



The Implementation of Al-'Adl Method According to Muhammad Yusuf Al-Qaradhawi in the Context of Contemporary Islamic Family Law

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Abstract: Dr. Muhammad Yusuf al-Qaradhawi is a famous scholar who was born in western Egypt in 1926. He studied at al-Azhar University and productively wrote many works in various fields using the al-'Adl method as one of the significant contributions to the advancement of science. The al-'Adl method is a concept based on the Qur'an and Sunnah with a strong methodological framework and is able to produce a logical balance model (al-Tazawun) according to the size, scale of the tasyri' spirit and human ratio. Al-'Adl is a characteristic of al-Qaradhawi's view with an emphasis on the priority of actions that are in line with the Qur'an and its evidence, participating in opening up thinking, correcting its methodology and laying a strong foundation for the development of fiqh as the will of the Qur'an. This research uses a literature study method with a qualitative approach to examine the al-'Adl method and its application in the context of contemporary family law. The results of the study show that al-Qaradhawi provides answers to various problems of Islamic family law in the form of contemporary fatwas using the ijtihad al-'Adl method in his book entitled Hadyul Islam Fatawi Muashirah. Some of the issues that are of concern in this study include: The law of dowry and its wisdom, the law of marrying a former mother in law whose child has not been intimate with, the problem of the amount of inheritance, inheritance for disobedient children, and the amount of milk that prohibits marriage. al-'Adl reflects the alignment of Islamic law with the spirit of justice and balance.

Abstrak: Dr. Muhammad Yusuf al-Qaradhawi adalah seorang ulama terkenal yang lahir di Mesir bagian barat pada tahun 1926. Beliau menempuh pendidikan di Universitas al-Azhar dan produktif menulis banyak karya dalam berbagai bidang dengan menggunakan metode al-'Adl sebagai salah satu kontribusi yang signifikan dalam kemajuan ilmu pengetahuan. Metode al-'Adl yakni sebuah konsep berlandaskan Qur'an dan Sunnah dengan kerangka metodologis yang kuat dan mampu menghasilkan model keseimbangan (al-Tazawun) yang logis menurut ukuran, timbangan ruh tasyri' dan rasio manusia. Al-'Adl merupakan karakteristik dari pandangan al-Qaradhawi dengan menekankan prioritas tindakan yang selaras dengan Qur'an dan dalil-dalilnya, berperan dalam meluruskan pemikiran, membetulkan metodologinya dan meletakkan landasan yang kuat bagi terbangunnya fikih sebagaimana kehendak Qur'an. Penelitian ini menggunakan metode studi pustaka dengan pendekatan kualitatif untuk mengkaji metode al-'Adl dan penerapannya dalam konteks hukum keluarga kontemporer. Hasil kajian menunjukkan bahwa al-Qaradhawi memberikan jawaban atas berbagai permasalahan hukum keluarga Islam dalam bentuk fatwa kontemporer dengan metode ijtihad al-'Adl dalam karyanya yang berjudul Hadyul Islam Fatawi Muashirah. Beberapa isu yang menjadi perhatian dalam penelitian ini diantaranya yaitu: Hukum mahar dan hikmahnya, Hukum menikah dengan bekas ibu mertua yang anaknya belum digauli, masalah besaran bagian warisan, waris bagi anak durhaka, dan jumlah susuan yang mengharamkan nikah. al-'Adl mencerminkan penyelarasan hukum Islam dengan semangat keadilan dan keseimbangan.

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A. INTRODUCTION

The al-'Adl methodology is a concept proposed by the Muslim scholar Dr. Yusuf al-Qaradhawi. He is a modern Egyptian Muslim intellectual and internationally renowned scholar, was born in a village in western Egypt in 1926. He completed a diploma program at *Ma'had al-Buhuts wa Dirasah al-Arabiyah al-Aliyah*, followed by postgraduate studies at al-Azhar University, and later a doctoral program where he wrote his dissertation titled *al-Zakah wa Atsaruhā fi Halli al-Masyakil al-Ijtima'iyyah* (Zakat and Its Influence in Solving Social Problems). Known for his charisma and expertise in various fields, he has produced numerous scholarly works that reflect his remarkable thoughts. One of the key contributions of al-Qaradhawi is the al-'Adl methodology, which is closely tied to his concept of *Fiqh al-Awlawiyyat* (jurisprudence of priorities), focusing on prioritizing actions based on their importance as outlined in the Qur'an and its supporting evidence. This methodology seeks to align human reasoning with the Qur'an's objectives, providing a logical balance (*al-tawazun*) within the framework of Sharia. It is grounded in the principles of inclusivity, continuity, ease, balance, and diversity. In his book *Hadyul Islam Fatawi Mu'ashirah* (Contemporary Fatwas), al-Qaradhawi provides detailed and accessible fatwas addressing modern Islamic issues. These fatwas cover a wide range of topics relevant to contemporary Muslim life and are widely recognized and read across the Islamic world.

Yusuf al-Qaradhawi is a modern Egyptian Muslim intellectual. His full name is Muhammad Yusuf al-Qaradhawi, he was born in the village of Shafat Thurab, located in the western part of Egypt, on September of 1926. Shafat Thurab is located between the cities of Thanta and al-Mahallah al-Kubra, which is one of the most well-known centers in the al-Gharbiyyah Governorate.¹ At the age of two, Qardhawi's father passed away. As an orphan, he was raised by his paternal uncle, who was devout in practicing the sharia. From a young age, he was provided with religious education and Islamic knowledge. Growing up in a religious environment, al-Qaradhawi began to seriously memorize the Qur'an at the age of five and was enrolled in a primary school under the supervision of the Egyptian Ministry of Education, where he studied about history, arithmetic, health, and other sciences. Due to his dedication and intelligence, Yusuf al-Qaradhawi succeeded in memorizing the entire juz of the Qur'an by the age of ten. His fluency and melodious recitation of the verses made him frequently invited to serve as an imam in the mosque.

In 1957, al-Qaradhawi pursued his education at *Ma'had al-Buhuts wa Dirasah al-Arabiyah al-Aliyah*, where he earned a diploma in Arabic Language and Literature. Then continued his studies in the postgraduate program at al-Azhar University in Cairo, specializing in tafsir hadith, completed his studies in 1960. Yusuf al-Qaradhawi's achievements were outstanding and he graduated as the top student from the Faculty of Ushuluddin. He advanced his studies in a specialized Arabic Language department at Al-Azhar University, where he ranked first out of five hundred other students, earning

¹ Yusuf al-Qaradhawi, *Perjalanan Hidupku I*, trans. Cecep Taufikurrahman (Jakarta: Pustaka al-Kautsar, 2003). P. 103.

an international degree and a teaching certificate.² After completing his studies in Cairo, al-Qaradhawi continued his education in a doctoral program, which he completed in two years in 1972. His dissertation was titled *al-Zakah wa Atsaraha fi Halli al-Masyakil al-Ijtima'iyah* (Zakat and Its Influence in Solving Social Problems), which developed into a comprehensive book titled *Fiqh az-Zakat* (The Jurisprudence of Zakat). This book addresses the issue of zakat with a modern perspective.³

As prominent international 'ulama, Yusuf al-Qaradhawi is known for his remarkable productivity in writing. He has authored numerous scholarly works, including books, articles, and research papers that are widely distributed throughout the Islamic world. It is estimated that his works output includes around 120 book titles, covering both religious and political topics. His works span five main fields of knowledge: 1) Fiqh and Ushul Fiqh, 2) Quranic and Hadith Studies, 3) Islamic Theology, 4) Da'wah and Education, and 5) Islamic Economics.⁴

Among his works that have been translated into Indonesian are: *Syariat Islam di Tantang Zaman* (Islamic Sharia Facing the Challenges of Time), *Islam Ekstrim* (Extreme Islam), *Fatawa Mu'ashirah* (Contemporary Fatwas), *Al-Khashaish al-Ammah lil Islam* (Characteristics of Islam), *Al-Iman wal Hayah* (Faith and Life), *Kaifa Nata'amalu ma'a as-Sunnah an-Nabawiyyah* (How to Understand the Hadith of the Prophet Saw.), *As-Sunnah Mashdaran lil Ma'rifah wal Hadharah* (as-Sunnah as Source of Science and Technology and Civilization), *Al-Ijtihad fi Syari'ah al-Islamiyyah* (Ijtihad in Islamic Sharia), *Fiqh al-Zakah* (The Law of Zakat), *Ash Shahwah al-Islamiah ash-Shahwah al-Islamiah*, *Bainal Ikhtilafil Masyru' wat Tafarruqil Madzmun* (Fiqhul Ikhtilaf), *Asas al-Fikr al-Hukm al-Islam* (The Basis of Islamic Legal Thought), *Al-Halal wal Haram fil Islam* (Halal and Haram in Islam), *Ash-Shahwah al-Islamiyyah Bainal Amal wal Mahadir*, *Ainal Khalal* (Where is the Damage of Muslims), *Al-Imam Al-Ghazaly Baina Madihihi Wa Naqidihi* (Pros And Cons Of Al-Ghazali's Thoughts), *Madrasah Imam Hassan Al-Banna* (Imam Hassan Al-Banna's Teaching Method), *Fii Fiqhil Auliyyat Diraasah Jadiidah Fii Dhau'il Qur'ani Wa as-Sunnati* (Fiqh Priority (Order of the Most Important Deeds from the Most Important)), *Daurul Qiyam wa al-Akhlaq Fil Iqtishadil Islami* (Norms And Ethics Of Islamic Economics), *Al-Fatawa Bainal Indhibath Wat Tassayyub*, *Al-'Aql wal 'Ilmu fil Qur'anil Karim*, *Min Ajli Shahwatin Raasyidah Tujaddiduddiin wa Tanhadhu Bid-dunya*, *al-Islam Baina Subhati Adallafin wa Akazibil al-Muftarin*, and *Ghairul Muslimin fil Mujtama' al-Islam*.⁵ Yusuf al-Qaradhawi is a scholar who has greatly contributed to the struggle for Islam and has shown a deep concern for it. His works, such as *Fiqh al-Zakah* and *Fatawa Mu'asharah*, are clear evidence of his commitment to the intellectual enlightenment of the Muslim community.

B. METHOD

The method used in this research is the literature study method with a qualitative approach. Literature study, or library research, is a research method focused on collecting data through library sources such as books, journals, articles, and other documents. The primary objective of this method

² Yusuf al-Qaradhawi. P. 22.

³ Surahmat, "Metode Pemahaman Hadis Nabi Syaikh Yusuf Al-Qaradhawi," *Inovatif* 1, no. 2 (2015). P. 44.

⁴ Khoiri, M. Alim, "Interaksi Dan Pemahaman Hadis (Telaah Hermeneutis Pemikiran Yusuf al-Qaradhawi)," *Universum*, 1, 12 (2018). P. 36.

⁵ Yusuf al-Qaradhawi, *Perjalanan Hidupku I*.

is to gather relevant information related to the research topic by reviewing previous studies, rather than conducting direct observation. This method is highly useful for understanding existing theories, concepts, or phenomena that have been studied before.⁶ This study aims to examine the Al-'Adl method and its implementation according to Yusuf al-Qaradhawi in the context of contemporary family law.

C. RESULT AND DISCUSSION

The Al-'Adl Method of Yusuf al-Qaradhawi

Fiqh al-Awlawiyyat or the jurisprudence of prioritizing the most important over the important is one of the concepts introduced by Yusuf al-Qaradhawi. This concept was previously termed *Fiqh Maratib al-'Amal* or the jurisprudence of task hierarchy, a term he mentioned in his book *Al-Shahwah Bayn al-Juhud wa al-Tatharruf*.⁷ The jurisprudence of prioritization (*Fiqh al-Awlawiyyat*) is a hallmark of Yusuf al-Qaradhawi's perspective, introduced to assess the hierarchy of deeds outlined in the Qur'an along with their evidences. Its purpose is to play a role in correcting thoughts, refining methodologies, and establishing a solid foundation for developing jurisprudence in alignment with the Qur'anic intent. Operationally, it aims to provide clarity regarding the position of a particular act: which deeds should be prioritized and which should not, which actions are right or wrong, which are accepted or rejected, which are sunnah or bid'ah, and so on.⁸ The term *Fiqh al-Awlawiyyat* refers to placing everything (acts or deeds) in its proper position with justice, encompassing a broad perspective, and emphasizing contextual relevance.

The book *Fi Fiqh al-Awlawiyyat Dirasah Jadidah fi Dhaw' al-Qur'an wa al-Sunnah* and several other works by al-Qaradhawi explicitly emphasize that in formulating and determining rulings, it is sufficient to rely on the Qur'an and the Sunnah, without placing significant reliance on other sources such as *ijma'*, *qiyas*, *istihsan*, *'urf*, *maslahah mursalah*, and others, as previous scholars often did. According to al-Qaradhawi, Islam, through the Qur'an and the sayings of Prophet Muhammad saw. introduced two primary concepts. The first is to reform the legislative aspects that are highly vulnerable to violations by establishing regulations and using them as a foundation to address issues of lawful and unlawful matters and other legal rulings.⁹ *Fiqh al-Awlawiyyat* serves as an effective evaluative tool for understanding jurisprudence (*fiqhiyyah*) and aligning religious practices with what they ought to be, based on strong evidences.

Al-Qaradhawi asserted that all matters must be returned to their proper measures, with justice upheld and balance (*al-'adl wa al-tawazun*) restored between what is lawful (halal) and prohibited (haram). The concept of al-'adl operates on the foundation of the Qur'an and Sunnah, employing a robust methodological framework capable of producing a logical model of balance (*al-tawazun*) based on the standards and measures of the spirit of legislation (*ruh tasyri'*) and human reasoning. The

⁶ Riduwan, "Dasar-Dasar Penelitian" (Bandung: Alfabeta, 2012). P. 45

⁷ Qaradhawi, Yusuf, *Fi Fiqh Al-Awlawiyyat - Dirasah Jadidah Fi Dhaw' al-Qur'an Wa al-Sunnah*, "Fikih Prioritas - Urutan Amal Yang Terpenting Dari Yang Penting," trans. Mohammad Nurhakim (Jakarta: Gema Insani Press, 1417). P. 1.

⁸ Qaradhawi, Yusuf. Ibid., P. 14.

⁹ Qaradhawi, Yusuf, *Al-Halal Wa al-Haram Fi al-Islam*, "Halal Dan Haram Dalam Islam," trans. Abu Said al-Falahi, dkk. (Jakarta: Rabbani Press, 2000). P. 19.

concept of justice and balance is grounded in the principles of Islamic shar'ī¹⁰ which include:

1. The Principle of Inclusivity and Unity

A Muslim does not live in two contradictory states but in an integrated life that harmonizes spiritual and material aspects. This principle is implied in surah al-Baqarah (2:115), surah an-Nur (24:37), surah al-Mujadalah (58:7), and several hadiths of the Prophet Muhammad.

2. The Principle of Continuity or Istimrarriyyah

This principle emphasizes maintaining human identity at all times and places. Regarding worship, prayer embodies this principle as Muslims are guided to perform it in a cyclic manner. Neglecting prayer diminishes self-quality, but there are rukhshah (concessions) for specific conditions. This principle is reflected in surah an-Nisa (4:102), surah Hud (11:114), surah al-Ahzab (33:41-42), and several hadiths of the Prophet Muhammad.

3. The Principle of Ease and Simplicity

Islam prescribes various forms of worship that might seem burdensome but are inherently light. Muslim life is designed to be easy, simple, and free from excessive hardships. This principle is referenced in surah al-Baqarah (2:186), surah al-Maidah (5:6), surah al-A'raf (7:157), surah al-Hajj (22:78), and several hadiths of the Prophet Muhammad.

4. The Principle of Balance and Moderation

Islam adopts a middle path between extremes. This principle reflects a Muslim's life that is peaceful and seeks a balanced approach to religious and material needs. The Prophet Muhammad set an example of harmonious living by advising a companion who excessively engaged in worship without sparing time for his family.

5. The Principle of Diversity

Islamic worship is performed with clear proportions and is available in various options. For instance, prayer has specific times, and fasting during Ramadan is obligatory for a full month but can be rescheduled for those with valid excuses.

The Implementation of the Al-'Adl Method According to Yusuf al-Qaradhawi in the Context of Contemporary Family Law

Yusuf al-Qaradhawi is a scholar who does not adhere to a particular madhhab (Islamic school of thought). In his book *Al-Halal wa al-Haram*, he states, "I am not willing for my reasoning to be bound by a single madhhab in all matters; it is a grave mistake to follow only one madhhab." According to him, the four imams, who are the founders of the most popular schools of thought among Muslims, never imposed adherence to one specific madhhab. These madhhabs are merely the results of the ijtihad (independent reasoning) of the imams, and the imams themselves never claimed to be infallible or free from error. Among these scholars, there was no sense of superiority or enmity; rather, they demonstrated mutual respect, kindness, and affection, acknowledging and honoring each other's opinions.¹¹ Therefore, Yusuf al-Qaradhawi does not confine himself to any particular madhhab because, in his view, the truth is not exclusively the possession of any one madhhab.

In the matter of ijtihad, Yusuf al-Qaradhawi is a contemporary scholar who advocates that to

¹⁰ Najed, M. Nasri Hamang, *Metodologi Studi Hukum Islam Dari Nabi Muhammad SAW Hingga Majelis Ulama Indonesia (Ushul Fikih Versi Kontemporer)* (Parepare: Umpar Press, 2016). P. 229-231.

¹¹ Yusuf al-Qaradhawi and H. Mu'ammal Hamidy, *Halal Dan Haram Dalam Islam* (Surabaya: PT Bina Ilmu, 1976).

become a broad-minded and objective mujtahid scholar, one must extensively read and study religious books written by non-Muslims. According to him, a scholar engaged in Islamic legal thought cannot rely solely on Islamic texts authored by classical scholars. In the field of da'wah, he actively conveys religious messages through special programs on Qatari radio and television, particularly in weekly sessions dedicated to answering religious questions. In the context of contemporary family law, Yusuf al-Qaradhawi conducts ijtihad on issues arising in modern times. Below are some of the fatwas delivered by Dr. Yusuf al-Qaradhawi in response to questions concerning contemporary Muslim family law:¹²

1. The Ruling on Dowry and Its Wisdom

Some women influenced by Western thought question the concept of dowry (*mahr*) or bride price, which is mandated by Islam upon men and becomes the right of women. They argue that the dowry is akin to a price that men must pay in exchange for enjoying a relationship with the woman, making it seem as though women are being purchased with wealth.¹³ In response, Yusuf al-Qaradhawi emphasizes that women who hold such views do not truly understand Islam and are influenced by capitalist and socialist ideologies.

According to Qaradhawi, *mahr* or dowry is a gift from a man to a woman at the time of marriage. The provision regarding dowry has been established through the Qur'an, the Sunnah, and ijma' (scholarly consensus). It is practiced universally, recognized by various groups, and acknowledged as a religious teaching.¹⁴ The wisdom behind the prescription of *mahr* lies in highlighting the dignity of women, expressing the love and affection of a husband toward his wife, symbolizing sincerity, and establishing the responsibility for the family on the shoulders of the man. Qaradhawi provides four reasons to support his statement, namely:

- 1) According to Qaradhawi, Islamic law (*Syara'*) encourages minimizing the dowry and discourages excessive demands. This principle is explained through the *Sunnah qauliyah* (verbal traditions) and *fi'liyah* (practical traditions) of the Prophet Muhammad saw. the Prophet stated:

أَكْثَرُهُنَّ بَرَكَهَ أَقَلُّهُنَّ صَدَاقًا

The most blessed marriage is the one with the least dowry.

- 2) Qaradhawi notes that in the authentic Sunnah, it is mentioned that the Prophet Muhammad saw. married off several women to men who possessed no wealth at all. For instance, the Prophet once instructed a companion: "Search for a dowry, even if it is a ring made of iron." Thus, the companion used the iron ring as the dowry.

Then, there was a man who wished to marry but had nothing except his memorization of some verses of the Qur'an. The Prophet Muhammad saw. instructed him to teach the Qur'an as his dowry, saying: "Indeed, I have married her to you with the dowry of the Qur'anic verses you have memorized (and will teach her)." In addressing the Muslim society of the past, the Prophet Muhammad saw. provided practical solutions regarding the forms of dowry that men could offer to women, such as an iron ring or the teaching of Qur'anic verses.

¹² Qaradhawi, Yusuf, *Hadyul Islam Fatawi Mu'ashirah*, "Fatwa-Fatwa Kontemporer 2," trans. As'ad Yasin (Jakarta: Gema Insani, 1995).

¹³ Qaradhawi, Yusuf. P. 476.

¹⁴ Qaradhawi, Yusuf. P. 478.

- 3) Qaradhawi believes that in surah Ar-Rum [30:21], the Qur'an highlights the pillars of family life, emphasizing that the primary foundation is spiritual (*ruhiyah*) rather than merely sensory or material (*hissiyah*).
- 4) Qaradhawi asserts that marital enjoyment is equally experienced by both husband and wife, as demonstrated in surah An-Nisa [4:187]. This verse illustrates that each spouse provides mutual benefits, akin to the function of clothing that covers and protects the body, symbolizing care and support. According to Qaradhawi, it is incorrect to claim that the husband's enjoyment of his wife is compensated by the dowry, as this enjoyment is mutually shared by both parties.¹⁵ This reflects the al-‘Adl method employed by Yusuf al-Qaradhawi in issuing fatwas regarding the law of dowry (*mahr*), emphasizing harmony between the husband and wife. It seeks not to burden the husband while still honoring the wife, focusing not solely on the amount but more on the value (quality) of the husband's sincerity.

2. Marrying a Former Mother-in-Law Whose Daughter Has Not Been Consummated

According to Yusuf al-Qaradhawi, marrying a former mother-in-law whose daughter has not been consummated is prohibited. A person is not allowed to marry their former mother-in-law, whether the daughter has been consummated or not, based on the verse in surah an-Nisa, verse 23:

أُمَّهَاتُ نِسَائِكُمْ

...Your wives' mothers (your mothers-in-law)...

In this case, Allah does not distinguish between a mother-in-law whose daughter has been consummated and one who has not.¹⁶ The marriage contract between someone and their mother-in-law is permanently prohibited.

However, the ruling differs in the case of marrying a stepdaughter whose mother has not been consummated. A man is permitted to marry the daughter of his former wife if her mother has not been consummated. This is also explained in surah an-Nisa, verse 23:

رَبَائِبُكُمُ اللَّائِي فِي حُجُورِكُم مِّن نِّسَائِكُمُ اللَّائِي دَخَلْتُم بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُم بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ

...And the daughters of your wives who are in your guardianship (born) of your wives to whom you have gone in. But there is no sin on you if you have not gone in them (to marry their daughters)...

Equal treatment in prohibiting the act of marrying a former mother-in-law reflects the al-‘Adl method used by Yusuf al-Qaradhawi in his fatwas.

3. Issue of Inheritance Shares

Regarding the inheritance shares for heirs consisting of a husband, one son, and one daughter, Al-Qaradhawi explains that in such cases, all of the deceased's estate should be distributed among them according to the Qur'anic verses. The husband is entitled to one-fourth, as stated in surah An-Nisa [4:12]. For the son and daughter, the son receives a share double that of the daughter, as prescribed in surah An-Nisa [4:11]. Both children are entitled to their respective shares solely because

¹⁵ Qaradhawi, Yusuf, *Hadyul Islam Fatawi Mu'ashirah*, "Fatwa Fatwa Kontemporer," trans. As'ad Yasin (Jakarta: Gema Insani, 1995). P. 481-482.

¹⁶ Qaradhawi, Yusuf, *Hadyul Islam Fatawi Mu'ashirah*, "Fatwa-Fatwa Kontemporer 2." P. 496-497.

of the passing of their mother.¹⁷ In its application, the concept of justice in inheritance distribution must be observed. Similarly, regarding wills, Islamic law stipulates that the maximum permissible portion for a will is one-third of the estate, as indicated in the following hadith:

الثُلُثُ، وَالثُلُثُ كَثِيرٌ

A third, and a third is much. (Bukhari and Muslim)

A will (*wasiat*) cannot be made in favor of legal heirs, as stated in the following hadith:

لَا وَصِيَّةَ لِرِثٍ

No will is allowed for an heir. (Daruqutni from Jabir ra.)

4. Inheritance for Disobedient Children

In general, disobedience toward parents, particularly the mother, is considered a major sin, second only to associating partners with Allah (*shirk*). However, this does not entitle parents to arbitrarily deny a disobedient child their lawful share of inheritance. Allah has explicitly regulated the distribution of inheritance in the Qur'an and made it obligatory, as stated in surah An-Nisa [4:11]. Islamic law (*shari'a*) only prohibits inheritance for someone who has committed murder against the deceased (*muwarrith*).¹⁸ Equating the act of murder with a child's disobedience is incorrect, even though both are sinful. Yusuf al-Qaradhawi illustrates the method of al-'Adl in his fatwa by maintaining that the right to inheritance remains intact as long as no criminal act of murder is committed.

5. Number of Breastfeedings That Establish *Mahram* Relationships

A young man from Bangladesh asked Qaradhawi about the permissibility of marrying his female cousin, who had been breastfed by his mother for two minutes when she was seven or eight months old. Dr. Yusuf al-Qaradhawi replied that his view aligns with the Shafi'i and Hanbali schools of thought, stating: "Breastfeeding that establishes a *mahram* relationship (prohibiting marriage) requires five satisfying feedings, as supported by authentic hadith." Imam Muslim narrates from Aisyah r.a. in a marfu' hadith:

لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ

One or two sips of milk do not make marriage unlawful.

Imam Muslim also narrated from the hadith of Ummul Fadhl r.a., who said: A Bedouin man came to the Prophet Muhammad while he was at my house. He said, "O Prophet of Allah, I have a wife, and then I married another woman. However, my first wife claimed that she breastfed my second wife once or twice." The Prophet Muhammad then said:

لَا تُحَرِّمُ الْمَلَاجَةُ وَلَا الْإِمْلَاجَتَانِ

One or two instances of breastfeeding do not prohibit marriage.

In another narration, the hadith is worded as follows:

¹⁷ Qaradhawi, Yusuf. P. 550.

¹⁸ Qaradhawi, Yusuf. P. 546.

لَا تُحَرِّمُ الرُّضْعَةُ وَالرَّضْعَتَانِ وَالْمَصَّةُ وَالْمَصَّتَانِ

One or two instances of breastfeeding, one or two sips, do not make marriage unlawful or establish a mahram relationship.

Imam Malik narrated in *al-Muwatta'* and Imam Ahmad narrated in *al-Musnad* from the hadith of Aisyah that the Prophet Muhammad saw. said to Sahlah, the wife of Abu Hudhaifah, regarding the case of Salim, her freed slave:

أَرْضِعِيهِ خَمْسَ رَضَعَاتٍ

Breastfeed him five times

Breastfeeding fewer than five times does not establish a *mahram* relationship. The ruling that marriage is prohibited due to breastfeeding is based on the condition that the breastfeeding occurs five times, enough to satisfy hunger and nourish the body, forming flesh and bones.¹⁹ If the text (*nash*) limits the number of breastfeeds that establish a *mahram* relationship to five, there is no specific limit regarding the duration of each breastfeeding session. This is understood in relation to '*urf*', which does not consider a breastfeeding session complete unless it is enough to satisfy hunger. Therefore, it is said that "a baby needs to breastfeed four or five times a day." The term "one breastfeeding session" refers to a sufficient amount of time to be considered nourishing, similar to a full meal for an adult. Based on this, the young man in question would be permitted to marry his female cousin, as a breastfeeding session that lasts less than two minutes would not prevent him from marrying her. This is supported by the views of two prominent scholars from the Shafi'i and Hanbali schools, who rely on the shahih hadiths to establish this ruling.²⁰ Yusuf al-Qaradhawi illustrates the method of al-'Adl in his fatwas by using both textual (*naqli*) and rational (*aqli*) arguments. This approach ensures that his reasoning is both logically acceptable and in line with the views of classical jurists, based on the Qur'an and Hadith as primary sources. This method allows for a balanced interpretation that aligns with Islamic principles while considering contemporary realities. *Wallahu 'alam bish shawab.*

D. CONCLUSION

The al-'Adl methodology is a concept introduced by Dr. Muhammad Yusuf al-Qaradhawi. This concept of justice and balance is grounded in sharia principles, including the principles of inclusivity and unity, continuity (*istimrariyyah*), ease and flexibility, balance and moderation, as well as diversity. In the context of contemporary family law, Al-Qaradhawi performed *ijtihad* to address issues arising in modern times. He responded to various questions concerning legal matters in Muslim communities through his book *Hadyul Islam Fatawi Muashirah*. Examples of the implementation of the al-'Adl methodology in contemporary family law include rulings on dowries and their wisdom, the permissibility of marrying a mother in law whose daughter was not consummated, inheritance shares, inheritance rights of disobedient children and the number of breastfeeding sessions that prohibit marriage. The inspiration derived from the concept developed by Dr. Muhammad Yusuf al-Qaradhawi offers a fresh perspective in understanding, responding to, and exploring the wisdom

¹⁹ Qaradhawi, Yusuf. P. 565.

²⁰ Qaradhawi, Yusuf. P. 566.

behind contemporary Islamic family law as it evolves today.

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