

Imam al-Shafi'i's *Fiqh* on Women as *Rukyatul Hilal* Witnesses: A Hermeneutic and *Maslahah* Perspective

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Abstract: The exclusion of women from witnessing *rukayat al-hilal* remains a critical issue in contemporary Islamic jurisprudence, raising questions about gender inclusivity and the contextual interpretation of classical *fiqh*. This research reexamines Imam al-Shafi'i's *fiqh* concerning the prohibition of women serving as witnesses in *rukayat al-hilal*. The prohibition originally arose within a classical social context where women had limited access to astronomy. However, in the modern era, many women have acquired advanced expertise in astronomy and actively participate in determining the beginning of the lunar month. Therefore, this prohibition has lost its relevance and may contribute to the subordination of women in religious decision-making. Using a hermeneutic approach and Najmuddin al-Tufi's theory of *maṣlaḥah mursalah*, the study finds that Imam al-Shafi'i formulated his legal opinions by considering the social conditions of his time, as reflected in his *qaul qadim* and *qaul jadid*. Theoretically, this study highlights that *fiqh* is dynamic and responsive to changing contexts. Practically, it suggests that accepting the testimony of competent women in *rukayat al-hilal* aligns with the *maqāṣid al-sharī'ah* in developing a more inclusive and adaptive Islamic legal system.

Keywords: *Fiqh*; *Maṣlaḥah Mursalah*; Hermeneutics; Reactualization; *Rukyat al-Hilal*

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1. Introduction

The reactualization of Imam Syafi'i's *fiqh* regarding the issue of female witnesses in the sighting of the new moon is necessary to ensure coherence between *fiqh* rulings and contemporary realities, as well as to promote equality between men and women. This position is supported by Arif Royyani's thesis, which demonstrates that Imam Syafi'i's ruling on women's testimony in the sighting of the new moon was not inherently gender-biased. In formulating his legal opinion, Imam Syafi'i synthesized textual sources with the sociocultural conditions of his time, in which women generally lacked expertise in *rukyat al-hilāl* (astronomical moon sighting).¹

The sociocultural conditions of Imam Syafi'i's era differ significantly from those of the present, in which many women have attained substantial expertise in *rukyat al-hilāl* (astronomy). This is evidenced by the presence of numerous astronomy departments in Islamic universities across Indonesia, where women constitute a considerable proportion of the student body. A significant number of female lecturers also teach in the field of astronomy. Moreover, between 2015 and 2019 CE, several successful hilal sightings were conducted by women, including the sighting of the new moon for 1 Dhū al-Hijjah 1438 AH by Siti Rofiah, a lecturer at UIN Walisongo Semarang, and for 1 Shawwāl 1439 AH by Isti'ani and Sri Rahayu, both of whom serve at the Meteorology, Climatology, and Geophysics Agency. These developments indicate that women have begun to play an increasingly active role in determining the beginning of the Hijri months.

There has been extensive scholarly discussion on women's testimony in *rukyatul hilal*. Existing studies generally fall into two main trends. First, research that examines the position of women in *rukyatul hilal* testimony and its relation to Islamic law and positive law.² Second, research that explores the legal status of women's testimony in *rukyatul hilal* from a gender-equality perspective. These studies show that current discussions remain centered on legal analyses of women's testimony—whether within Islamic law, positive law, or gender-based frameworks.³ To date, no study has attempted to reactualize Imam al-Shāfi'i's *fiqh* to promote gender equality in the context of women's testimony in *rukyatul hilal* by employing a hermeneutic approach and the principle of *maṣlahah mursalah*.

The purpose of this paper is to reactualize Imam al-Shāfi'i's *fiqh* through hermeneutic reinterpretation and contextual application. In addition to explaining the rationale for renewing Imam al-Shāfi'i's *fiqh* concerning women's testimony in *rukyāt al-hilāl* (crescent-moon observation), this paper also seeks to propose a reformulation of his legal position on this issue.

This article argues that Imam al-Shāfi'i's *fiqh* on women's testimony in *rukyāt al-hilāl* requires re-evaluation in the contemporary context. Imam al-Shāfi'i

¹ Muhammad Arif Royyani, "Fiqh Imām Syāfi'ī Dalam Perspektif Gender (Studi Analisis Tentang Kesaksian Wanita Dalam Nikah Dan Melihat Hilāl)" (Uin Walisongo, 2010).

² Khoirul Fatikhin, "Analisis Hukum Terhadap Kesaksian Perempuan Dalam Pelaksanaan Rukyatul Hilal Di Indonesia" (Uin Walisongo, 2022); Muhammad Aflah Rifai, "Kontroversi Legalitas Saksi Perempuan Dalam Masalah Rukyatul Hilal Persepsi Ulama Kota Banjarmasin" (Uin Antasari Banjarmasin, 2023); Rusdiani, "Studi Analisis Terhadap Kedudukan Saksi Perempuan Dalam Rukyatul Hilal Menurut Pendapat Imam Hanafi" (Uin Mataram, 2022).

³ Mursyidul Wildan Furziyah, "Kesaksian Perempuan Dalam Rukyatul Hilal Perspektif Keadilan Dan Kesetaraan Gender," *Noura: Jurnal Kajian Gender Dan Anak* 6 (2022).

prohibited women from serving as witnesses in *rukyāt al-hilāl* because, in his time, there were no women who possessed expertise in crescent-moon observation (astronomy).⁴ However, applying this prohibition today would result in gender bias, as many women are now proficient in the scientific methods and practice of *rukyāt al-hilāl* (astronomy).

2. Method

This research is classified as library research, relying entirely on literature as its primary data source. The primary sources consist of classical *fiqh* works, particularly Imam al-Shāfi'ī's *al-Umm*, which addresses the prohibition of women's testimony in crescent-moon observation. Secondary sources include other relevant Islamic legal literature in the form of books, journal articles, and previous studies examining women's *fiqh* and the legal status of testimony in *rukyāt al-hilāl*.

Data collection was conducted through an extensive literature review involving an in-depth examination of original manuscripts, scholarly interpretations and commentaries, as well as references to contemporary Islamic legal products. The data were analyzed using a qualitative-descriptive method, through which the collected materials were classified, examined, and interpreted to generate findings relevant to the research focus.

This study employs a hermeneutic approach, which involves interpreting and understanding *fiqh* texts within their historical context and the evolving social realities of Muslim communities. This analysis is supported by Najm al-Dīn al-Ṭūfi's concept of *maṣlahah mursalah* within the framework of *uṣūl al-fiqh*, used here as an analytical tool to assess the relevance, urgency, and public benefit (*maṣlahah*) of the proposed re-actualization of the legal ruling under study. The hermeneutic stages applied include interpreting textual arguments, tracing the socio-historical considerations influencing Imam al-Shāfi'ī's legal opinion, and aligning these insights with contemporary societal needs to advance the principles of justice and gender equality in Islamic law.

Accordingly, this study seeks to construct a renewed understanding of classical *fiqh* norms through contextual re-actualization, enabling the resulting conclusions to be implemented meaningfully in the lives of Muslims today. This approach further contributes to the development of Islamic legal scholarship that is responsive and oriented toward societal benefit.

3. Results

3.1. The Istinbath Paradigm of Imam Syafi'i

Imam al-Shāfi'ī, whose full name is Abū 'Abd Allāh Muḥammad ibn Idrīs ibn al-'Abbās, was a descendant of Banū Hāshim and Banū 'Abd al-Muṭṭalib, making him directly related to the Prophet Muḥammad through both his paternal and maternal lineage.⁵ Born in Gaza in 150 AH/767 CE, his birth coincided with the

⁴ Royyani, "Fiqh Imām Syāfi'ī Dalam Perspektif Gender (Studi Analisis Tentang Kesaksian Wanita Dalam Nikah Dan Melihat Hilāl)."

⁵ Ali Jumu'ah, *Al-Imam Asy-Syafi'i Wa Madrasatihu Al-Fiqhiyyah* (Mesir: Dar Ar-Risalah, 2004).

death of Imam Abū Ḥanīfah, marking a pivotal moment in the formative era of *fiqh* scholarship.⁶

Theologically, he followed the *Ahl al-Sunnah wa al-Jamā'ah* tradition, consistent with the other three major *fiqh* imams. Methodologically, however, he forged a synthesis between the approaches of the *muḥaddithūn* (traditionists) and the *ahl al-ra'y* (rationalists), representing a moderate and integrative stance that bridged two intellectual traditions.⁷ His *fiqh* thought is famously divided into the *qaul qadīm* and *qaul jadīd*, reflecting the shifts in his legal opinions shaped by the social and cultural environments he encountered during his travels through Mecca, Medina, Iraq, and Egypt.⁸

The vibrant scholarly milieu of Islam's golden age provided Imam al-Shāfi'ī with broad exposure to diverse methods of *istinbāt*.⁹ In Mecca and Medina, he studied under eminent *ḥadīth* and *fiqh* scholars such as Sufyān ibn 'Uyaynah and Imām Mālik. In Iraq, he engaged with the rational-contextual legal thought associated with Abū Ḥanīfah. His subsequent stay in Egypt enabled him to integrate these intellectual currents into a balanced and systematic legal methodology, a reform widely acknowledged by scholars of his time.¹⁰ Through his seminal work *al-Risālah*, Imam al-Shāfi'ī articulated a hierarchical framework for deriving legal rulings, beginning with textual evidence from the Qur'an and *ḥadīth*, followed by the consensus (*ijmā'*) of the Companions, and, when necessary, the application of *qiyās* (analogical reasoning).¹¹

Imam al-Shāfi'ī's method of *istinbāt* also offers important implications for legal reasoning related to gender. By prioritizing primary textual sources, followed by *ijmā'* and *qiyās*, he established a methodological space that allows for contextual and rational legal adaptation without compromising the core principles of the Shari'ah. This integrative approach provides a framework for developing inclusive and adaptive legal reasoning concerning gender roles, enabling sacred texts to be interpreted in light of evolving cultural and social conditions. Such a framework carries significant potential for addressing contemporary gender issues, particularly those related to justice and equality, while remaining grounded in a methodologically rigorous and historically validated Shari'ah tradition.¹²

3.2. Imam Syafi'i's Fiqh on the Witnessing of the *rukyyatul hilal* by Women

The discussion of women's testimony in *rukyyāt al-hilāl* occupies a significant place in Imam al-Shāfi'ī's legal thought, particularly as presented in *al-Umm*, which systematically addresses various dimensions of evidentiary law. In Volume VII, Imam al-Shāfi'ī elaborates on the legal requirements for determining the beginning

⁶ Abdur Rahim Muhammad, *Diwan Al-Imam Asy-Syafi'i* (Beirut: Dar Al-Fikr, 1995).

⁷ Al-Kurdi, *Al-Fawa'id Al-Madaaniyah Fi Man Yufta Bi Qaaulihi Min Muta'akhir Asy-Syafi'iyyah* (Mesir: Al-Babi Al-Halabi, N.D.).

⁸ Kurniati Dkk Nawirman, "Faktor Sosiologis Qaul Qadim Dan Qaul Jadid Imam Syafi'i," *Al-Afkar*: 6, No. Journal For Islamic Studies (2023).

⁹ Abd Rauf Amin, *Imam Al-Syafi'i: Pembangun Mazhab Fikih Moderat* (Brunai Darussalam: Syarikat Percetakan & Perdagangan Ezy Sdn. Bhd, 2014).

¹⁰ Abd Rauf Amin, *Imam Al-Syafi'i: Pembangun Mazhab Fikih Moderat*

¹¹ Abd Rauf Amin, *Imam Al-Syafi'i: Pembangun Mazhab Fikih Moderat*

¹² Dkk Muh. Aqsho Che Athoriq. R, Ferdiansa Putra, "Istinbath Hukum Imam Syafi'i Dalam Pemecahan Kasus Pelecehan Seksual Di Indonesia," *Birokrasi 2*, No. Jurnal Ilmu Hukum Dan Tata Negara (2024).

and end of Ramadan through crescent-moon observation, emphasizing the centrality of valid testimony in establishing the obligation to fast. His position underscores that only the testimony of two or more upright male witnesses is acceptable for confirming the sighting of the new moon, reflecting the stringent evidentiary standards applied to acts of worship (*ibādāt*). Imam al-Shāfi'ī also argues that fasting based on such testimony is advisable because fasting, in his view, does not impose substantial material hardship. If it is later discovered that the timing was inaccurate, the community is still rewarded for their sincerity and obedience. This introduction highlights the foundational principles underlying Imam al-Shāfi'ī's framework on testimony, which integrates textual evidence, ethical considerations, and communal welfare within the broader structure of Islamic legal methodology.

Imam al-Shāfi'ī's legal position delineates two specific contexts in which women's testimony is permissible, each governed by distinct evidentiary conditions. First, in matters involving financial rights or obligations, where property must be transferred or compensated, women may provide testimony, but only when the minimum requirement of two female witnesses is paired with one male witness. This arrangement reflects the Qur'anic directive regarding proportional testimony while preserving accuracy in transactional matters. Second, in cases about modesty (*'awrah*) or issues that cannot be properly accessed or observed by men, women are granted exclusive authority to testify, provided there are at least four female witnesses. Imam al-Shāfi'ī's rationale for these differentiated standards draws directly from scriptural principles and the perceived reliability of witness categories within the socio-legal context of his era. The data indicate that these requirements were designed not to exclude women from legal participation but to safeguard the integrity of legal processes within a framework that recognized distinct spheres of competence and accessibility for male and female witnesses.¹³

The constraints placed on women's testimony in *rukyāt al-hilāl* must be understood in relation to the historical, cultural, and epistemic environment in which Imam al-Shāfi'ī formulated his views. During his time, scientific astronomy had not yet developed as an empirical discipline widely accessible to the public, and expertise in crescent-moon observation was dominated by men.¹⁴ As a result, the exclusion of women from direct participation in moon-sighting testimony reflects not a theological assertion about women's inherent capacity, but rather the sociological reality that women did not receive training in observational astronomy. Similarly, the evidentiary hierarchy in financial and modesty-related cases mirrored prevailing norms concerning literacy, mobility, and social roles. Imam al-Shāfi'ī's categorizations thus emerged from a method of *istinbāt* that balanced textual fidelity with pragmatic assessments of competence, objectivity, and social feasibility. In this sense, his position represents a contextual legal construction shaped by historical contingencies rather than a rigid, timeless doctrinal boundary.¹⁵

The findings of this study offer significant theoretical and practical implications for contemporary reinterpretations of Islamic legal norms on testimony, particularly regarding women's participation in *rukyāt al-hilāl*. Theoretically, the analysis demonstrates that Imam al-Shāfi'ī's approach is fundamentally dynamic and

¹³ Khatib Hafidz, *Terjemah Al-Umm Karya Imam Syafi'i* (Jakarta: Pustaka Azzam, 2015).

¹⁴ Khatib Hafidz, *Terjemah Al-Umm Karya Imam Syafi'i*.

¹⁵ Furziyah, "Kesaksian Perempuan Dalam Rukyatul Hilal Perspektif Keadilan Dan Kesetaraan Gender."

responsive to empirical realities, indicating that his rulings can be re-evaluated in light of new contexts where women now possess recognized expertise in astronomy. This opens methodological space for hermeneutic reinterpretation and the application of *maṣlahah mursalah* to promote gender-equitable legal frameworks without departing from Shari'ah principles. Practically, acknowledging women's scientific competence in crescent-moon observation supports a more inclusive system of Hilal determination that aligns with modern educational and professional developments. Such an approach strengthens institutional decision-making, enriches the epistemic basis of moon-sighting procedures, and enhances gender participation in Islamic legal practice. Ultimately, this reinterpretation advances a vision of Islamic law that is both faithful to its classical heritage and adaptable to contemporary societal conditions.

4. Discussion

4.1. Reinterpretation of Imam al-Shāfi'ī's *Fiqh* on the Prohibition of Women's Testimony in *Rukyāt al-Hilāl* from a Hermeneutic Perspective

Based on the research that has been conducted, the author concludes that Imam Syafi'i's *fiqh* regarding the prohibition of women testifying to the sighting of the new moon is not gender biased. As we know, when Imam Syafi'i derived laws, he always considered the text and the social conditions at that time. This is evidenced by the existence of *qaul qadīm* and *qaul jadīd*. He was concerned that allowing women to serve as witnesses to *rukyaṭul hilal* would lead to greater harm. This indicates that Imam Syafi'i took the principle of *maṣlahah* (public benefit) into account when formulating legal rulings. The legal opinions he issued consistently reflected a balanced approach between textual evidence and *ra'yu* (reasoned judgment), and between the prescriptions of the Qur'an and hadith and what would best serve the interests of the *ummah*.

Imam Syafi'i's legal ruling prohibiting women from testifying to the sighting of the new moon appears to be gender biased in today's world, but in fact, it was not gender biased at all in his time. We need hermeneutics to be able to understand Imam Syafi'i's *fiqh* comprehensively. This ensures that Imam Syafi'i's *fiqh* remains relevant to this day.

Hermeneutics literally means interpretation, while in terms of terminology, hermeneutics is the understanding of a text, especially sacred texts that come from a time, place, and social situation that are foreign to its readers.¹⁶ In this study, the author employs a hermeneutic approach to analyze Imam Syafi'i's *fiqh* concerning the prohibition of women from testifying to the sighting of the new moon. At first glance, this ruling may appear gender-biased; however, such an impression arises from differences in temporal, spatial, and socio-cultural contexts between the period in which the ruling was formulated and the present day.

Emilio Betti, a prominent hermeneutic scholar, argues that meaning is defined by the intent of the originator and the historical agents involved. Meaning consists of meaningful forms that represent the objectification of human thought. For Betti, hermeneutics is an interpretive method aimed at achieving objective understanding. By applying appropriate interpretive methods and norms, a reader or interpreter can

¹⁶ Edi Susanto, *Studi Hermeneutika Kajian Pengantar, Pertama* (Jakarta: Kencana, 2016).

grasp the historical conditions underlying a text, thereby accessing the meaning intended by its author or originator.¹⁷

Betti identifies two essential requirements for achieving objectivity in interpretation. First, a researcher must clarify interpretive issues by examining the interpretive process in detail. Second, a researcher must formulate a methodological framework capable of preventing personal subjectivity from influencing the objective and rational interpretation of a text.¹⁸ The first formulation is reflected in the way Imam Syafi'i interpreted the Qur'anic verses and hadiths regarding testimony in *rukyatul hilal*, as well as in the method he employed to perform *istinbāt* (legal inference) in this case.

If examined closely, the *istinbāt* method employed by Imam Syafi'i to formulate the ruling prohibiting women from testifying to the sighting of the new moon is grounded in both textual evidence and the socio-historical conditions of his time. Several Qur'anic verses and hadiths constitute the legal basis for testimony. In some contexts, a woman's testimony is valued as half that of a man, while in others, women's testimony holds equal weight to that of men.¹⁹ In addition to the textual foundations mentioned above, the socio-historical conditions of the period also shaped the legal ruling formulated by Imam Syafi'i. At that time, women's participation in the public sphere was significantly restricted, and it was exceedingly rare for women to possess expertise in *rukyatul hilal*, the practice of determining the beginning of the Hijri month.²⁰

The teachings of the Qur'an function both as a model of reality that reflects the culture of the society in which they emerged and as a model for reality that guides the formulation of an idealized culture by transforming existing social and cultural structures. Such cultural formulation occurs through the interpretive reasoning of human agents.²¹ The wording of the Qur'an and Hadith, which constitute divine authority, is articulated within the socio-geographical context of Arabia. Likewise, *fiqh*, as a product of human reflection and interpretation of these two primary sources, is shaped by the dialectical engagement of scholars with the social realities of their respective environments. A scholar's intellectual capacity and personal disposition also influence the legal reasoning he formulates. In this regard, Imam Syafi'i produced two distinct positions, *qaul qadīm* and *qaul jadīd*, reflecting the differing socio-cultural contexts he encountered during his residence in Iraq and Egypt.²² Based on the *qaul qadīm* and *qaul jadīd*, the author believes that Imam Syafi'i paid close attention to social factors when issuing a ruling.

The second formulation requires that a researcher establish a methodology capable of preventing subjectivity from disrupting the objective interpretation necessary for rational analysis. This can be achieved through the historical-critical

¹⁷ Joko Siswanto, *Horizon Hermeneutika* (Yogyakarta: Gadjah Mada University Press, 2024).

¹⁸ Joko Siswanto, *Horizon Hermeneutika*.

¹⁹ Zamzami, "Kesaksian Perempuan Dalam Al-Qur'an (Suatu Tinjauan Pendapat Mufassir)" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2011).

²⁰ Muhammad Abi Aulia, "Diajukan Kepada Fakultas Syariah Dan Hukum Untuk Memenuhi Salah Satu Syarat Memperoleh Gelar Sarjana Hukum (S.H)" (Uin Syarif Hidayatullah, 2017).

²¹ Ali Ridho, "Al-Qur'an Dan Budaya: Al-Qur'an Dalam Siklus Kehidupan Muslim," *Maghza* 4, No. Jurnal Ilmu Al-Qur'an Dan Tafsir (2019).

²² Zaenul Mahmudi, "Formulasi Fikih Perempuan Imam Syafi'i (Suatu Kajian Sosiologis)," *Al-Afkar: Journal For Islamic Studies* Xii (2005): 103-4, File:///D:/Zaenulmahmudi2005formulasifikihperempuanimamsyafii.Pdf.

method. According to Hagner and Young, the historical-critical method is an interpretive approach that seeks to understand a text by situating it within the historical and cultural context in which it was produced.²³ It should be noted that when the Qur'anic verse on testimony was revealed, as well as when Imam al-Shafi'i formulated his fiqh on the prohibition of women's testimony, society operated within a strongly patriarchal structure. Although Imam al-Shafi'i lived during the golden age of Islamic civilization, women at that time were largely denied opportunities for public engagement and self-actualization.²⁴

During the Abbasid dynasty, women's participation in public life and scholarly activities was severely limited. Leila Ahmed notes in her work that elite and bourgeois women generally lived in seclusion, while ordinary women were often treated as sexual commodities.²⁵ Within such a socio-cultural context, Imam al-Shafi'i's prohibition on women serving as witnesses in *rukyatul hilal* can be understood as a pragmatic response to the reality that women at the time were not yet equipped to act as reliable observers of the crescent moon, an observation that directly affected the validity of determining the beginning of Ramadan. Imam al-Shafi'i's concern was to avoid errors in establishing the timing of fasting and religious holidays, as such inaccuracies could potentially cause harm to the broader community.

However, contemporary conditions differ significantly from those of the past. On October 23, 2025, the Indonesian Women's Falak Community was officially established at UIN Sunan Ampel Surabaya.²⁶ However, contemporary conditions differ markedly from those of the past. This development represents an important milestone in the history of astronomy in Indonesia, signifying the substantial progress women have made in mastering and advancing the field. The establishment of this community provides clear evidence that women today are not only theoretically proficient but also capable of contributing both scientifically and practically to crescent-moon observation. This shift reflects a broader paradigm change and a socio-cultural reality that increasingly supports women's active participation in scientific domains and in religious decision-making processes that were once considered exclusive to men.

These developments necessitate a reinterpretation and renewal of fiqh legal concepts, including those articulated by Imam al-Shāfi'ī. Just as Imam al-Shāfi'ī adjusted his fatwas and legal opinions in accordance with the socio-cultural context of his era, an adaptive *istinbāt* approach provides space for women to serve as witnesses in *rukyāt al-hilāl* based on their scientific competence and credibility. With technological advancements and equitable access to education, concerns regarding the inaccuracy of women's testimony can be significantly reduced, thereby allowing the principles of justice and public benefit (*maṣlahah*) to be prioritized in the formulation of practical legal rulings.

Therefore, the establishment of the Indonesian Women's Falak Community is not merely a symbol of gender progress but also provides an opportunity for

²³ Donald A. Hagner And Stephen E. Young, *The Historical-Critical Method And The Gospel Of Matthew* (Cambridge: Cambridge University Press, 2012).

²⁴ Siti Muzdah Muli, *Muslimah Sejati: Menempuh Jalan Islami Meraih Ridha Ilahi* (Bandung: Marja, 2011).

²⁵ Mahmudi, "Formulasi Fikih Perempuan Imam Syafi'i (Suatu Kajian Sosiologis)."

²⁶ <https://ilfal.uinsscc.ac.id/muktamar-falak/>. Diakses Pada Rabu, 5 November 2025 Pukul 14.00 Wib.

contemporary fiqh scholars to reinterpret traditional boundaries that are inherently historical and contextual. This approach represents a manifestation of *living sharia*, which remains responsive to contemporary developments to accommodate justice and equality without compromising the fundamental principles of religion.

4.2. Reformulation of Imam al-Shāfi'ī's Fiqh on the Prohibition of Women's Testimony in the Sighting of the New Moon Based on Najm al-Dīn al-Ṭūfī's *Maṣlahah* Method

The reform of Islamic law through the *maṣlahah* theory developed by Najm al-Dīn al-Ṭūfī provides a robust and methodologically sound foundation for adapting Islamic legal principles to contemporary social conditions.²⁷ In principle, Islamic law is grounded in wisdom and legal reasoning aimed at achieving *maṣlahah* (public interest). Al-Juwaynī underscores that a profound understanding of God's intent behind His commands and prohibitions is essential for one to be qualified to interpret and implement Islamic law.²⁸ *Maṣlahah* is the nominal form of the verb *ṣaluḥa*, which denotes a state in which something attains its optimal condition in accordance with its intended function. For instance, a pen achieves its optimal state when it can be used for writing, and a sword achieves its optimal state when it can be used for cutting.²⁹ In this context, al-Ṭūfī defines *maṣlahah* as a condition in which something functions optimally in accordance with its intended purpose and function, both from the perspectives of *'urf* (custom) and *shar'ī* (Islamic law). From a *shar'ī* standpoint, *maṣlahah* constitutes a means for realizing the objectives of the sharia (*maqāṣid al-sharī'ah*) in both *'ibādāt māḥḍah* (ritual worship) and *ghayr māḥḍah* (social practices). Thus, *maṣlahah* is inseparable from *maqāṣid al-sharī'ah*.³⁰

Najm al-Dīn al-Ṭūfī's concept of *maṣlahah* is grounded in four fundamental principles. First, reason independently determines *maṣlahah* and *mafsadah* in matters related to *mu'āmalah* and customary practices. Second, *maṣlahah* functions as an autonomous *shar'ī* proof that does not depend on textual confirmation (*naṣṣ*), but rather on rational judgment. Third, the application of *istinbāt al-maṣlahah* is limited to *mu'āmalah* and customs, and does not extend to *'ibādāt māḥḍah*, whose standards are strictly defined by the sharia. Fourth, public interest constitutes the strongest *shar'ī* argument, such that when textual evidence or scholarly consensus (*ijmā'*) conflicts with *maṣlahah*, priority is given to *maṣlahah*.³¹ Al-Ṭūfī emphasizes that the essence of Islamic teachings conveyed through textual sources is the realization of

²⁷ Ifa Nurhayati Siti Rohmah Muyassaroh, Bawon, "Analisis Teori Maslahat Najmuddin Al-Thufi Sebagai Landasan Hukum Progresif Dalam Fiqih Kontemporer," *Jurnal of literature review* 1 (2025).

²⁸ Robbiyanto Aam Siti Hamidah, Evan Pranawa, "Analysis Of The Utilization Of Illegal Educational Sites From The Islamic Perspective And Positive Law," *Istinbath* 18, No. *Jurnal Hukum* (2023).

²⁹ H.M. Thahir Maloko Mulsir Irawanda1, Muhammad Wildan2, "Analisis Masalah Najmuddin Al-Tufi Terhadap Pembagian Warisan Anak Perempuan," *Madani: Jurnal Ilmiah Multidisiplin* 2 (2024).

³⁰ Mustafa Zaid, *Al-Maslahah Fi Al-Tasyri' Al-Islami*, Ed. Dar Al-Yusr (Mesir, 1954).

³¹ Agus Hermanto Mohamad Ramadan Habibi, Siti Nurjanah, Siti Zulaikha, "Implementasi Teori Al-Maslahah Najmuddin Ath-Thufi Dalam Fatwa Politik Yusuf Al Qaradhawi," *Socius* 2, No. *Jurnal Penelitian Ilmu-Ilmu Sosial* (2025).

public interest for humanity. Therefore, public interest must take precedence over the means employed to achieve it, including textual evidence and scholarly consensus.³²

Based on the four principles outlined above, women's testimony in *rukyāt al-hilāl* is permissible. Moreover, no textual evidence explicitly prohibits women from serving as witnesses in the sighting of the new moon. Several Qur'anic verses and hadith provide the legal foundation for the acceptance of women's testimony. In certain contexts, women's testimony is valued at half that of men, whereas in other circumstances it holds equal weight.³³ This is further supported by contemporary data documenting the involvement of women as witnesses in *rukyāt al-hilāl*, which has been recorded in several official cases.³⁴

There are several conditions for employing *maṣlahah* as a method of *istinbāt istiṣlāhī*. First, the *maṣlahah* must align with the *maqāṣid al-sharī'ah*. Permitting women to serve as witnesses in *rukyāt al-hilāl* is consistent with one of the five *maqāṣid al-sharī'ah*, namely *ḥifẓ al-dīn* (preservation of religion), because it ensures certainty regarding the timing of religious observances. Conversely, rejecting such testimony solely based on gender, despite the woman being just, competent, and her testimony verifiable, would negate the possibility of establishing the beginning of a Hijri month. Second, the benefit must be real and verifiable, not merely speculative. Allowing women to serve as witnesses in *rukyāt al-hilāl* yields tangible benefits. Beyond providing certainty regarding the time of worship, it also promotes justice and gender equality in the practice of Islamic rituals.³⁵ It should be noted that Islam views the relationship between women and men as fundamentally equal, both as servants of God and as stewards (*khalīfah*) on earth, each bearing responsibilities and possessing the potential for achievement.³⁶ Third, the benefit must apply universally and not be limited to specific groups. Allowing women to serve as witnesses in *rukyāt al-hilāl* generates advantages for all Muslims.³⁷

By applying these principles, the use of *maṣlahah* to legitimize women's testimony in *rukyāt al-hilāl* is shown to be both rational and methodologically sound. This approach opens an inclusive and adaptive legal space that responds to contemporary social developments without neglecting the fundamental objectives of the sharia, namely the protection of the broader public interest. Such a reformulation not only preserves the essence of Islamic law but also addresses modern challenges through a rational and contextually grounded framework.

³² Sarifudin Sarifudin, "Hukum Islam Progresif: Tawaran Teori Maslahat At-Thufi Sebagai Epistemologi Untuk Pembangunan Hukum Nasional Di Indonesia," *Jurnal Wawasan Yuridika*, 2019, <https://doi.org/10.25072/jwy.v3i2.269>.

³³ Muhammad Ulinnuha Dkk Mawaddah, "Kesaksian Perempuan Dalam Al-Qur'an: Studi Analisis Kitab Tafsir Al-Azhar Dan Tafsir Al-Mishbah," *Nun* 10, No. Jurnal Studi Al-Qur'an Dan Tafsir Di Nusantara (2024).

³⁴ Wiwik Indayanti, "Analisis Hukum Islam Terhadap Penerimaan Kesaksian Perempuan Dalam Rukyatul Hilal Oleh Kementerian Agama Republik Indonesia Pada Tahun 1435–1444 H" (Uin Sunan Ampwl, 2023).

³⁵ Wahbah Zuhaili, *Al-Wajiz Fi Ushul Fiqh* (Damaskus: Dar Al-Fikr, 1999).

³⁶ Oyoh Bariah, "Kesetaraan Dan Keadilan Gender Dalam Perspektif Alqur'an," *Jurnal Pendidikan Islam Rabbani*, 2017.

³⁷ Wahbah Zuhaili, *Al-Wajiz Fi Ushul Fiqh*

5. Conclusion

This study demonstrates that Imam al-Shāfi'ī's prohibition of women's testimony in the sighting of the new moon was not grounded in gender bias but constituted an *ijtihād*-based legal judgment shaped by the textual and socio-historical conditions of his era. At that time, the limited involvement and expertise of women in astronomy rendered their testimony unreliable within the prevailing epistemic framework. In contrast, contemporary realities show a significant transformation, with women now actively engaged in the scientific practice of *rukyāt al-hilāl* and possessing demonstrable competence in astronomical observation.

Given these developments, the reformulation of al-Shāfi'ī's position is both necessary and methodologically justified. By integrating a hermeneutic reading of classical fiqh texts with Najm al-Dīn al-Ṭūfi's *maṣlaḥah mursalah* framework, this study underscores that fiqh is inherently dynamic and contingent on context rather than a fixed and immutable body of norms. Consequently, Islamic legal reasoning must remain responsive to social change and uphold the principles of justice, public interest, and inclusivity.

In light of this analysis, women's testimony in *rukyāt al-hilāl* is legally acceptable in the modern context, provided it meets established scientific and ethical standards, criteria that are fully consistent with Imam al-Shāfi'ī's epistemological orientation. This conclusion affirms the need for an adaptive and context-sensitive fiqh capable of addressing contemporary realities while preserving the core objectives of the sharia.

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