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THE GENEALOGY OF TAQNIN AL-AHKAM AND ITS INITIAL IMPLEMENTATION IN THE OTTOMAN EMPIRE

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ABSTRACT

Taqnīn al-Aḥkām represents a distinctive mode of applying Islamic jurisprudence (*fikih*) within the framework of modern state governance. While the historical emergence of *taqnīn* has been widely described, its conceptual foundations and theoretical positioning within Islamic legal thought remain insufficiently articulated. This study examines the genealogical development of *taqnīn al-Aḥkām*, tracing its conceptual roots and historical manifestations, and analyzes its role as a juridical strategy for integrating *fikih* into formal state legislation. Employing a qualitative historical–conceptual approach based on library research, this study analyzes primary classical texts and relevant secondary sources through contextual and conceptual analysis. The findings demonstrate that ideas resembling *taqnīn* can be identified as early as the writings of ʿAbd Allāh Ibn al-Muqaffaʿ, although they remained at the level of intellectual proposal. The first systematic and institutionalized implementation of *taqnīn* occurred during the Ottoman period through the *Majalla al-Aḥkām al-ʿAdliyyah*, which marked a significant transformation of *fikih* from normative jurisprudence into a codified legal system. This article argues that *taqnīn al-Aḥkām* should be understood not merely as codification, but as a form of *siyāsah sharʿiyyah* that mediates between juristic norms and state legal authority. By clarifying the conceptual status of *taqnīn* within Islamic legal theory, this study contributes to contemporary debates on the adaptability of Islamic law in modern legislative contexts.

Keywords : *Taqnīn al-Aḥkām, Islamic legal codification, Siyāsah sharʿiyyah, Ottoman legal reform, Islamic legal theory*

ABSTRAK

Taqnīn al-Aḥkām merupakan suatu bentuk khas penerapan fikih dalam kerangka tata kelola negara modern. Meskipun kemunculan historis *taqnīn* telah banyak dideskripsikan, landasan konseptual dan posisi teoretisnya dalam khazanah pemikiran hukum Islam masih belum dirumuskan secara memadai. Penelitian ini mengkaji perkembangan genealogis *taqnīn al-Aḥkām* dengan menelusuri akar konseptual dan manifestasi historisnya, serta menganalisis perannya sebagai strategi yuridis dalam mengintegrasikan fikih ke dalam legislasi negara. Penelitian ini menggunakan pendekatan kualitatif historis–konseptual berbasis studi kepustakaan dengan menganalisis teks-teks klasik primer dan sumber sekunder yang relevan melalui analisis kontekstual dan konseptual. Temuan penelitian menunjukkan bahwa gagasan yang menyerupai *taqnīn* telah muncul sejak pemikiran ʿAbd Allāh Ibn al-Muqaffaʿ, meskipun masih berada pada tataran wacana intelektual. Implementasi *taqnīn* yang bersifat sistematis dan terlembaga pertama kali terjadi pada masa Utsmani melalui *Majalla al-Aḥkām al-ʿAdliyyah*, yang menandai transformasi penting fikih dari norma yurisprudensial menjadi sistem hukum yang terkodifikasi. Artikel ini menegaskan bahwa *taqnīn al-Aḥkām* tidak dapat dipahami semata sebagai kodifikasi hukum, melainkan sebagai bentuk *siyāsah sharʿiyyah* yang memediasi norma-norma fikih dengan otoritas hukum negara. Dengan memperjelas kedudukan konseptual *taqnīn* dalam teori hukum Islam, penelitian ini memberikan kontribusi teoretis terhadap perdebatan kontemporer mengenai adaptabilitas hukum Islam dalam konteks legislasi modern.

Kata Kunci: *Taqnīn al-Aḥkām, kodifikasi hukum Islam, siyāsah sharʿiyyah, reformasi hukum Utsmani, teori hukum Islam*

INTRODUCTION

Islamic law (*fikih*) constitutes one of the foundational pillars of Islamic civilization, regulating various aspects of human life, ranging from acts of worship and social transactions (*muʿāmalāt*) to broader issues of public order and governance. As a normative and interpretative legal system grounded in the Qur'an, Hadith, *ijmāʿ*, and *qiyās*, *fikih* emphasizes ethical distinctions between ha*lāl* and *harām* while maintaining interpretative flexibility to accommodate diverse social contexts. Nevertheless, the emergence of modern societies and nation-states has generated demands for legal systems that are more formalized, systematic, and consistently enforceable at administrative and legislative levels.[1]

Within this context, *taqnīn al-Ahkām* emerged as a response to the structural tension between normative *fikih* and the regulatory requirements of modern state governance. *Taqnīn* is not merely a technical effort to organize legal norms, but also an intellectual strategy that seeks to bridge juristic authority and formal state legislation [2]. As modern states confront increasingly complex legal challenges—such as legal certainty, administrative coherence, and institutional enforcement—the relevance of *taqnīn* lies in its capacity to adapt Islamic legal principles to contemporary regulatory frameworks without undermining their normative foundations [3].

Historically, the most concrete implementation of *taqnīn al-Ahkām* occurred during the Ottoman Empire through the compilation of the *Majalla al-Ahkām al-ʿAdliyyah*. This codification represented one of the earliest systematic efforts to transform *fikih* into formal state law. However, the process was far from straightforward, as it involved complex methodological challenges, including the standardization of juristic opinions, the harmonization of legal norms with administrative practices, and the negotiation of societal acceptance of codified Islamic law [4].

Scholarly attention to *taqnīn al-Ahkām* has developed along several lines. Early conceptual discussions can be traced to the writings of ʿAbd Allāh Ibn al-Muqaffaʿ in *Rasāʾil al-Bulaghāʾ*, where he proposed the systematic organization of legal rules, although these ideas were never institutionalized in his time. Other studies focus primarily on the *Majalla al-Ahkām*

[1] Afifuddin Muhajir, *Fiqih Tata Negara; Upaya Mendialogkan Sistem Ketatanegaraan Islam* (Yogyakarta: IECiSoD, 2017).
[2] Jaenudin, "Pandangan Ulama Tentang Taqnin Ahkam," *'Adliya; Jurnal Hukum Dan Kemanusiaan* 11, no. 1 (2017): 42–57.
[3] Syamsoni, "Taqnin Al-Ahkam (Legislasi Hukum Islam Ke Dalam Hukum Nasional)," *Nur El-Islam* 2, no. 2 (2015).
[4] Ahmad Amin, *Duha Al-Islam* (Qahirah: Maktabah al-Nahdhah al-Mishriyah, 2009).

al-ʿAdliyyah as the first tangible realization of *taqnīn*, highlighting both its juridical innovation and the tensions it generated between interpretative flexibility and legislative certainty [5]. Additional research underscores the relevance of *taqnīn* for contemporary efforts to modernize Islamic law, particularly in reconciling normative *fikih* with the demands of state legislation [6].

Despite these contributions, existing studies tend to address the conceptual origins, historical implementation, and contemporary relevance of *taqnīn* in a fragmented manner. Few works integrate these dimensions into a single analytical framework, resulting in an incomplete understanding of *taqnīn al-Ahkām* as a continuous juridical project rather than a series of disconnected historical developments. This fragmentation constitutes the primary research gap addressed by the present study.

In response, this article aims to examine *taqnīn al-Ahkām* through a historical–conceptual approach that integrates genealogical analysis of ideas, political–legal context, and institutional realization. Specifically, the study seeks to: (1) trace the conceptual foundations of *taqnīn* in early Islamic legal thought, particularly in the writings of ʿAbd Allāh Ibn al-Muqaffaʿ; (2) analyze the formal implementation of *taqnīn* in the *Majalla al-Ahkām al-ʿAdliyyah* during the Ottoman period; and (3) assess the impact of the *Majalla* on the development of Islamic jurisprudence and its relevance to modern legislative practices.

Methodologically, this study employs a qualitative historical–conceptual approach based on library research. Data are drawn from primary sources, including classical legal texts and historical documents related to the *Majalla*, as well as secondary scholarly literature. Source validation is conducted through contextual and internal criticism to assess both historical reliability and conceptual coherence. The analysis follows a genealogical framework that traces the progression of legal ideas from intellectual formulation to political context and institutional codification.

Rather than formulating a hypothesis in the positivist sense, this study is guided by an analytical assumption that *taqnīn al-Ahkām* constitutes a form of *siyāsah shar'iyyah*—a political-legal mechanism through which the state institutionalizes *fikih* while preserving its normative integrity. From this perspective, *taqnīn* is analytically distinguished from *taqlīd*

[5] Misnan, "Al-Usrah : Jurnal Al-Ahwal As-Syakhsiyah SEJARAH KODIFIKASI HUKUM ISLAM (TAQNIN) DI NEGARA ISLAM," *Al-Usrah : Jurnal Al-Ahwal As-Syakhsiyah* 06, no. 01 (2021): 11.
[6] Ahmad Hasan Ridwan, Hasan Bisri, and Muhammad Andi Septiadi, "Interpretation of Taqnîn Al-Ahkâm by Ibn Al-Muqaffa' and Its Relevance to the Application of Islamic Law in Indonesia," *Kemanusiaan*, 2023, https://doi.org/10.21315/kajh2023.30.2.6.

madhhab, as it involves legislative authority and institutional selection of juristic norms rather than individual adherence to a particular school of law.

By clarifying the conceptual status of *taqnīn al-Aḥkām* within Islamic legal theory, this study contributes to contemporary debates on legal modernization, governance, and jurisprudential adaptability. It offers a theoretically grounded framework for understanding how classical *fikih* can be transformed into positive law without losing its ethical foundations, thereby reinforcing the relevance of Islamic law within modern state legal systems.

RESEARCH METHOD

This study employs a qualitative research approach that focuses on the analysis of written sources relevant to the study of Islamic legal thought and its historical development. Rather than adopting a Research and Development (R&D) design, which is more commonly applied in product-oriented or educational research, this study is situated within a historical–conceptual legal research framework. The research is conducted through library research by systematically collecting primary and secondary textual materials related to the concept and implementation of *taqnīn al-Aḥkām* [7].

The primary sources analyzed in this study include classical Islamic legal texts and historical documents, particularly the writings of ʿAbd Allāh Ibn al-Muqaffaʿ and legal materials related to the *Majalla al-Aḥkām al-ʿAdliyyah*. Secondary sources consist of academic books, peer-reviewed journal articles, and scholarly studies that discuss the historical, conceptual, and institutional dimensions of *taqnīn* in Islamic law.

Analytically, this study applies a genealogical framework to trace the development of *taqnīn al-Aḥkām* through three interrelated stages: (1) the formulation of legal ideas and concepts within early Islamic intellectual discourse; (2) the political and legal contexts that shaped their interpretation and feasibility; and (3) the institutionalization of these ideas within formal state legal structures. This framework enables a systematic examination of the transformation of *fikih* from a normative jurisprudential tradition into a codified system of state law.

To ensure the validity and reliability of the sources, this study employs source criticism as a method of validation. External criticism is applied to assess the authenticity, authorship, and historical context of primary texts, while internal criticism is used to evaluate

[7] Bambang Sudaryana, *Metodologi Penelitian (Teori Dan Praktik)*, ed. Erik Santoso (Tasikmalaya: Perkumpulan Rumah Cemerlang Indonesia, 2018).

the coherence, consistency, and conceptual arguments contained within the sources. Through this methodological approach, the study aims to maintain analytical rigor while bridging historical description with conceptual legal analysis.

RESULTS AND DISCUSSION

The idea or conceptual foundation of *taqnīn al-Ahkām* can essentially be traced to the criticism put forward by ʿAbdullah ibn al-Muqaffaʿ toward the ruling authority of the time (during the Abbasid period under Caliph Abū Jaʿfar al-Manṣūr). These critiques were subsequently compiled into a treatise entitled *Rasā'il al-Bulaghā'*.[8] At that time, Ibn al-Muqaffaʿ perceived discrepancies in legal rulings issued by judges and in the policies of the caliphate. His letter addressed issues concerning military affairs, the judiciary, administrative service within the caliphate, and land taxation. However, the ruling authority interpreted his criticism as an act of treason that could potentially incite rebellion. Consequently, Ibn al-Muqaffaʿ was executed, and his reformist ideas were never realized.[9]

The initial realization of taqnīn al-Ahkām occurred during the Ottoman period with the compilation of the Majallat al-Ahkām al-ʿAdliyyah. The initiative to legislate fikih norms through the Majalla represented a major legal reform (Tanzimat) introduced under Sultan ʿAbdülmecid I in 1838. The first public announcement regarding the formation of a codified legal system within Ottoman territories began with an imperial proclamation delivered by the Sultan at Gülhane Park on 3 November 1839.

Three main factors underlay the drafting of the Majalla: first, transformations in the global economic and commercial systems; second, inconsistencies in judicial rulings across courts; and third, the increasing volume of transactions with Western nationals as large-scale expansions brought foreign communities into Ottoman domains. The formal drafting process commenced during the reign of Sultan ʿAbdülhamid II with the establishment of the Dīvān al-Ahkām al-ʿAdliyyah Dā'iresi committee, composed of Hanafī scholars. The Majalla was ultimately compiled into 16 books, 52 chapters, and 1.851 articles.[10]

[8] Jaih Mubarok, *Hukum Islam* (Bandung: Benang Merah Press, 2006).
[9] Ahmad Amin, *Duha Al-Islam*.
[10] Thohari and Chamim, *Majalla Al-Ahkam Al-Adliyyah (Analisis Historis Dan Kedudukannya Dalam Sistem Tata Hukum Turki Modern))* (Istanbul: Mamara University, n.d.).

Taqnīn vs Taqlīd Madzhab

A critical distinction in understanding the adaptation of Islamic law is between taqnīn and taqlīd madhhab. While taqlīd involves adherence to established legal opinions of a particular school (*madẓ̣hab*), often without room for contextual modification, taqnīn represents a selective, systematic codification of legal principles guided by state authority. Taqnīn allows the integration of normative fikih into structured legislation, prioritizing public welfare (*maṣlaḥah*) and administrative coherence, rather than mere replication of classical juristic opinions. This distinction underscores the transformative role of taqnīn in making Islamic law operational within state institutions, while taqlīd remains largely doctrinal and interpretive [11].

Taqnīn as Siyasah Shar'iyyah

Taqnīn can also be analytically framed as a form of siyāsah shar'iyyah, wherein political authority exercises discretion guided by Shari'ah objectives to achieve legal order, social justice, and public welfare. Historical practices, such as the drafting of the Majalla, demonstrate how codification was not merely administrative, but strategic governance: selecting, harmonizing, and systematizing fikih norms to respond to complex social, economic, and political conditions. In contemporary contexts, this perspective provides a framework for legal reform, showing that the codification of Islamic law can preserve normative integrity while ensuring practical enforceability and adaptability within modern state systems [12].

Taqnīn al-Ahkām in the Time of the Shahabah

Taqnīn during the era of the Companions (*al-Taqnīn wa Sīrat al-Salaf al-Ṣāliḥ*), according to al-Qāsim, refers primarily to policy-oriented decisions issued by the Companions who served as caliphs (state leaders), rather than to formal legal codification in the modern legislative sense. These decisions functioned as instruments of governance aimed at ensuring legal order and communal stability. Several significant state policies adopted during this period included: 1) The compilation and standardization of the Qur'an as an authoritative textual reference; 2) The documentation of Hadith (*tadwīn al-ḥadīth*) as a foundational source for legal reasoning; and 3) The organization and application of Islamic

[11] Nurrohman, "Syari'at Islam Dan Hukum Nasional: Problematika Transformasi Dan Integrasi Hukum Islam Ke Dalam Hukum Nasional," *TAJDID* 26 (2019).
[12] Mubarok, *Hukum Islam*.

legal practices (*fikih*) through contextual *ijtihād*, without the existence of a unified and systematically codified legal code.

The Emergence of the Idea of *Taqnīn* by Ibn al-Muqaffa

Ibn al-Muqaffaʿ is regarded as the first scholar to articulate the idea of *taqnīn* of Islamic law, although in practice it had already been implemented during the period of the Rightly Guided Caliphs (*al-Khulafāʾ al-Rāshidūn*). His initial proposal took the form of criticism directed at the government, concerning legal disparities and the lack of clarity among judges in rendering court decisions.

Ibn al-Muqaffaʿ articulated his ideas in a critical letter entitled *Risālat al-Ṣaḥābah*, which was later edited by Ibn Ṭayfūr and published under the title *Rasāʾil al-Bulaghāʾ*. In general, Ibn al-Muqaffaʿ's critiques encompassed four main areas: military affairs, the judiciary, the recruitment of administrative assistants to the caliph, and land taxation (*al-kharāj*).

Ibn al-Muqaffaʿ's critique of the military sector included recommendations for the government to establish legislation clearly defining what soldiers were permitted and prohibited to do; to distinguish between military administration and civic administration; to ensure that positions such as commanders and military leaders were held by the most qualified personnel based on merit; to provide soldiers with religious and moral education; to allocate clear and adequate salaries to foster motivation and discipline; and to ensure that the caliph paid proper attention to the physical and mental well-being of the troops.

Ibn al-Muqaffaʿ's critique concerning the judiciary emphasized the need for the caliph to establish clear regulations or guidelines for judges in conducting trials, while at the same time granting them broad autonomy to render decisions based on their own *ijtihād* without interference. His criticism regarding administrative appointments focused on the competence of officials and the prohibition of holding multiple offices simultaneously, so that each employee could concentrate on their respective duties and thus promote professionalism. His recommendations on land taxation addressed the regulation and clarification of land ownership boundaries.[13]

The Application of *Taqnīn al-Ahkām* in the Ottoman Era

Islamic law is considered to have experienced a period of decline lasting approximately nine centuries, from the mid–4th to the early 13th century Hijri. Broadly

[13] Abdullah bin Al-Muqaffa, *Atsar Ibn Al-Muqaffa*, 1st ed. (Beirut: Dar al-Kutub al-'Ilmiyah, 1989).

speaking, this decline was caused by two main factors: first, influences external to the dynamics of Islamic legal thought (external factors); and second, influences arising from the internal dynamics of Islamic legal thought itself (internal factors).

Among the external factors contributing to the decline of Islamic legal thought was political instability. The fragmentation of Islamic territories into several small regions led to competing leaderships that were preoccupied with struggles for power. This situation generated mutual accusations and, at times, the spread of malicious slander among factions. Such conditions produced widespread insecurity and social unrest within the Muslim community, particularly among scholars of jurisprudence (*fuqahā'*). Moreover, the politicization of fikih was not uncommon during this period, as legal rulings were sometimes used to legitimize political authority. Consequently, jurists were constrained in freely developing innovative ideas and producing scholarly works.

Other political developments that influenced the decline of Islamic law included the fall of Córdoba as the center of Islamic civilization in the West in 1213 CE, and the fall of Baghdad as the intellectual and cultural center of the Islamic East in 1258 CE. These events were compounded by the devastation of Muslim communities in the western regions due to Christian expansion, and in the eastern territories as a result of Mongol invasions. Altogether, this period marked a profound crisis for the Muslim world.

In addition to external influences, the decline of Islamic legal thought also stemmed from internal factors within its own intellectual dynamics. Among these was the entrenchment of rigid adherence to legal schools (madhhabism), which led many jurists to practice blind imitation (taqlīd). The adopted opinions were treated as absolutely correct, without critical reflection or willingness to reexamine established views.[14]

Likewise, during the early period of the Ottoman era, these 'unfavorable' conditions persisted. This indicates that the development of Islamic legal thought continued to experience stagnation. This initial phase is referred to as the classical period (niẓām qadīm). Despite this juridical stagnation, the broader socio-economic and political conditions of Islamic civilization were relatively stable. Over approximately four centuries (from the 13th to the late 17th century), the Ottoman government successfully maintained a stable economy by implementing a taxation system for Muslims (vergi sistemi) and levying the jizya (cizye) on non-Muslim subjects. In addition, the Ottoman administration developed an extensive

[14] Acep Djazuli, *Ilmu Fiqih (Sebuah Pengantar))* (Bandung: Dunia Ilmu, 1990).

system of charitable endowments (waqf), whose revenues were allocated to public services such as educational institutions, religious facilities, and healthcare services.[15]

In contrast, during the second period of the Ottoman era (*Niẓām Jadīd*), which lasted from the late seventeenth to the nineteenth centuries, the sultanate stood on the verge of decline when viewed from a socio-political perspective. This deterioration was primarily caused by the weakening control over its territories, particularly following the loss of several regions to enemy forces after prolonged warfare with Russia between 1768 and 1792.

Furthermore, other territories began to break away and establish themselves as independent states beyond Ottoman control. Greece declared its independence in 1829, while Bulgaria and Bosnia fell under Russian influence in 1877. In the same year, Serbia and Romania also succeeded in gaining independence. In North Africa, Algeria was occupied by France in 1890, and Egypt likewise separated from Ottoman authority toward the end of the nineteenth century.

The fragmentation of Ottoman territories led to widespread decline across various sectors, particularly in the socio-political sphere. Among the areas in which the Ottoman state lagged behind was the legal system. During this period of crisis, legal practices continued to rely on frameworks inherited from the early Ottoman era (Niẓām Qadīm). These frameworks employed classical jurisprudential products that were not adequately adapted to evolving circumstances, rendering the legal system increasingly incapable of effectively addressing contemporary challenges.

Nevertheless, in the legal sphere, the Ottoman government did not cease its efforts to adapt Islamic law into a workable legal system capable of producing significant positive outcomes. Consequently, in 1838 Sultan ʿAbdülmecid I initiated a legal reform movement known as the *Tanẓimat*. This reform began with an imperial decree announced at Gülhane Park on 3 November 1839. From that point onward, the Ottoman state gradually moved away from the traditional legal framework rooted in Constantinopolitan custom and began incorporating elements of the modern Western legal system.

The legal reform began with the drafting of a civil code known as Majallat al-Ahkām al-ʿAdliyyah, which was completed in 1889. Four principal factors motivated the compilation of this code: (1) transformations in the global economic and commercial systems; (2) the need for a legal framework and judicial system compatible with contemporary conditions;

[15] Thohari and Chamim, *Majalla Al-Ahkam Al-Adliyyah (Analisis Historis Dan Kedudukannya Dalam Sistem Tata Hukum Turki Modern))*.

(3) large-scale expansion by Western powers into Islamic territories, which brought significant changes to economic, social, and political structures; and (4) the increasing volume of transactions between Muslim and non-Muslim communities.

Beyond these practical considerations, political motives also underpinned the drafting of the Majalla. Sultan ʿAbdülhamid II held a strong aspiration to restore the Ottoman Caliphate as a state governed fully by Islamic law, following a period during which the Ottoman administration had gradually shifted toward secularization..

The Majallat al-Ahkām al-ʿAdliyyah was drafted by a committee established by Sultan ʿAbdülhamid II known as the Dīvān al-Ahkām al-ʿAdliyyah Dāʾiresi. This committee consisted of prominent Hanafī scholars and was chaired by Ahmed Cevdet Pasha (d. 1312 AH/1895 CE). Its members included Ahmed Hilmi Effendi (d. 1305 AH/1888 CE), Shayfuddin Ismail Effendi (d. 1299 AH/1882 CE), Filibeli Halil Effendi (d. 1302 AH/1885 CE), Shirvānizade Ahmed Hulusi Effendi (d. 1306 AH/1889 CE), Kara Halil Effendi (d. 1299 AH/1882 CE), Ibn ʿĀbidīn-zāda ʿAla'uddin Effendi (d. 1306 AH/1889 CE), Omer Hilmi Effendi (d. 1307 AH/1889 CE), Baghdādli Muhammad Emin Effendi (d. 1309 AH/1891 CE), Omer Hulusi Effendi (d. 1292 AH/1875 CE), Yunus Vehbi Effendi (d. 1322 AH/1904 CE), Kirimli ʿAbd al-Sattār Effendi (d. 1304 AH/1887 CE), ʿAbdullatif Şükrü Effendi (d. 1304 AH/1887 CE), and ʿIsā Rūhī Effendi (d. 1297 AH/1880 CE).

Several members of the committee passed away before the completion of the Majalla. Only Ahmed Cevdet Pasha and Omer Hilmi Effendi remained to finalize its drafting. The deceased members were replaced by new scholars, including Muhammad Nuri Effendi, Ali Haidar Effendi, al-Hājj Muhammad Effendi, and Abdullah Shakir Effendi. During this reorganization, the assembly was renamed Bāb al-Fatwā. The compilation of the code was ultimately completed in 1889.

The codification of the Majalla significantly inspired many Muslim countries to transform fikih—previously expressed primarily through juristic opinions in classical texts—into formal statutory law. Examples include Egypt (1980), Iraq (1959), Lebanon (1942), Tunisia (1958), Syria (1953), Pakistan (1949), and Indonesia (from 1974 onward).

The Systematic Structure of the *Majallat al-Ahkām al-ʿAdliyyah*

The Majalla consists of 16 books, 52 chapters, and 1,851 articles. Its opening section comprises a muqaddimah of approximately one hundred pages, which includes 99 qawāʿid

fikihiyyah (legal maxims). These legal maxims serve as the foundational framework for establishing continuity between classical juristic opinions and their application to contemporary circumstances.

In substance, the Majalla addresses issues of muʿāmalāt in a narrow sense, focusing primarily on economic transactions and civil dealings. Matters pertaining to muʿāmalāt in the broader sense, namely personal status law (*aḥwāl al-shakhṣiyyah*) were not included. According to Mustafa Ahmad al-Zarqa, this exclusion was due to the fact that the Majalla was formulated to resolve matters of public concern rather than private affairs. Consequently, the regulation of aḥwāl al-shakhṣiyyah continued to rely on earlier classical legal texts..

However, toward the end of its rule, the Ottoman government compiled a specific legal code on personal status law (*aḥwāl al-shakhṣiyyah*) known as Hukūk-i ʿĀile Kararnāmesi (the Family Law Decree). More specifically, the systematic structure of the Majallat al-Ahkām al-ʿAdliyyah is as follows::

1. Muqadimah (halaman 1-100)
2. Kitab al-Buyû' (Muqadimah + 7 bab, halaman 101-403)
3. Kitab al-Ijârah (Muqadimah + 8 bab, halaman 403-611)
4. Kitab al-Kafâlah (Muqadimah + 3 bab, halaman 612-672)
5. Kitab al-Hawâlah (Muqadimah + 2 bab, halaman 673-700)
6. Kitab al-Rahn (Muqadimah + 4 bab, halaman 701-761)
7. Kitab al-Amânah (Muqadimah + 3 bab, halaman 762-832)
8. Kitab al-Hibah (Muqadimah + 2 bab, halaman 833-880)
9. Kitab al-Gasb wa al-Itlâf (Muqadimah + 2 bab, halaman 881-940)
10. Kitab al-Hajr wa al-Ikrâh wa al-Suf'ah (Muqadimah + 3 bab, halaman 941-1044)
11. Kitab al-Syirkah (Muqadimah + 8 bab, halaman 1045-1148)
12. Kitab al-Wakâlah (Muqadimah + 3 bab, halaman 1149-1530)
13. Kitab al-Sulh wa al-Ibra (Muqadimah + 4 bab, halaman 1531-1571)
14. Kitab al-Ikrâr (Muqadimah + 4 bab, halaman 1572-1612)
15. Kitab al-Da'fa (Muqadimah + 12 bab, halaman 1613-1675)
16. Kitab al-Bayyinah wa al-Tahlif (Muqadimah + 4 bab, halaman 1676-1783)
17. Kitab al-Qadhâ' (Muqadimah + 4 bab, halaman 1784-1851)

In addition to the matters mentioned above, the Majalla also establishes judicial regulations governing reconciliation (ṣulh), discharge of liability (ibrāʾ), oaths and

acknowledgments (iqrār), legal evidence (al-bayyināt), and adjudication (qaḍāʾ). These topics are systematically organized within the code.

The compilation process followed an inductive, chapter-by-chapter method, employing specific legal maxims related to muʿāmalāt (commercial and civil transactions). The resulting provisions were subsequently tested and refined through application of the fundamental legal maxims (al-qawāʿid al-asāsiyyah).

When compared with modern legislative methodologies—such as casuistic approaches that produce laws tailored to particular cases or needs—the drafting method applied in the Majalla may already be considered relatively modern in its systematic structure.[16]

The Impact of the *Majallat al-Ahkām al-ʿAdliyyah* on the Development of Islamic Jurisprudence

The compilation of the *Majallat al-Ahkām al-ʿAdliyyah* by the committees of the *Dīvān al-Ahkām al-ʿAdliyyah Dāʾiresi* and *Bāb al-Fatwā* made a significant contribution to maintaining the continuity and relevance of legal practice within the Ottoman administration. The drafting of the Majalla was directly motivated by transformations occurring within legal systems, especially in the field of global commercial law. Moreover, increasingly inclusive interactions between Muslim and non-Muslim communities compelled Muslims to respond more adaptively to changing social circumstances [17].

For legal practitioners, especially judges within Ottoman territories, the Majalla served as an authoritative reference for adjudicating cases related to transactional law. In instances where a particular issue was not explicitly addressed in the code, judges could still resolve such cases by applying the general legal maxims (*qawāʿid fikihiyyah*) contained within the Majalla. From an analytical perspective, this demonstrates a model for mediating between normative fikih and formal legal codification, highlighting the operational logic of taqnīn as distinct from mere adherence to madhhab opinions (*taqlīd*) [18].

From the broader perspective of Islamic legal thought, the compilation of the Majalla contributed significantly by codifying fikih into a systematically structured legal form.

[16] Thohari and Chamim.
[17] Nurrohman, "Syari'at Islam Dan Hukum Nasional: Problematika Transformasi Dan Integrasi Hukum Islam Ke Dalam Hukum Nasional."
[18] Nurrohman.

Previously, fikih as recorded in classical madhhab texts consisted largely of juristic opinions (fatāwā) issued by specific schools of law, which were not legally binding and did not ensure uniformity in practice. The Majalla thus represented more than a mere transformation of jurisprudential opinions into statutory legislation (qānūn); it functioned as a mechanism of siyāsah shar'iyyah, harmonizing legal principles with administrative needs while maintaining normative integrity.

The modern implications of this historical process are evident. Contemporary Muslim-majority states face challenges when integrating Islamic law into national legal systems, including protecting minority rights, ensuring gender justice, and accommodating pluralistic social realities. By applying the principle of siyāsah shar'iyyah, legislators can codify Islamic legal principles in ways that are procedurally accountable, socially equitable, and normatively faithful. This approach transforms discussions of Islamic law from reflective caution to analytical strategies for practical legal design, demonstrating how historical taqnīn can inform modern codification.

CONCLUSION

The emergence of the concept of taqnīn al-Ahkām can be traced back to the period of the Rightly Guided Caliphs (*al-Khulafāʾ al-Rāshidūn*), primarily through policy-oriented initiatives rather than formal codification. These included the compilation of the Qur'anic codex, the systematic collection of Hadith, and early efforts to organize fikih, undertaken directly under caliphal directives. While these actions established precedents for legal organization, they were essentially administrative and policy measures (*siyāsah*) and did not constitute formal, binding legal codification in the sense of a comprehensive legislative system (*al-Qāsim*).

A more developed conceptualization of taqnīn al-Ahkām emerged with the proposals and critiques of ʿAbdullah ibn al-Muqaffaʿ directed toward the ruling authorities of his time, later compiled in the treatise Rasāʾil al-Bulaghāʾ. In this work, Ibn al-Muqaffaʿ articulated the principle that a sultanate or government should establish systematic legal regulations encompassing various spheres of governance, including judicial procedures, administrative appointments, military organization, and taxation. This represents the earliest conceptual expression of codification, distinct from prior policy measures of the caliphs, in which law is structured as a formal, enforceable framework rather than as discretionary guidelines.

Unfortunately, Ibn al-Muqaffaʿ's reformist proposals were never implemented, as he was executed by the regime on grounds that his criticisms were considered to incite public rebellion. The full realization of taqnīn al-Ahkām only occurred during the Ottoman period with the promulgation of the civil code known as the Majallat al-Ahkām al-ʿAdliyyah. This development transformed earlier policy-oriented approaches into a formal codification of fikih, integrating normative Islamic principles into a systematic legal framework capable of guiding state administration, judicial practice, and socio-economic transactions.

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