2) precise and rigorous in his scholarship, far removed from unwarranted laxity; (3) thoroughly versed in the textual sources of legal rulings from the Qur'an and the Sunnah; (4) knowledgeable of the positions upon which scholarly consensus has been established; (5) competent in the Arabic language; and (6) grounded in the principles of jurisprudence, for this discipline constitutes the foundational instrument through which God's ruling in any given matter is derived (Al-Khaṭīb al-Baghdādī, 2000; Al-Sam'ānī, 1999; Al-Juwaynī, 2003; Al-Rāzī, 1997; Al-Zarkashī, 1994).

2.4 The Legal Status of the Fatwa

A legal fatwa may assume one of three statuses. It constitutes an individual obligation when a matter requiring the exposition of a legal ruling arises and only one qualified scholar exists in the relevant locality (Al-Nawawī, 1988). It constitutes a collective obligation when multiple qualified scholars are present, such that the issuance of the fatwa by one of them discharges the obligation for the others (Al-Nawawī, 1988). It is prohibited – either intrinsically, when it contradicts a scriptural text or position of scholarly consensus, or extrinsically, when its issuance would occasion harm or a corrupt outcome independent of the opinion itself.

2.5 The Status of the Fatwa in Islamic Law and Its Contemporary Relevance

Contemporary life has undergone profound transformation, and sweeping scientific and technological advances have rendered affairs increasingly complex and interconnected. This has produced a multiplicity of novel situations not previously encountered – known in jurisprudential discourse as *al-mustajaddāt al-fiqhiyya* (emerging jurisprudential issues) – for which the determination of the applicable legal ruling is exceedingly difficult without specialised scholarly guidance. This state of affairs has greatly intensified the need of those subject to legal obligation for qualified muftis who can disclose God's ruling on what has arisen and guide individuals and communities toward sound conduct (Ibrāhīm, 2007).

The elevated status of the mufti within the Islamic scholarly tradition is reflected in the oft-cited statement that "the mufti is one who signs on behalf of God the Exalted" – a formulation underscoring both the gravity and the responsibility of the office. The scholar Ibn al-Munkaddir's admonition – "the scholar stands between God the Exalted and His

creation; let him therefore consider carefully how he enters between them" – further attests to the weighty moral stakes involved in the issuance of legal opinions (Ibn al-Ṣalāh, 2002, p. 75). This tradition of rigorous self-scrutiny underscores the enduring principle – affirmed across the jurisprudential literature – of the *ṣalāhiyyat al-sharī'a likulli zamān wa-makān* (suitability of the Shari'ah for every time and place), a principle realised precisely through the work of qualified and methodologically disciplined muftis.

3. MECHANISMS FOR REGULATING THE LEGAL FATWA

The regulated fatwa is distinguished from its unregulated counterpart not by the content of the ruling alone, but by its fidelity to a set of interrelated methodological criteria that together constitute the discipline of the discipline of fatwa-issuance. Seven such criteria are identified and examined in the subsections that follow.

3.1 Conformity with Scriptural Texts and Scholarly Consensus

The primary criterion of a regulated fatwa is its conformity with the Qur'an and the Sunnah of the Prophet, which together constitute the foundational sources of the Shari'ah. It is an established principle that no mufti may bypass an explicit and authentic scriptural text, nor contravene a position of scholarly consensus. The procedural mechanism for satisfying this criterion begins with a comprehensive survey of the evidences from the Qur'an and the Prophetic Sunnah bearing upon the matter under inquiry, together with verification of the authenticity of any hadith both in terms of its chain of transmission and its indicative import. The mufti must additionally be conversant with the established principles governing textual interpretation, including the categories of general and particular application, the methods of deriving rulings from texts, the gradations of texts in terms of certainty and probability, and the rules for resolving apparent conflicts between evidences.

With respect to scholarly consensus, the operative mechanism requires that the mufti consult the matters upon which jurists across the historical tradition have agreed, given that departing from consensus results in the aberrance of the fatwa and the erosion of the established landmarks of the religion. Adherence to this criterion ensures that the fatwa remains within the orbit of divine revelation and prevents deviation toward personal opinions that contradict the sound import of the scriptural texts (Al-Tamīmī, n.d.; Al-Rayṣūnī, n.d.).

3.2 Conformity with Analogical Reasoning

Analogical reasoning (*qiyās*) ranks among the most significant instruments of legal evidential reasoning. It constitutes a form of reference back to the Book of God and the Sunnah of His Messenger, achieved through the identification of the operative causes (*ʿilal*) underlying the expressly stipulated rulings of the Shariʿah and the assimilation of like cases to like. Where no explicit textual authority exists for a novel situation, the mufti is required to resort to analogical reasoning as an instrument of legal derivation. Its criterion of validity is the assimilation of an unaddressed subsidiary case (*farʿ*) to a textually governed principal case (*aṣl*) by virtue of their sharing a common operative cause (*ʿilla*).

The methodological procedures for this involve, first, *takhrīj al-manāṭ* – the extraction of the operative cause from the ruling of the principal case; second, *tanqīḥ al-manāṭ* – the elimination of attributes inappropriate for causal reasoning; and third, *taḥqīq al-manāṭ* – the verification of the presence of that operative cause in the novel subsidiary case. The analogy must conform to the established principles of legal theory, remaining free of the fallacy of reasoning from a disanalogous case or employing analogy in opposition to an explicit text. A mufti's mastery of analogical reasoning equips him with the capacity to address contemporary issues by grounding them in their jurisprudential foundations – thereby realising the continuity of the Shariʿah and its enduring suitability for every time and place (Al-Tamīmī, n.d.; Al-Rayṣūnī, n.d.).

3.3 Consideration of Unrestricted Public Interest and Blocking the Means to Harm

3.3.1 Unrestricted Public Interest (*Maṣāliḥ Mursala*)

Unrestricted public interests (*maṣāliḥ mursala*) are those matters for which the Lawgiver has stipulated neither explicit recognition nor explicit abrogation, yet which fall within the general objectives of the Shariʿah. The governing criterion for invoking them in a fatwa is that the interest must be genuine rather than illusory, universal in its benefit to all people rather than particularised, and not in conflict with any definitive text or position of scholarly consensus. Everything that benefits people and has not been prohibited by the Shariʿah is, accordingly, part of what God has sanctioned. Regulatory ordinances are illustrative of this category: in such cases, the mufti relies upon unrestricted public interest to achieve general social order and discipline. This criterion opens broad horizons for the mufti to develop jurisprudential solutions to administrative, political,

and social problems that the classical scholars did not encounter in their contemporary form (Al-Tamīmī, n.d.; Al-Rayṣūnī, n.d.).

3.3.2 Blocking the Means to Harm (*Sadd al-Dharāʿi*)

Blocking the means to harm (*sadd al-dharāʿi*) consists in prohibiting outwardly permissible means that lead to impermissible harmful outcomes. Its governing criterion is the examination of the ultimate consequence (*maʿāl*) of the act: where an act leads to harm either predominantly or with certainty, its prohibition becomes obligatory. The mechanism of application requires of the mufti a penetrating insight into people's conditions and customs, for whatever constitutes a means to the prohibited is itself prohibited. The mufti must guard against excessive expansion of this criterion, lest he impose undue restriction upon what is legitimately broad; its application is confined to cases where the harm is preponderant. The counterbalancing mechanism is *fath al-dharāʿi* – the opening of means – which permits channels that lead to preponderant interests and benefits. The application of this principle through a disciplined fatwa protects society from jurisprudential stratagems that exploit formally permissible contractual structures as vehicles for usury or injustice, thereby rendering the fatwa a protective barrier that safeguards morality and communal values from manipulation (Al-Rayṣūnī, n.d.).

3.4 Consideration of Time and Place

3.4.1 The Temporal Dimension

Time is among the factors that must be taken into account in the issuance of fatwas. The consideration of temporal change is recognised within the jurisprudential tradition, subject to the governing criterion that any such change must not be at variance with the established foundational principles and objectives of the Shariʿah. Where the sources and objectives of the Shariʿah themselves accommodate change, there is no jurisprudential objection to the alteration of a fatwa on grounds of changed temporal circumstances. The exercise of independent legal reasoning in identifying the operative context of a ruling therefore necessarily entails attention to differences of time, which in turn affect the differentiation of rulings – a consideration that the independent scholar is obligated to observe (Shams al-Dīn, n.d.; Al-Bakrī, n.d.).

The governing criterion for the temporal influence upon a fatwa is that any alteration must proceed from the foundational principles and established rules of the Shariʿah, grounded in legal evidence, and must

not be the product of an unsupported opinion, personal caprice, or inclination toward a preferred outcome. It is the fatwa – the contextual application of the ruling – that changes with changing times; the underlying divine ruling remains constant (Al-Zubaydī, 2014; Al-Bakrī, n.d.; Ibrāhīm, 2007).

3.4.2 The Spatial Dimension

Place refers to the environment in which those subject to legal obligation live, encompassing natural conditions, social structures, legal systems, and customary practices. The diversity of regions – in terms of climate, cultural norms, political organisation, and the length of day and night, among other variables – makes it impossible to apply rulings uniformly across all communities within a single framework. A fatwa constructed upon the basis of a particular place is accordingly subject to alteration upon a change of that place, a principle illustrated by the divergence in rulings applicable to Muslims living in majority-Muslim jurisdictions, where the social environment supports the performance of religious obligations, and those living in non-Muslim jurisdictions, where different contextual considerations apply (Mullā Ṣāliḥ, 2007; Al-Ḥaddād, n.d.).

3.5 Consideration of Custom (ʿUrf)

3.5.1 Definition of Custom

Lexically, *ʿurf* derives from *al-maʿrūf* (the recognised good), the antonym of *al-munkar* (the reprehensible). It denotes what people have come to recognise and practise in their customs and dealings, and is so named by virtue of its public visibility and widespread prevalence (Arabic Language Academy, 1997, p. 402). In technical usage, *ʿurf* is defined as "everything to which people have grown accustomed and upon which they have proceeded by way of any act that has become widespread among them" (Al-Zuḥaylī, n.d.). The jurisprudential tradition draws a distinction between general collective custom (*ʿurf ʿamm*), which is synonymous with *ʿāda* in its general application, and individual personal habit – such as a person's habits in eating, drinking, or sleeping – which is a matter distinct from *ʿurf* and custom in the technical sense employed by the jurists (Al-Ḥasan, 1987, pp. 40ff).

3.5.2 Consideration of Custom in Legal Fatwas

It is an established principle that Islamic law was instituted for the realisation of the interests of those subject to legal obligation in both this world and the next. Al-Shāṭibī (1997) argued: "The establishment of the divine laws is solely for the interests of the

servants in both the immediate and the deferred life alike ... and the authoritative position is that we have inductively determined from the Shariʿah that it was established for the interests of the servants" (vol. 2, p. 9). Since the Shariʿah was instituted for the realisation of the interests of those legally bound by it, and since customary practices are adopted by communities precisely because they realise their interests and fulfil their needs, the Shariʿah must necessarily take custom into account. The consideration of custom within the Shariʿah is thus a means to realising the objective of serving the interests of those subject to legal obligation. Accordingly, the legal basis for taking custom into account in legal fatwas is the realisation of the interests of creation on the basis of due regard for the habitual practices and conventions of people (Mallāwī, n.d., p. 13).

3.6 Consideration of Circumstances and Interests

3.6.1 The Circumstances of Those Seeking Fatwas

The concept of "circumstances" refers to the conditions that surround those subject to legal obligation from one period to another, ranging from ease to hardship, adversity to comfort, health to illness, and wealth to poverty. Everything that befalls a person and changes around him constitutes a circumstance relevant to his legal standing. A distinguishing characteristic of Islamic law is its attentiveness to the variation in the conditions of the individual, as reflected in its division of rulings into two categories: the primary ruling applicable to ordinary circumstances, and the dispensation applicable to extraordinary or exceptional conditions – such as the permissibility of consuming otherwise prohibited food in a state of genuine necessity.

3.6.2 The Consideration of Interests and the Prevention of Harms

The axis upon which legal rulings and Islamic jurisprudence turn is the realisation of interests and the averting of harms. Since the fatwa serves to disclose the ruling of God, it must necessarily proceed from the same orientation as Islamic jurisprudence. The regulated fatwa is accordingly defined by its capacity to realise an interest and avert a harm. One who assumes the role of issuing fatwas must therefore be thoroughly trained in the identification and weighing of interests and harms. Where an interest and a harm conflict, averting the harm takes precedence over realising the interest; and where two interests or two harms conflict, the weightier of the two takes precedence (Al-Rayṣūnī, n.d.).

3.7 Consideration of the Consequences of the Fatwa Prior to Its Issuance

Lexically, *ma'ālāt* (consequences) derives from the verb *āla*, *ya'ūlu*, meaning to return or revert. In technical usage, it refers to what ensues from an act following its occurrence – encompassing its attendant effects and resulting implications – such that the act is accorded a ruling consistent with what it ultimately leads to and results in (Ibn Fāris, 1979; Ibn Manzūr, 1993). Two conditions must be met for consequences to bear upon the determination of rulings: first, the occurrence of the consequence must be either certain or predominantly probable; and second, the consideration of the consequence must realise one of the objectives of the Lawgiver (Ibn 'Abd al-Salām, 1991; Ḥusayn, 2009).

The practical implication of this criterion is that a mufti must consider not only the apparent permissibility of a ruling but also its foreseeable consequences for individuals and communities. Where the ultimate consequence of an outwardly permissible ruling is harmful to the social fabric or destructive of a legal objective, the mufti is obligated to depart from that ruling and seek an alternative that better realises the objectives of the Sharī'ah. This consequentialist dimension of fatwa methodology represents one of its most socially significant features, as it directly links the activity of legal reasoning to the promotion of social wellbeing.

3.8 Conformity with the Rules and Objectives of the Sharī'ah

3.8.1 Conformity with Jurisprudential Maxims

A sound fatwa must not conflict with the comprehensive jurisprudential maxims (*al-qawā'id al-fiqhiyya al-kulliyya*) that represent the distilled essence of positive law. Foundational maxims include: "acts are judged by their intentions" (*al-umūr bi-maqāṣidihā*); "certainty is not removed by doubt" (*al-yaqīn lā yazūlu bi-al-shakk*); "hardship begets facilitation" (*al-mashaqqah tajlib al-taysīr*); "harm is to be removed" (*al-ḍarar yuzāl*); and "custom is an authoritative criterion" (*al-'āda muḥakkama*). The application of these maxims to actual situations prevents contradictions in fatwas and renders them consistent with the spirit of legislation, thereby imparting to the fatwa the character of methodological discipline and jurisprudential equilibrium.

3.8.2 Conformity with the Objectives of the Sharī'ah (*Maqāṣid al-Sharī'ah*)

It is an established principle that the intent of the

Lawgiver with respect to His creation is the realisation of their interests in both the immediate and the deferred life. The mufti must verify, prior to issuing a fatwa, that it realises one of the objectives of the Sharī'ah and does not contradict any of the Lawgiver's intended purposes. A fatwa is not sound and possessed of the full conditions of its validity unless the mufti has kept before him the objectives of the Sharī'ah – foremost among which are the five essential necessities: the preservation of religion (*dīn*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and property (*māl*). The governing criterion is that the fatwa must serve to preserve these necessities rather than undermine them. If a ruling is outwardly permissible but ultimately leads, in its consequences, to the destruction of a legal objective, departing from it becomes obligatory. The mufti must balance the particular objectives of scriptural texts against the universal objectives of the Sharī'ah, comprehending the hierarchy of objectives – necessities, needs, and improvements – so as to order them correctly when their interaction and potential overlap arises (Al-Tamīmī, n.d.; Al-Rayṣūnī, n.d.).

4. THE IMPACT OF THE REGULATED FATWA ON SOCIETAL VALUES

Having established the methodological criteria of the regulated fatwa, the analysis turns to its constitutive role in the formation and reinforcement of societal values. Five domains of impact are examined: the containment of extremism, the promotion of justice, the cultivation of responsibility, the reinforcement of tolerance and peaceful coexistence, and the entrenchment of trustworthiness and institutional integrity.

4.1 Confronting Extremism and Excess

The impact of a sound and regulated fatwa upon contemporary reality – through the orientation of thought and the protection of societies from extremism, excess, and terrorism – is extensive and well-documented. The fatwa today is no longer confined within scholarly texts; it now spreads across digital platforms and social media, multiplying its impact manifold, whether positively or negatively. This reality underscores the urgency of methodologically disciplined fatwa-issuance as a counter-extremism strategy.

First, a comprehensive and accurate reading of the scriptural corpus, upon which regulated fatwas are based, counteracts the selective and fragmentary readings of texts upon which extremist ideologies depend. Experience demonstrates that many manifestations of extremism have arisen as a result of

unregulated fatwas or partial readings of texts – as occurred with groups that relied upon erroneous interpretations to legitimise violence and the unlawful taking of life. Authoritative fatwas issued by credible scholarly institutions have contributed significantly to the refutation of such claims and to establishing that the preservation of life is among the greatest objectives of the Shari‘ah.

Second, properly issued legal fatwas that illuminate the clemency of prophetic practice in dealings with others – drawing upon concrete historical precedents from the Prophetic biography, most notably the Prophet's dealings with non-Muslims in Medina – serve to counter hate speech and promote interfaith coexistence. Third, the regulated fatwa establishes the grave prohibition of declaring others as unbelievers (*takfir*), affirming its absolute impermissibility and thereby closing one of the principal ideological gates through which extremist violence is legitimised. Fourth, the regulated fatwa reinforces national belonging and civic identity by affirming the prohibition of transgression against public property or the targeting of innocent lives – contributions that have served to underpin stability and promote societal peace. Fifth, the regulated fatwa extends its function beyond remediation to prevention, by addressing the underlying cognitive and educational causes of extremism – ignorance, misunderstanding, and the absence of sound religious guidance – and providing legitimate frameworks for social reform and civic engagement (Mūsā, n.d.).

4.2 Building the Value of Justice

The regulated fatwa contributes to the entrenchment of the value of justice within society through several mechanisms. First, it rests upon objective legal criteria that favour neither individual nor group, proceeding on the basis of applying rulings through a precise balance that observes both rights and obligations. The disciplined mufti grounds his opinion in authoritative evidences and applies them to actual situations with awareness and responsibility, free from external pressure or personal caprice – rendering his fatwa an effective instrument for the realisation of equity and the reinforcement of societal trust.

Second, the regulated fatwa has historically served to confront unjust social practices. Its affirmation of women's rightful entitlement to inheritance, for example, has provided legal grounding for the challenge of customs that deny women their Shari‘ah-guaranteed shares. Similarly, its insistence on the condition of free consent in

matrimonial contracts – and its prohibition of compulsion and exploitation – has served to preserve human dignity and safeguard the structure of the family. Third, by presenting solutions founded upon clear and equitable principles, the regulated fatwa contributes to the reduction of disputes and the resolution of conflicts within families and communities. Fourth, it contributes to the building of a collective consciousness in which justice functions not merely as an abstract principle but as a practical value embedded in everyday conduct (Mūsā, n.d.).

4.3 Building the Value of Responsibility

Responsibility – encompassing the individual's accountability for his own conduct and his obligations toward others, the community, and the state – constitutes one of the foundational values upon which the coherence and sustainability of any civilised society depend. The Islamic jurisprudential tradition has long recognised the cultivation of responsibility as among the most consequential social functions of the fatwa. The regulated fatwa, by virtue of its methodological discipline and its fidelity to the objectives of the Shari‘ah, operates at multiple intersecting levels – personal, familial, professional, and national – to entrench responsibility as both a religious imperative and a lived social practice.

4.3.1 Personal Responsibility

At the personal level, the regulated fatwa cultivates individual responsibility by establishing a direct and inalienable link between religious commitment and daily conduct. Unlike a merely formal or ceremonial engagement with legal rulings, the regulated fatwa addresses the whole person – his intentions, his actions, and the consequences of those actions for himself and for those around him. It thus cultivates within the individual a sustained sense of self-accountability, grounded in the Islamic doctrine of divine omniscience and the certainty of moral reckoning. The individual who internalises the teachings of a sound and disciplined fatwa does not perceive his religious obligations as a set of formal requirements to be technically satisfied; rather, he recognises that his commitment to the Shari‘ah is directly and continuously reflected in the quality of his conduct across all domains of life.

This dimension of personal responsibility manifests with particular clarity in familial relations. The regulated fatwa defines and affirms the mutual obligations of spouses, parents, children, and extended family members with precision and moral

weight, transforming abstract legal duties into lived ethical commitments. A husband who understands, through sound jurisprudential guidance, that his provision for his household is a divine obligation – not a cultural convention – approaches that responsibility with a qualitatively different consciousness than one who lacks such grounding. Similarly, parental responsibility for the moral and religious formation of children, the duty of adult children toward aged parents, and the obligations of broader kinship solidarity are all reinforced and concretised through the medium of the regulated fatwa.

The same logic extends to professional and occupational conduct. The regulated fatwa makes explicit the religious stakes of honesty in commercial transactions, the prohibition of fraud, the obligation to deliver work to an adequate standard, and the duty to observe commitments and contracts. By grounding these professional obligations in the authoritative normative framework of the Shari'ah – rather than leaving them to the vagaries of market incentives or social convention – the regulated fatwa cultivates a form of professional conscience that is internally motivated rather than externally coerced. It produces individuals who avoid dishonesty not merely for fear of legal sanction but out of genuine moral conviction, and who discharge their professional obligations with the awareness that their conduct is a direct expression of their religious identity and their standing before God.

4.3.2 Civic and Community Responsibility

Beyond the personal and familial spheres, the regulated fatwa cultivates responsibility at the level of community and civil society. One of the most important contributions of the fatwa in this regard is its capacity to frame civic participation – the giving of time, skill, and resources in service of the common good – as an expression of religious duty rather than a purely secular or voluntaristic activity. When qualified scholars affirm, through disciplined legal reasoning, that contributing to the welfare of one's community, supporting the poor, and participating in collective efforts to address social problems are obligations of the Shari'ah, they transform the motivational landscape for prosocial behaviour in profound and lasting ways.

This reframing of civic obligation in religious terms has been associated, across many Islamic societies, with notably high levels of charitable giving, voluntary association, and community solidarity. The fatwa institution has historically

played a critical role in directing and legitimising these energies – for example, by clarifying the scope of obligatory almsgiving (zakāt), endorsing specific charitable projects as vehicles for religious merit, affirming the legitimacy and value of humanitarian work in contexts of disaster or conflict, and establishing the religious impermissibility of indifference to the suffering of one's neighbours and fellow citizens. In each of these cases, the regulated fatwa does not merely describe a legal ruling; it actively shapes the moral imagination of communities and redirects their collective energies toward socially beneficial ends.

4.3.3 National and Civic Responsibility

At the broadest level, the regulated fatwa reinforces the concept of national belonging and civic responsibility by establishing a robust religious foundation for the obligations of citizenship. Drawing upon the Shari'ah's affirmation of the preservation of social order (nizām), the prevention of harm, and the obligation to contribute to the collective welfare, the regulated fatwa articulates a compelling jurisprudential case for positive engagement with the institutions and processes of the state. It affirms that honest and committed public service, the conscientious exercise of civic rights including participation in consultative processes, the preservation of public property, and the fulfilment of legal and tax obligations are not merely legal requirements but expressions of religious duty and markers of moral character.

Critically, the regulated fatwa also reinforces national responsibility by establishing clear and authoritative prohibitions against conduct that undermines collective wellbeing – including corruption, abuse of public office, embezzlement of public resources, and the exploitation of institutional positions for private gain. By framing such conduct not merely as illegal but as a grave violation of the Shari'ah's prohibitions against betrayal of trust (khiyāna) and the corruption of the earth (fasād fi al-ard), the regulated fatwa provides a moral deterrent of potentially far greater force than legal sanction alone. This dimension of the fatwa's social function is of particular practical significance in contexts where formal legal institutions are weak or where public trust in state enforcement is low, since it activates an internal moral accountability that does not depend upon the threat of external punishment.

Evidence of the constructive impact of balanced and regulated religious discourse on civic responsibility is visible in the increasing engagement with national and voluntary activities across many

Islamic societies. Studies on philanthropy and civil society in Muslim-majority contexts consistently identify religious obligation and religious identity as among the primary motivations for charitable giving and civic participation, underscoring the practical social significance of a fatwa culture that channels these motivations in constructive directions (Mūsā, n.d.).

4.3.4 Responsibility as an Educational and Formative Value

What distinguishes the regulated fatwa's contribution to the entrenchment of responsibility from other normative or legal mechanisms is its explicitly formative and educational character. The regulated fatwa does not merely prescribe; it explains, contextualises, and motivates. By articulating the rationale behind legal obligations – explaining why certain duties exist, what interests they serve, and what spiritual and social consequences flow from their fulfilment or neglect – the fatwa functions as an instrument of moral formation rather than mere behavioural regulation. It produces individuals who understand the why of responsibility, not merely its what, and who are therefore capable of exercising sound moral judgement in novel situations that no specific ruling may anticipate.

This educational dimension is of particular importance in the contemporary context, where the fragmentation of religious authority and the proliferation of unregulated opinions risk producing either rigid legalism, in which formal compliance substitutes for genuine moral understanding, or antinomian permissiveness, in which the absence of credible guidance leaves individuals without reliable normative moorings. The regulated fatwa, by contrast, cultivates a mature moral agency that is simultaneously faithful to the authoritative norms of the Shari'ah and capable of intelligent and responsible engagement with the complex moral demands of contemporary life.

In sum, the regulated fatwa functions as an indispensable educational instrument in the formation of a culture of responsibility – one that is simultaneously personal and collective, religious and civic, principled and practically engaged. It contributes, through its sustained and methodologically disciplined work, to the building of communities that are disciplined, morally conscious, and equipped to achieve the stability and sustainable development that constitute overriding objectives of the Shari'ah and the aspiration of every flourishing society (Mūsā, n.d.; Al-Shāṭibī, 1997).

4.4 Reinforcing Tolerance and Peaceful Coexistence

The regulated fatwa serves as a foundational pillar for the reinforcement of the values of tolerance and peaceful coexistence, producing its effects through four distinct mechanisms.

First, it works to restrain extremist interpretations and texts taken out of context. By adopting the methodology of moderation and balance (*wasatiyya*), the regulated fatwa cuts off the pathway of hatred and excommunication, replacing them with a religious consciousness that respects human dignity irrespective of religion or ethnicity. Second, the authoritative and sound fatwa contributes to the entrenchment of the concept of inclusive citizenship by establishing the rights of non-Muslims within the Islamic community upon the principles of justice (*'adl*), righteousness (*birr*), and equity (*qist*), affirming that doctrinal difference does not preclude cooperation founded upon shared interests and respect for the rule of national law.

Third, the regulated fatwa demonstrates the clemency and capaciousness of Islamic law through the exposition of its rulings and principles, and through the sustained engagement with the prophetic example of mercy, magnanimity, and tolerance in dealings with all members of society. Fourth, the regulated fatwa establishes jurisprudential disagreement and the legitimate diversity of scholarly opinion as evidence of the breadth and adaptability of the Shari'ah rather than as a source of social conflict. Through this exposition, recognition of diversity transitions from the jurisprudential to the behavioural domain, rendering individuals more receptive and accommodating of those who differ from them in opinion or conviction (Al-Tamīmī, n.d.; Mūsā, n.d.).

4.5 Reinforcing Trustworthiness and Societal Integrity

The regulated fatwa constitutes a foundational pillar in the entrenchment of the value of trustworthiness within society. First, it provides clear scriptural grounding that elucidates the moral status of trustworthiness, the obligation to preserve rights and discharge trust obligations, and the grave prohibition of treachery and deception in all their forms. Second, it clarifies legal rulings across all domains of life – particularly in the economic sphere – establishing that such rulings are founded upon the regulation of economic practices through the prohibition of fraud, deceit, and usury, and the affirmation of transparency in commercial

transactions and contracts.

Third, the regulated fatwa contributes to the cultivation of moral self-accountability, nurturing within the individual a sustained awareness of divine oversight in both private and public conduct. This awareness manifests concretely in adherence to professional obligations, avoidance of academic dishonesty, and the responsible stewardship of public resources. When the regulated fatwa is connected to the lived reality of people and directs their conduct toward these values, it contributes to the building of a community grounded in trustworthiness and integrity – thereby achieving the stability and safeguarding of the public interest that constitute overriding objectives of the Shari‘ah.

5. CONCLUSION

This study has sought to establish a comprehensive jurisprudential account of the regulated fatwa, integrating its foundational conditions and methodological criteria with a systematic analysis of its constitutive role in shaping human and societal values. The analysis has yielded five principal conclusions.

First, Islamic law possesses the inherent qualities of perpetuity and enduring validity by virtue of its suitability for every time and place and the flexibility of its rulings in accommodating those subject to legal obligation across the diversity of their eras and localities. This suitability is not self-evident but is realised through the ongoing work of qualified and methodologically disciplined scholarship.

Second, the legal fatwa proceeds from the foundational principles and rules of the Shari‘ah, realising its objectives – and it is the fatwa, as a contextual application of divine rulings, that is subject to change with changing circumstances, not the underlying divine ruling itself. The regulated fatwa is accordingly characterised by its fidelity to the texts, rules, and objectives of the Shari‘ah, while remaining adaptable to the exigencies of particular times, places, customs, and individual

circumstances.

Third, the regulated fatwa exerts a profound and far-reaching impact on the realisation of the objectives of the Lawgiver, functioning as the operative mechanism through which the five essential necessities – the preservation of religion, life, intellect, lineage, and property – are protected and promoted in contemporary social conditions.

Fourth, the regulated fatwa constitutes a primary instrument in the building and reinforcement of human and societal values: confronting extremism, entrenching justice, cultivating responsibility, promoting tolerance and peaceful coexistence, and reinforcing trustworthiness and societal integrity. Conversely, unregulated fatwas undermine these values by distorting the teachings of the religion and weakening the foundations of the social fabric.

Fifth and finally, the implications of these findings extend beyond the jurisprudential domain. For Islamic educational institutions, they underscore the importance of rigorous training in the methodology of the fatwa as a prerequisite for public religious leadership. For official fatwa-issuing authorities, they provide a normative framework against which the quality and social consequences of legal opinions may be assessed. And for policymakers engaged in religious moderation and counter-extremism work, they suggest that the promotion of a culture of jurisprudential discipline – through institutional support, scholarly training, and public education – may constitute one of the most effective long-term strategies for the protection of societal values and the promotion of peaceful coexistence.

Future research might profitably examine the empirical relationship between fatwa discipline and measurable social outcomes, such as levels of extremism, civic participation, and institutional trust, across different Muslim-majority communities. Comparative studies examining the fatwa-issuance practices and social effects of different official fatwa institutions would also represent a valuable contribution to the field.

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