



## **ISTIHSAN IN DETERMINATION OF THE LUNAR MONTH: JURISPRUDENTIAL FLEXIBILITY FOR HARMONIZING THE UMMAH**

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### **Abstract**

This article examines the role of Istihsan as a method of Islamic jurisprudential flexibility in determining Islamic law, particularly regarding the beginning of the lunar month, and reviews the positions of the four prominent schools of jurisprudence (Hanafi, Maliki, Hanbali, and Shafi'i) toward its application. Istihsan, which etymologically means "considering something better," remains a debated method of ijtihad among Islamic jurisprudence scholars (*ushuliyin*), although still practically utilized. This study aims to explore how Istihsan functions as a jurisprudential catalyst in the application of astronomical science (*Ilmu Falak*), especially concerning the determination of lunar months, offering potential solutions for harmonizing differences among the Muslim community. Employing descriptive qualitative methods, the study uses primary sources from fiqh documentation related to Istihsan and astronomy, supplemented by secondary literature. The findings indicate that the Hanafi, Maliki, and some Hanbali scholars accept Istihsan with varying definitions and practical implementations. In contrast, the Shafi'i school rejects Istihsan, considering it as a form of subjective ijtihad lacking strong scriptural justification. Nevertheless, Istihsan serves as a foundation for jurisprudential flexibility, enabling Islamic law to effectively respond to contemporary challenges. Specifically, Istihsan acts as a bridge between the *hisab* (astronomical calculations) and *rukyat* (direct lunar observation) methods. It provides adaptive and *maslahah*-oriented solutions, such as prioritizing *hisab* in cases of doubtful *rukyat*, or vice versa, prioritizing *rukyat* to maintain unity within the community. Practically, Istihsan is exemplified through the Indonesian government's *isbat* sessions, which require integrated collaboration among scholars, astronomers, and government institutions, always maintaining compliance with definitive (*qath'i*) texts and public welfare (*maslahah mursalah*).

**Keywords:** *Istihsan, Lunar Month Determination, Islamic Law, Jurisprudential Flexibility, Astronomy (Ilmu Falak)*

### **A. Introduction**

Islamic law serves as the ultimate guidance for Muslims in various aspects of life, including determining the times of worship and Islamic holy days, sourced fundamentally from the Qur'an and Sunnah (Manan, 2007). Determining the beginning of the lunar month-particularly for Ramadan, Shawwal, and Zulhijah-often triggers differing interpretations and methodologies within the global Muslim community, resulting in varying dates for fasting and Eid celebrations (Khazim, 2009). The two dominant methods for this determination are *hisab* (astronomical calculation), which involves

precise computations, and rukyat (direct lunar observation), based on visible crescent sightings (Iman RN, 2016). Differences in these methods frequently cause annual debates, potentially disrupting the unity of the Muslim ummah.

In the perspective of ushul fiqh, a method of ijihad known as Istihsan offers flexibility in responding to such contemporary issues (Hanafi, 2015). Istihsan is a jurisprudential method characterized by legal preference based on considerations of public interest (*maslahah*) or exceptions (*istitsna'*) to strict qiyas (analogical reasoning) when stronger legal justifications exist (Yazid et al., 2024). Despite being controversial among scholars-Imam Shafi'i notably rejecting Istihsan due to concerns over its subjective nature-Imams Abu Hanifah, Malik, and some Hanbali scholars widely utilize this method (Hasan, 2015). They argue that rigid qiyas is sometimes insufficient to address evolving social contexts, exemplified by permissibility in specific business practices like buying and selling through salam (advance purchase), despite inherent uncertainties (*gharar*) (Nabilah et al., 2021).

In a broad understanding, determining the beginning of the lunar month is based on two main methods, namely rukyat and hisab. Although the texts as found in the hadith state that *صوموا لرؤيته وأفطروا لرؤيته* which means fast because you see it and break your fast because you see it) (Buḥārī & Khan, 1997). In an ecliptic manner, the hadith emphasizes rukyat. However, the rapid development of science also allows for very accurate calculations regarding the position of the moon, the sun and the possibility of seeing the crescent moon.

However, there remains limited academic exploration explicitly addressing how Istihsan could systematically reconcile the methods of hisab and rukyat. Thus, this study contributes by critically examining how Istihsan functions as a jurisprudential catalyst within the contemporary context of astronomical science (Ilmu Falak). Specifically, it addresses the question: "How can Istihsan effectively harmonize differences between hisab and rukyat methods, thus promoting social unity and practical convenience within the Muslim community?" This research provides insights into jurisprudential flexibility and emphasizes the collaborative roles of scholars, astronomers, and government authorities in harmonizing lunar calendar practices within Islamic jurisprudence.

Previous studies, such as those conducted by Bustanul Iman (2016) and Imam (2019), have extensively analyzed the determination of the lunar month through fiqh and astronomical perspectives. However, specific analyses utilizing Istihsan as a jurisprudential solution have not been sufficiently addressed. This research specifically highlights Istihsan's innovative potential as an adaptive method to harmonize conflicting methodologies of lunar-month determination, providing novel jurisprudential insights. Practically, the findings from this research are expected to provide guidelines for Indonesian Islamic organizations and authorities in resolving recurrent disputes related to lunar-month determinations.

## B. Method

This study employs a qualitative method with a descriptive analytical approach (Creswell & Creswell, 2018). It primarily focuses on examining Istihsan's role in determining Islamic law, particularly regarding the flexibility offered in determining the lunar month's beginning. The research specifically investigates the viewpoints of various Islamic jurisprudential schools and the potential role of Istihsan in harmonizing astronomical methods (*hisab* and *rukyat*).

Data collection was conducted through literature studies (library research) (Neuman, 2013), drawing upon primary and secondary sources. Primary data were gathered from authoritative texts on fiqh principles related to Istihsan, *ushul fiqh* works by classical and contemporary scholars, and Islamic astronomical literature (*falak*). Secondary data were obtained from related academic literature such as journal articles, theses, and relevant documents addressing Islamic jurisprudence and astronomy, particularly concerning lunar-month determination methods.

The literature selection criteria were based on relevance, scholarly credibility, publication recency, and the alignment of theoretical frameworks with the research objectives (Miles et al., 2013). In collecting the data, this research involved critical identification, verification, and systematic categorization of sources concerning the definition and application of Istihsan among Islamic jurisprudence schools, along with its practical implementation in the field of Islamic astronomy.

For data analysis, a qualitative method employing thematic content analysis was conducted (Miles et al., 2013). This approach involved systematically reviewing and interpreting the literature data to identify recurring themes, patterns, and contradictions regarding Istihsan's conceptualization and application. Analysis stages began with data reduction, sorting definitions, and scholarly views on Istihsan, examining its application within astronomy for determining lunar months, and finally presenting the data narratively to highlight theoretical and practical implications clearly.

This methodological framework aims to ensure a comprehensive and balanced exploration of Istihsan's role within Islamic jurisprudence, thus allowing a deeper understanding of its potential as a harmonizing mechanism between traditional jurisprudential practice and contemporary astronomical advances.

This study uses a qualitative method. With a descriptive approach, this study focuses mainly on providing an overview of Istihsan in determining Islamic law, including the views of various schools of Islamic jurisprudence and its role as a catalyst for the flexibility of Islamic jurisprudence in determining the beginning of the lunar month. This study is a literature study whose data sources come from relevant literature in the fields of Islamic jurisprudence and astronomical science. In the data collection process, this study involves identification, critical review and analysis. For data analysis, it is carried out qualitatively using analytical descriptive whose stages begin with reducing data regarding the definition of Istihsan, the views of schools of Islamic

jurisprudence on Istihsan, and its application in astronomical science in the field of determining the beginning of the month. After that, the data is presented in narrative form.

## C. Result and Discussion

### 1. Istihsan and Views of Madzahibul Arba'ah Fiqh Scholars

Istihsan is one of the forms of legal determination methods that is disputed by Ushul scholars, although in practice this method is still used. However, basically, the ulama apply Istihsan based on its linguistic meaning, namely "doing something better". However, in a terminological review, there are differences in views among scholars regarding Istihsan between those who apply it as a method of *ijtihad* and those who reject it. If the ulama were able to agree on the parameters of the definition of Istihsan, then the debate regarding its position as a method of *ijtihad* in Islamic law might be avoided (Yazid et al., 2024). The debate regarding istihsan among scholars essentially centers on its terminological definition, where each school of thought has its own understanding regarding istihsan.

#### a. Istihsan in the view of Hanafiyah scholars

In Abu Hanifah's practice, he uses istihsan more in his practice of determining the law, only Imam Abu Hanifah did not have time to explain definitively the formulation of istihsan that he practiced, so that istihsan in terms of language as has been explained means considering something better. Because Imam Abu Hanifah did not explain istihsa in a structured way, people then judged that Imam Abu Hanifah determined istihsan with his own wishes.

After Abu Hanifah used istihsan a lot in determining his laws, criticism arose from various groups, then from several ulama' who were followers of Abu Hanifah's school of thought, they tried to provide clarification on the formulation of istihsan which was widely practiced by Imam Abu Hanifah. Some Hanafi school scholars are of the opinion that istihsan is essentially a form of *qiyas* that must be implemented, considering that its basis is based on legal implications. They explained that '*illat* (legal reasons) with weak legal influence are categorized as *qiyas*, while '*illat* which have stronger legal influence are classified as istihsan. Thus, istihsan can be understood as the application of the strongest propositions, where the conclusions are obtained through in-depth analysis of various issues in istihsan based on the framework of the *fiqh* principles they adhere to (Darwati H, 2011).

A follower of the Abu Hanifah school of thought, Bernama al-Sarakhsi, a prominent scholar, believes that Istihsan basically has two types of *qiyas*. The first is *qiyas jalli* (obvious *qiyas*) and the second is *qiyas khafi* (hidden *qiyas*). Where the *qiyas jalli* has a weak influence on the objectives of the Shari'ah, while the *qiyas khafi* has a stronger influence on the Shari'ah. So from these two differences, *qiyas khafilah* is called istihsan because it has a stronger influence so it takes precedence over *qiyas* (An-Najmi, 2019). Or in other words, prioritizing istihsan over *qiyas* is solely based on its legal influence, not based on the *khafi* or *jalinya qiyas*.

b. Istihsan in the view of the Malikiyah ulama

The scholars of the Maliki school provide several operational definitions of istihsan. Ibn al-'Arabi defines istihsan as a deviation from the literal will of the argument through the mechanism of exception (*istitsna'*) or the granting of leniency (*rukhsah*) due to differences in legal context. In his monumental work *Ahkam al-Qur'an*, Ibn al-'Arabi further explains that in the perspective of the Maliki and Hanafi schools, istihsan is the actualization of one of the two arguments that has a higher argumentative power; either by adhering to the general argument as long as its relevance is maintained or by applying *qiyas* as long as the analogy is universal.

Analysis of the conceptualization above reveals that the understanding of istihsan in the framework of *ushul fiqh* of the Maliki school has a more comprehensive scope, where considerations of custom (*'urf*) and benefit (*maslahah*) also play a role as the basis for consideration for deviations from general rules. Based on these parameters, Ibn Arabi then classified istihsan into four main categories, namely (Nabilah et al., 2021):

- 1) Istihsan based on social tradition (*'urf*) Imam Malik emphasized that the Maliki school of thought diverts from general provisions (*dalil kulli*) by considering the prevailing community traditions. As an illustration, in the case of an oath not to consume meat, literally (*lafzi*) the promise includes all types of meat including fish. However, sociologically, the terminology of 'meat' in the context of '*urf*' is limited to the meat of livestock such as camels, cows, or goats. Therefore, through the istihsan mechanism, fish consumption is not considered to violate the oath due to the inconsistency between the lexical meaning and socio-cultural understanding.
- 2) Istihsan Based on Considerations of Public Interest (*Maslahah*). In principle, sharia provisions prohibit the activity of looking at other people's private parts. However, if this general provision is applied rigidly in the context of medical practice, it will actually negate the main purpose of sharia itself. Absolute restrictions on medical examinations on the grounds of maintaining private parts can have implications for ignoring fundamental public interests, where refusal of medical treatment has the potential to cause death, organ dysfunction, or permanent loss of the benefits of body parts.
- 3) Istihsan Based on the Consensus of Scholars (*Ijma'*). One example of its application can be seen in the provision of the obligation to pay full compensation to the perpetrator of cutting the tail of a riding donkey. Normatively, the basic principle of compensation in *muamalah* jurisprudence is based on the proportion of damage caused. However, in this specific case, there is an exception to this general rule. The legal consideration is that cutting the tail of a riding donkey causes the loss of all functional value of the animal as a whole. From a legal perspective, this condition is equated with the loss of the donkey as a whole, so that the legal implication requires compensation equal to the price of the animal.

- 4) Istihsan Based on the Principle of Eliminating Difficulties (Raf'u al-Haraj). The implementation of this concept can be observed in the context of utilizing public facilities such as public baths. Theoretically, sharia provisions require clarity of specifications of water quantity and temporality of use in transactions. However, the rigid application of these requirements to public services has the potential to cause difficulties that are contrary to the maqashid of sharia. Therefore, through the istihsan mechanism, the ambiguity of certain details in the contract can be tolerated as long as it meets two criteria: (1) the element of uncertainty (gharar) that arises is minimal, and (2) it does not cause excessive burdens for the parties. This exception specifically applies to the public bath service transaction model as a concrete form of implementing the principle of relief (taysir) in Islamic law.

c. Istihsan in the view of the 'hambaliyah ulama'

In the Hanbali school of Islamic legal thought, there is a dichotomy of perspectives regarding the validity of istihsan as a method of legal istinbath. Several authoritative references in ushul fiqh literature, such as the works of al-Amudi and Ibn Hazib, note the acceptance of istihsan among Hanabilah fuqaha. This view is in line with the opinion of Imam Ahmad bin Hanbal who positions istihsan as a process of transferring arguments from qiyas to propositions that have more substantive power based on the mujtahid's objective considerations, not based on personal subjectivity. However, there is a counter-narrative put forward by al-Jalal al-Mahalli in his sharah on the book *Jam' al-Jawami'*. He stated that istihsan is included in the category of controversial ijtihadiyah methods and has received rejection from various circles of ulama, including some thinkers from the Hanbali school of thought (Darwati H, 2011).

d. Istihsan in the view of the Shafi'iyah ulama

Istihsan in the view of Imam Syafi'i has been confirmed in the opinion of Imam Al-Ghazali, he revealed that the istihsan referred to by Imam Syafi'i is istihsan which is based on the Al-Quran, Sunnah, Ijma' and Qiyas. In the book *Al-Mustashfa*, Imam Al-Ghazali explains the form of istihsan that was rejected by Imam Syafi'i, namely istihsan which is understood as: a legal decision based solely on the subjective considerations of a mujtahid, or a legal conclusion that arises intuitively without being able to explain the basis of the argument." Al-Ghazali then explained the reasons for Imam Syafi'i's rejection of this kind of istihsan concept, because it relies more on the personal preference (subjectivity) of the mujtahid than on objective evidence. Logically, it is impossible for an ijtihaad to be accepted if it is only based on assumptions without a clear basis for evidence.

Some literature shows that Imam Syafi'i in several cases actually applied an approach similar to istihsan, namely by choosing the strongest proposition among several texts or choosing the most appropriate qiyas based on the texts to establish a law. However, it is important to note that Imam Syafi'i himself never recognized this approach as istihsan, but continued to categorize it as a form of qiyas.



On the other hand, istihsan, which is part of the postulates of Islamic law, is still debated among the ulama in the context of its validity, giving rise to groups of ulama who accept it and groups of ulama who reject the istihsan. From the explanation above, the scholars who received istihsan can be classified as including Imam Abu Hanifah, Imam Maliki and Imam Hambali. Meanwhile, the group that rejected the hujjahan istihsan was spearheaded by Imam Safi'i.

Imam Syafi'i rejects the concept of istihsan because he views it as a method of determining law that is not based on one of the four valid sources of Islamic law, namely the Al-Qur'an, Hadith, Ijma', and Qiyas. In Imam Syafi'i's perspective, the ijihad process must always be based on valid arguments, and according to him the most appropriate argument is qiyas (legal analogy). This explains why the Shafi'i school of thought is known as one of the schools that most intensively uses the qiyas method with the 'ain qa'imah' or 'tasybih' (establishing a strong analogical basis) approach. Based on this view, Imam Syafi'i criticized istihsan as a form of legal determination that is only based on subjective preferences (talazzuz) and arbitrary decisions (ta'assuf) that reflect personal desires rather than objective legal considerations (Hasan, 2015).

There are six reasons why Shafi'i rejects istihsan as a source of Islamic law, including:

- 1) The use of al-istihsan as a source of law seems to illustrate that syarak allows all problems that arise among humans without any law from syarak. This assumption clearly contradicts the words of Allah SWT which means: *"Do people think that they will be left unattended (without being asked to account)" (QS. Al Qiyamah (75):36)"*  
Therefore, it is wrong if the Shari'a simply provides something without a clear legal basis from the text for a solution based on qiyas.
- 2) Many verses in the Al-Quran emphasize following the commands of Allah and His Messenger and forbid following mere desires. In fact, every problem that arises in society must be returned to the Al-Quraan and Sunnah. Meanwhile, this isthsan is not included in the group of solutions recommended by Syarak, so it is considered to be made up without being based on arguments that can accept it as a source of law.
- 3) Prophet Muhammad SAW never issued a fatwa based on istihsan, even Prophet Muhammad SAW never issued a patwa based on mere lust. Instead, Prophet Muhammad waited for revelation from Allah SWT to explain the problems that arose in the midst of society at that time. We can see this when asked by a man who was performing zihar on his wife by saying "you (my wife) are similar to my mother's back". From this question, the Prophet did not immediately answer the question based on istihsan until the Prophet waited for revelation to come down to explain about zihar and its expiation. Therefore, if someone is allowed to issue a fatwa according to his own taste or based on al-istihsan, then the Prophet Muhammad SAW would do it and approve of it. While the Prophet Muhammad SAW forbade such actions because they were not based on the text.
- 4) The Prophet Muhammad SAW canceled and rejected the fatwa conveyed by his friend Usamah Bin Zaid based on istihsan. This event occurred when while

fighting on the battlefield, Usamah Bin Zaid cut off the enemy's neck. When the enemy said two sentences of the shahada, because of this, Usamah bin Zait's friend argued based on istihsan on the pretext that the person who was killed by Usamah bin Zait said two sentences of the shahada because he wanted to escape from the murder. However, the friend's actions were not justified by the Prophet Muhammad SAW.

- 5) Ijtihad using istihsan is not based on definite provisions and can be used as a reference to measure what is right and what is wrong as contained in qiyas.
- 6) Jihad based on istihsan will encourage the widespread use of ijtihad. It is feared that this ijtihad can be carried out by someone who not only understands the Koran and Sunnah, but by anyone who has brilliance in dialogue and has wise ideas based on the welfare of humanity, while the solution presented is not acceptable by the Shari'ah (Hassan et al., 2023).

From the six elements of the reasons for the rejection of Imam Syafi'i, it is clear that every legal conclusion must be guided by the text of the Qur'an and Sunnah so that it reaches the text of understanding in any way from the basis. Imam Sayfi'i never accepted an understanding that was not based on the holy book. As for the rejection of istihsan which was supported by the scholars of Shafi'iyah, among them was Imam al-Ghazali, Imam al-Ghazali as one of the leading figures of the Shafi'i school also rejected the application of istihsan. In his view, the use of istihsan can be considered as a form of subjective creation of new sharia. Al-Ghazali expressed concern that if this method was legitimized, it would open up opportunities for incompetent individuals to determine sharia law. A further consequence that is feared is the emergence of legal diversity where everyone has the potential to create sharia rules according to their personal wishes (Nabilah et al., 2021).

## 2. Istihsan as the Foundation of Islamic Law

In the level of sources of Islamic law, the Qur'an and Hadith occupy the position as primary sources. Based on these two main sources, the fuqaha (Islamic jurists) developed various methods of istinbath (legal exploration) to understand the contents of the holy texts. Although methods such as qiyas (legal analogy), istihsan (legal preference), maslahah mursalah (consideration of the benefit), and istishab (presumption of the continuity of legal status) play an important role in the process of law making, technically these methods are not categorized as sources of law (mashadir al-ahkam) but rather as methodologies for understanding texts (manahij istinbath al-ahkam) (Sa'dan, 2017).

In the context of modernization of Islamic law, the relevance of istihsan as a method of ijtihad needs to be reviewed by reviewing the concept of fundamental renewal of Islamic law. Renewal of Islamic law is essentially a process of legal legislation that is responsive to contemporary problems that arise along with the development of modern science and technology. This process includes two main aspects: (1) the formulation of new legal provisions to answer current issues, and (2) the renewal of classical legal provisions that are considered no longer relevant to the needs of human welfare in the



modern era. Because if we pay attention, the law can change depending on the situation and conditions of society, if the existing law is not relevant to the conditions of modern society, then *ijtihad* in determining new laws that are in accordance with the conditions of time and place for the implementation of the law should have been formed.

In the context of contemporary developments, advances in science and technology have brought about significant transformations in various aspects of life, including the realm of Islamic law. As a dynamic discipline, Islamic law is required to constantly adapt to changes in the times in order to provide relevant legal solutions to modern problems. These latest developments need to be integrated as substantive considerations in the process of *istinbath al-ahkam* (legal exploration). This reality gives rise to various epistemological and methodological challenges that require a comprehensive reconstruction of Islamic legal thought. It is within this framework that *ijtihad* as a mechanism for determining law plays a central role that must not stagnate. The *ijtihadiah* process must continue to be developed sustainably to respond to various contemporary legal issues faced by Muslims (Manan, 2007).

To support the development of Islam in this modern era, of course, the challenges faced are increasing, then to be able to answer all forms of these problems, *ijtihad* continues to be carried out. The strategy of the scholars in dealing with these contemporary problems includes using the *istihsan* method to solve them. However, in this case, the scholars who use this *istihsan* method are carried out by the Maliki, Hambali, and Hanafi schools.

The divisions of *istihsan* used in dealing with contemporary problems carried out by scholars who are pro *istihsan* include the following:

- a. *Istihsan* with the text, namely *Istihsan* with the text is like the *mujtahid* turning away from the law desired by the text because there is a problem or event that is included or covered in one of the general rules.
- b. *Istihsan* with *ijam'*, namely leaving the need to use *qiyas* on a problem because there is *ijma'* which determines a law that is different from the determination of the *qiyas*.
- c. *Istihsan* with *qias khafi*, namely diverting a problem from the clear legal provisions of *qiyas* (*qiyas jali*) to the vague provisions of *qiyas* (*qiyas khafi*), because its existence is stronger and more appropriate to be practiced.
- d. *Istihsan* with emergency *Istihsan* with emergency means that there is an emergency condition that causes a *mujtahid* to leave *qiyas* to bring about benefit or to eliminate harm.
- e. *Istihsan* with *urf* *Istihsan* with '*urf* is the transfer of a law or general rule that has been established due to existing traditions.

The essence of *Istihsan* is to look for solutions that are more practical, fair and can provide benefits for the people, even if they deviate slightly from the literal application of a rule of jurisprudence or analogy that seems clear. In the context of determining the beginning of the lunar month, *Istihsan* becomes a bridge between the literal rigidity of the text and the dynamics of social reality and scientific progress.

### 3. Istihsan as the Foundation of Fiqh Flexibility in Determining the Beginning of the Lunar Month

Astronomy has developed rapidly since the golden age of Islam. The early Muslim scholars made significant contributions in the fields of observation, calculation, and development of astronomical instruments. In the context of determining the beginning of the month in the present era, astronomy provides precise calculation data regarding the position of celestial bodies, including important parameters such as ijtima time data, hilal height, elongation, and age of the moon using modern technology. Hisab, which is an astronomical calculation, offers accuracy with high objectivity. By using hisab, a person can know in advance when ijtima will occur (Khazim, 2009). On the other hand, rukyat which also has a role in determining the beginning of the lunar month as in the hadith of the Prophet emphasizes the aspect of observation, direct vision where some scholars consider rukyat as a valid and final indicator.

The debate between the hisab and rukyat camps becomes a dilemma. Sometimes, in the search for hisab, it shows that the crescent moon is impossible to see, but there is a claim of rukyat. What is the attitude of fiqh? Then, if hisab shows that the crescent moon is very likely to be seen, but there is no report related to rukyat, should the beginning of the month be postponed? This is where istihsan then plays its role. The application of istihsan in determining the beginning of the lunar month can be described as follows:

#### a. Istihsan Hisab in Doubtful Rukyat Cases

Hisab shows that the crescent moon in the evening of observation is below the horizon or very low. For example, less than 0 degrees above the horizon or the elongation is very small. So, astronomically it is impossible or very difficult to see. However, there are claims of rukyat from one or several people. In this situation, modern astronomers tend to reject the rukyat claim. The application of Istihsan in this case is by prioritizing hisab as Qiyas Khafi. The reason is the public interest to avoid chaos, uncertainty, and possible misunderstandings that can occur due to rukyat claims that are inconsistent with existing scientific data. As astronomy also has a position for modern technology that can reach its level of precision, ignoring accurate hisab for the sake of dubious rukyat can result in uncertainty of time which results in difficulty in organizing worship.

#### b. Istihsan Rukyat to Maintain Community Unity

In this case, suppose hisab shows the crescent moon above the horizon with sufficient elongation. However, there is no successful rukyat due to bad weather factors. On the other hand, there is a decision by the authorized government that bases the determination of the beginning of the month on rukyat. Therefore, in the context of a Muslim country, where there is an institution responsible for determining the beginning of the month, Istihsan is applied to support the decision of the institution in order to maintain the unity of the people. Although hisab provides a strong indication regarding the determination of the beginning of the month, prioritizing decisions based on rukyat can be considered as istihsan for the sake of unity following the accepted custom in society to obey ulil amri in this matter is prioritized. The main goal is to return to the benefit that avoids conflicts that often occur when the people are divided in celebrating Eid.

#### c. Istihsan Against the Reckoning Criteria for Flexibility for the Public Benefit

As is known, basically, the Imkanur Rukyat MABIMS criteria along with the Wujudul Hilal criteria cause differences in determining the beginning of the month between countries or community groups residing in the same area (Mahdi, 2016). In essence, each hisab criterion has a different scientific basis. Rather than claiming one criterion as the only correct one, istihsan encourages acceptance of the criteria used by the competent authority in a region. As long as the criteria are based on valid astronomical calculations and do not conflict with the principles of sharia. Istihsan is beneficial to achieve uniformity on a national scale. For example, even though there are different views on the height of the crescent, following the MABIMS criteria in Indonesia or other criteria in certain countries can be a form of Istihsan for the public interest (Suhardiman, 2018).

Although istihsan has the necessary offers, its implementation should not be without limitations. In this case, an important point that needs to be emphasized is that. Istihsan should not be used to rule out Nash who is Qath'i. In the context of the beginning of the month, the hadith about rukyatul hilal is a strong text, so, istihsan seeks to integrate hisab and rukyat. Not eliminating one of them. Based on Sharia benefits, istihsan must be based on benefits recognized by Sharia, not merely worldly benefits that are temporal or personal. Harmonization of the people, social order and convenience in this case are examples of Sharia benefits.

The application of istihsan in falakiyah issues requires a deep understanding of the science of astronomy and fiqh. Istihsan should not be a reason to choose laws according to one's wishes or to justify unfounded views. There must be strong arguments, both from the sharia and scientific sides that support the application of istihsan. Therefore, the application of istihsan in determining the beginning of the lunar month requires close collaboration between fiqh scholars, astronomers, and the government. This collaboration includes the formation of a committee or council consisting of fiqh scholars who master the ushul of fiqh, as well as competent astronomers. Then, encourage a national agreement on the criteria for the beginning of the month that can minimize differences and allow for more accurate predictions. And, carry out continuous comprehensive education for the community.

Indonesia, as a Muslim-majority country, is sensitive to determining the beginning of the month, where in this case the approach seeks to unite reckoning and rukyat. The Ministry of Religion that uses the MABIMS Criteria sets a minimum visibility threshold for the crescent moon of 3 degrees for height, and 6.4 degrees for elongation. The isbat session which was attended by representatives of ulama, dfalak experts, Islamic mass organizations, and the government then became a decision-making forum (Bukhori, 2020).

In practice, if the reckoning shows that the hilal has not met the MABIMS criteria and the rukyat report does not exist or is invalid which shows that it does not meet the requirements for the visibility of the hilal and has met the criteria at the beginning of the month, then the amount will be fulfilled. On the other hand, if it shows the presence of a new moon that meets the criteria and there is a valid rukyat report, then the start of the month is determined. This approach is a manifestation of istihsan. Where, using calculation as an initial guide and validation criteria. As well as prioritizing rukyat to

verify which balances the literality of the text and the general benefit. If there is no valid rukyat even though the reckoning meets the criteria, a decision can be taken based on the existing istihsan, of course by weighing and ensuring harm to avoid chaos..

#### D. Conclusion

This study highlights Istihsan as a flexible jurisprudential method effective in determining the lunar month's beginning, despite scholarly debates over its acceptance. While the Hanafi, Maliki, and Hanbali schools endorse Istihsan due to its practical and maslahah-oriented benefits, the Shafi'i school rejects it, viewing it as lacking explicit textual support. Practically, Istihsan reconciles differences between hisab and rukyat methods, promoting unity and harmony among the Muslim community. Indonesia's collaborative isbat sessions exemplify Istihsan's integration of jurisprudential flexibility with scientific accuracy, ensuring adherence to definitive texts and public welfare. This research suggests ongoing scholarly, astronomical, and governmental collaboration to further develop unified criteria and strengthen Istihsan's practical application.

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#### References

- An-Najmi, M. M. (2019). *Istihsan dalam Pandangan Madzhab Imam Hanafi dan Imam Syafi'i dan penerapannya*. Universitas Islam Negeri Maulana Malik Ibrahim.
- Buḥārī, M. I.-I. al-, & Khan, M. M. (1997). *The translation of the meanings of Sahīh Al-Bukhārī: Arabic-English*. Darussalam.
- Bukhori, M. K. (2020). *Pemikiran Thomas Djamaluddin tentang Kriteria Visibilitas Hilal terbaru Perspektif Fiqih Astronomi*. Universitas Islam Negeri Walisongo, Semarang.
- Creswell, J. W., & Creswell, J. D. (2018). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Sage Publications.
- Darwati H, D. H. (2011). Istihsan dan Pembaruan Hukum Islam. *Jurnal Ushuluddin: Media Dialog Pemikiran Islam*, 15(1), Article 1. <https://doi.org/10.24252/jumdpi.v15i1.4797>
- Hanafi, D. (2015). Istihsan dan Pembaharuan Hukum Islam. *Tahdis: Jurnal Kajian Ilmu Al-Hadis*, 6(2), Article 2. <https://doi.org/10.24252/tahdis.v6i2.7172>
- Hasan, B. (2015). Penolakan Imam Syafi'i Terhadap Istihsan Sebagai Salah Satu Metode Istinbath Hukum Islam. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 15(01), Article 01. <https://doi.org/10.30631/alrisalah.v15i01.379>
- Hassan, W. Z. W., Alias, J., & Muslim, N. (2023). Imam Al-Shafi'i's Standing On The Use Of Reason Through Al-Qiyas And Al-Istihsan In The Determination Of Law.

*International Journal of Academic Research in Business and Social Sciences*, 13(11), 534–545.

- Iman RN, B. (2016). Penetapan Awal Bulan Qamariyah Perspektif Fiqh. *DIKTUM: Jurnal Syariah Dan Hukum*, 14(1), Article 1. <https://doi.org/10.35905/diktum.v14i1.220>
- Khazim, M. (2009). *99 Tanya Jawab Masalah Hisab dan Rukyat*. Ramadhan Press.
- Mahdi, I. (2016). *Analisis terhadap Kriteria Visibilitas Hilal Rukyatul Hilal Indonesia (RHI)*. Universitas Islam Negeri Walisongo, Semarang.
- Manan, A. (2007). *Reformasi Hukum Islam di Indonesia*. Raja Grafindo.
- Miles, M. B., Huberman, A. M., & Saldana, J. (2013). *Qualitative Data Analysis: A Methods Sourcebook*. SAGE Publications.
- Nabilah, W., Warman, A. B., & Octavia, N. 'Aini. (2021). ISTIHSAN DALAM LITERATUR SYAFI'YAH (Telaah Istihsan dalam Kitab Al-Mustasfa Al-Ghazali). *JURIS (Jurnal Ilmiah Syariah)*, 20(1), 77. <https://doi.org/10.31958/juris.v20i1.3323>
- Neuman, W. L. (2013). *Social Research Methods: Qualitative and Quantitative Approaches*. Pearson Education.
- Sa'dan, S. (2017). Ijtihad terhadap Dalil Qath'i dalam Kajian Hukum Islam. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 1(2), Article 2. <https://doi.org/10.22373/sjkh.v1i2.2379>
- Suhardiman, S. (2018). Fikih Hisab-Rukyat Peran Badan Hisab Rukyat terhadap Dinamika Penentuan Awal Bulan Kamariah di Indonesia. *At-Turats*, 12(1), Article 1. <https://doi.org/10.24260/at-turats.v12i1.972>
- Yazid, A., Aminah, S., Ariadni, D. K., Utsman, T. Y., & Sugitanata, A. (2024). Istihsān Theory and Its Application in the Standard Inpatient Class (KRIS) Initiative by the National Health Insurance Program (JKN). *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi*, 1–14. <https://doi.org/10.22515/jurnalalhakim.v6i1.8948>