

## ***Ittifak* and *Ikhtilaf* in al-Syeikhain in *Sabil al-Muhtadin*: Review by Decisive Theory**

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### **ABSTRACT**

This study was conducted to analyse the problems that have been *ittifak* and *ikhtilaf* law as decided by al-Syeikhain (al-Imam al-Nawawi and al-Rafii) in *Sabil al-Muhtadin* of al-Shaykh Muhammad Arshad al-Banjari in 18th century. This study was based on content analysis using the theory of *al-Mu'tamad 'ind al-shafi'iyyah* as its structure. This theory compiles Syafiah's *qauls* or views to be the decisive *qauls* in Shafii Sect. Interestingly, this theory remains to be practised. Regarding al-Syeikhain, their words became a major concern in producing the final *qaul*. Our analysis found 58 of al-Nawawi's *qauls* and 10 of al-Rafii's *qauls*. In total, both *ittifak* was found in three cases while both *ikhtilaf* have been found in 6 cases. Through the decisive theory, it has been proven that al-Banjari was in particular presenting the al-Syeikhain's *qaul* especially regarding *ittifak* and *ikhtilaf*. This result explains that the content of *Sabil al-Muhtadin* as Malay-Muslim ancient thinking work of art is very fine discipline according to Shafii Sect perspectives and should continue to be practised.

*Keywords:* Decisive qaul, decisive theory, *ittifak* and *ikhtilaf*, Malay thinking, *Sabil al-Muhtadin*, Muhammad Arshad al-Banjari, theory of *al-Mu'tamad 'ind al-shafi'iyyah*, Shafii Sect

### **INTRODUCTION**

Kiai al-Shaykh Muhammad Arshad ibn Abdullah al-Banjari is known as a devout and competent Malay Muslim scholar. His contributions have been respected as well as his success in generating Islamic reforms in Banjar and around the of the Malay Archipelago (Azyumardi, 1995, pp. 251-257). Even after 200 years since

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his passing, he is still remembered and revered. His monumental treatise titled *Sabil al-Muhtadin* remains a societal heritage known as the yellow book and it is diligently studied and examined. In its glorious history, the book *Sabil al-Muhtadin* is recognised by al-Sultan Abdul Hamid II al-Uthmani (who ruled from 1876M-1909M) as main reference among the Malay Muslim archipelago in the Shafii Sect (‘Abbas, 2002; Bruinessen, 2009).

#### **PURPOSE AND METHODOLOGY**

This study was conducted to identify the standard *qaul* found in the book of *Sabil al-Muhtadin*. The methodology employed is content analysis. As this study is qualitative in nature, descriptive data configuration and content analysis of this study has been done using the theory of *al-Mu‘tamad ‘ind al-Shafi‘iyyah* (final *qaul* on Syafiah fuqaha).

#### **RESEARCH THEORY**

This study uses the theory of *al-Mu‘tamad ‘ind al-Shafi‘iyyah* which has been introduced scholarly and critically by the al-Banjari teacher, Imam Muhammad ibn Sulaiman al-Kurdi in *al-Fawa`id al-Madaniyyah* (al-Kurdi, 2009). Since then it has continued to grow and received serious attention. This discipline is recognised until today and it is the very latest literature on the decisive *qaul* of Shafii Sect. Among the studies conducted on this topic is by Muhammad Ibrahim Ahmad Ali in the Journal of *al-Madhab ‘Ind al-Shafi‘iyyah* (Muhammad, 1978) and Muhammad ibn Umar ibn Ahmad al-Kaf

who wrote a thesis titled *Nazariyyat al-Mu‘tamad ‘ind al-Shafi‘iyyah* (al-Kaf, 2008).

In Malaysia, Brunei and Indonesia, the decisive *qaul* question is still relevant. It is practised by those who are from the Shafii sect. This is reflected in the various enactments or bills in administration of the states in Kedah, Selangor, Terengganu, Sabah and others.

In Brunei, the judicial institution has followed closely the Kelantan religious law based on the Shafii Sect. In Indonesia, the scholars and judges have enacted a sort of authoritative arrangement by involving several books of fiqh in Shafii Sect as reference to Islamic law (Abdul Hadi, 2003).

#### **LITERATURE REVIEW**

This study is based on the text of *Sabil al-Muhtadin*. There have been several studies on *Sabil al-Muhtadin* text which include among others, a dissertation by Ahmad Sarbini from UKM in 2003 titled ‘Sheikh Muhammad al-Banjari Arsyad: Overview of Some Issues’ in *Sabil al-Muhtadin* using an argumentation technique. His shows al-Banjari has a very firm stand against the bidaah, consistent with Syafii Sect of views and ijtihad in the matters that are categorised as local case and have never been found in other fiqh’s book before the *Sabil al-Muhtadin*.

Sharifhudin (2002) wrote a Master’s thesis titled ‘Studies in the Book of Hadith’ in *Sabil al-Muhtadin* for first Juz. Using the methodology based on the *hadith*, the study found 208 hadiths and 175 of them were *Hadith Sahih* mainly from al-Bukhari

and Muslim. The nine *Hadiths Hassan* from *maqbul* category were referred to in the matter of circumcision and abomination, 12 *Hadith Da'if*, 10 hadiths were not stated by the author and two more have not been found in any original source.

In Indonesia, the case of Zakat in *Sabil al-Muhtadin* is constantly used as the scope of study. Among them is Skripsi Jurusan Peradilan Agama Fakultas Syariah IAIN Sunan Kalijaga Yogyakarta titled 'Sheikh Muhammad al-Banjari opinion about Zakat' (through his study of the book *Sabil al-Muhtadin*) by Moch. Irfan Islami published in 1998, Skripsi S1, Yogyakarta: UIN Sunan Kalijaga in 2003 titled *Konsepsi Zakat Produktif dalam Pemikiran Syeikh Muhammad Arsyad al-Banjari* by Hosnu El Wafa, The dissertation titled *Kitab az-Zakah dalam Sabil al-Muhtadin oleh Sheikh Muhammad Arsyad al-Banjari: Analisis Intertekstual dan Suntingan Teks* by Muslich Shabir and Master's thesis titled *Konsepsi Kekuatan Zakat Dalam Pemberdayaan Ekonomi Umat* (Overview On reflection of Muhammad Arsyad al-Banjari in *Sabil al-Muhtadin Littafaquh fi `Amr ad-Din*) by Syamsiar (n.d.) from Universitas Islam Negeri Syarif Hidayatullah Jakarta.

All of the above studies are qualitative and some use a comparative approach. It can be said that all the studies agree that the *ijtihad al-Banjari* in the study of zakat is unique and suitable for the current needs. The uniqueness of the *ijtihad* is relevant in increasing Muslims economic benefits. Among all the above studies, Moch. Irfan and Hosnu stated that the *ijtihad al-Banjari* is aligned with *al-Maqasid Shari'ah*.

Other research is by Rasyidah (1990), a postgraduate student of Fakultas Pasca Sarjana Institut Agama Islam Negeri Syarif Hidayatullah Jakarta who wrote a thesis titled *Ijtihad Sheikh Muhammad al-Banjari in the field of Fiqh*. Rashidah has confined her study by highlighting only certain aspects of *Sabil al-Muhtadin*. The thesis discusses the congregational prayers, productive Zakat and burials. Rasyidah describes al-Banjari as the *mujtahid fi al-masa'il* (mujtahid in matters of fiqh) or known as Fatawa mujtahid (mujtahid in the fatwas) in Sect of Shafii especially in South Kalimantan district and surrounding areas.

Specifically, case studies have not resulted in the *Muktamad* theory to being taken seriously as a theoretical study to identify the finality of *qauls* in *Sabil al-Muhtadin*. This article is a study on the *Sabil al-Muhtadin* text which discusses on the decisive theories on the *qaul*.

## FOCUS OF DISCUSSION

In this study, the authors focus their research on the decisive questions based on the text of *Sabil al-Muhtadin* by examining *ikhtilaf* and *ittifak qaul* as discussed by al-Imam al-Nawawi and al-Imam al-Rafii. Thus, a content analysis was done on both al-Nawawi and al-Rafii's *qaul*. Data collection efforts through a variety of fiqh highlighted in the text of the study is done in a comprehensive manner. Once data had been collected, an analysis was carried out by using a built-in understanding of the decisive theory of Syafiiyah. In fact, *ittifak* and *ikhtilaf* by both imams is very valuable

in the eyes Syafiah, as they become the final *qaul* and not a compromised position in the Shafii sect or the Syafiah sect. It became the dominant cultural practices among al-Syafiah for centuries when writing books.

According to the final theory, the highest final *qaul* by Syafiah *mutakhirin* was taken from al-Syeikhain (al-Nawawi and al-Rafii). If there was disagreement, the *rajih qaul* will be chosen. However, if both have disagreements, only the *rajih qaul* will be adopted. If in dispute, when together they have *their rajih qaul* or equal *rajih*, the preferred *qaul* by al-Nawawi is an absolute term (cAli Jumcah, 1996, p. 24). All *qaul* of al-Nawawi were derived from the scriptures and where disputes arise it will normally take the following order: *al-Tahqiq*, *al-Majmuc*, *al-Tanqih*, *Al-Rawdah*, *al-Minhaj al-Fatawa*, *Sharh Muslim*, *al Tashih –Tanbih* and *Nukat al-Tanbih* (al-Haytami, n.d.; al-Habishi, n.d.). Therefore, this study focuses on both *qaul* by main imams as mentioned in *Sabil Muhtadin*.

## INTRODUCTION OF *SABIL AL-MUHTADIN*

This study will briefly explain *Sabil al-Muhtadin* based on the printed copies of Bin Halabi, Thailand, printed in two juz and bound together. The first Juz is 252 pages with content. The second juz is 272 pages including the content page. The entire text is 524 pages. At the edge of the printed margins of *al-Sirat al-Mustaqim* of

al-Shaykh Nur al-Din al-Raniri. This paper is based on the original work of al-Banjari because on the first volume, page number 2-3 the author has recorded his own name. The content is divided into eight books (fiqh topics) such as *Kitab al-Taharah*, *Kitab al-Salah* (Prayer Book), *Kitab al-Zakah* (Book of Zakat), *Kitab al-Sawm* (Fasting Book), *Kitab al-Iktikaf* (Book of the retreat), *Kitab al-Hajj wa al-Umrah* (The Book of Hajj and Umrah), *Kitab al-Sayd wa al-Dhaba`ih* (Book of Hunting and Slaughtering) and *Kitab al-Arimah* (Book of Food).

## RESULTS AND DISCUSSION

Based on this study, al-Nawawi's *qauls* in *Sabil al-Muhtadin* has been identified in 58 cases while al-Rafii's *qauls* is found in 10 cases. Among all, 9 of them have been mentioned by both scholars simultaneously. It means that the remaining 49 cases are headed by al-Nawawi's *qauls*. There remained only one case only in al-Rafii that leads to itself. In 9 of the above cases, 3 have showed *ikhtilaf* for both scholars while the rest show *ittifak* in both.

In the above discussion, *Sabil al-Muhtadin* proves that the number of al-Nawawi's *qauls* exceeds al-Rafii. This is definitely relevant because al-Nawawi's *qauls* is more acceptable to most Syafiah *mutakhirin*.

Al-Banjari in *Sabil al-Muhtadin* discusses *qauls* from both scholars without any critical input. As a scholar with a deep

understanding of this issue, he has strived to contribute and guide his readers to have a better and accurate understanding.

### **Ittifak al-Syeikhain**

There is at least three ittifaks of al-Syeikhain in Sabil al-Muhtadin. Here are the examples:

**Example I.** Stated below is a case summarised from juz 1, case 35:

Scholars' *ikhtilaf* in the case of the Prophet's excrements. The al-Khatib al-Sharbini's *iktimad* (decisive view) in *al-Mughni* follow the Shaykh of Islam's fatwa, also the al-Ramli's *iktimad* in *al-Nihayah* follow the al-Shihab al-Ramli' fatwa, also affirmed by al-Baghawi and other scholars, and confirmed by Husayn al-Qadi, al-Subki, Baziri, al-Zarkashi's fatwa by al-Bulqini and Ibn al-Rif'ah who have said that they firmly believe and also Qinati has said 'it is exactly truth' that it was pure and not vile. But, majority of jurists including al-Rafii in *al-Sharh al-Saghir* and al-Nawawi in *al-Tahqiq* confirmed that the Prophet's excrete was same as all the other excreted.

As seen, there is refusal to *ittifak* by al-Imam al-Nawawi and al-Imam al-Rafii and it seldom takes place. This is because the scholars have agreed to recognise it supreme as the decisive *qaul* in the ultimate theory. Therefore, when it happens then, it is an act of courage and transparency

of the scholars in defending a view which is calculated by them as very desirable to maintain even if they have to face the *qaul* by al-Syeikhain. It also portrays that the Syafiah scholars are not *taklid*. If they are found to support a *qaul*, the support is based on knowledge and understanding parallels. If there are objections, they are based on certain arguments.

**Example II.** Next, there is an *ittifak* al-Syeikhain in a case in Juz 1, case 91.

Scholars have differences in stating the same chapter as {*Bab Asbab al-Hadath*}, {*Bab Nawaqid al-Wudu*'} and {*Bab Mujibat al\_wudu*'}. In *al-Minhaj* and *al-Muharrar*, al-Nawawi and al-Rafii have chosen the first name.

It is interesting to look at the way al-Banjari concerns himself with the writing style in Syafii's sect. Obviously, it did not involve law cases but more towards issues in stating and giving title when writing. In this case, al-Banjari has followed al-Syeikhain and dismissed all other different views. Al-Banjari wants to deliver an understanding on the distinction of al-Syeikhain in discussing both the law and writing aspects. Al-Banjari even believes *ittifak* as a final choice is right.

**Example III.** Next, there is the *ittifak* al-Syeikhain in juz 1, case 181 and summarised as follows:

*Ittifak* al-Rafii and al-Nawawi states that if anyone scratches his or her warts and

they bleed and during the prayer but if it does not hit the skin or is slightly outside the place, it does not nullify the payers.

Al-Banjari in the above case, does not express the views of scholars other than al-Syeikhain. Perhaps this does not need further discussion and it is sufficient to know them both in *furuk* (branch) which has become final in the sect and sufficient.

### Al-Syeikhain *ikhtilaf*

After a review, the researchers successfully found six cases of *ikhtilaf* between al-Syeikhainin in the *Sabil al-Muhtadin*. Each one of them are discussed below:

**Example I.** At the juz 1, case. 181 there is an *ikhtilaf* and summarised as follows:

*Ikhtilaf* rules on waving hands to dry for ablution. Al-Nawawi in al-Tahqiq confirms that is a sunnah to leave it. While in *al-Rawdah and Al-Majmu'*, al-Nawawi says it is mubah. Al-Rafii stated it is makruh in his two preaches.<sup>1</sup>

Obviously, the decisive theory says if the *qaul* of al-Nawawi is different between each other, consequently his *qaul* is chosen for al-Tahqiq. As a result, al-Nawawi's *qaul* in the above al-tahqiq is the final *qaul* in this matter. Priority should be given to this *qaul* rather than those in al-Rawdah and al-Majmuc. Al-Banjari's style in prioritising

al-Tahqiq *qaul* will be able to assist readers to understand it conclusively.

**Example II.** Next, al-Banjari discusses a problem that seems to have al-Syeikhain *ikhtilaf* but the fact is it can be considered ittifak between al-Syeikhain. The problem in the juz 2, case 14-15 is summarised as follows:

There is a khilaf between al-Rafii and al-Nawawi in the end time of duha. Al-Rafii jazam asserts, the hours for circumcision is during the rising sun at a quante and ends during the noon sun. Al-Nawawi mentions in al-Majmuc and al-Tahqiq that the *duha* period will end when the sun<sup>2</sup> ends. Sheikh al-Islam says the meaning of afternoon as mentioned by al-Rafii in line with al-Nawawi, which is late afternoon. However, *takhir* (delaying it) rising to the centre is *afdal* (preferable).

In recognising the above problem that follows the famous *qaul*, it is categorised as an *ikhtilaf* al-Syeikhain. Shaykh al-Islam Zakariyya Ansari seeks to unite the two *qaul* as can be seen in *Fath al-Wahhab* (al-Ansari, 1418H). Obviously, al-Banjari has the Shaykh Islam stance. However, in such a situation, typically scholars hold on to al-Nawawi *qaul*. Al-Banjari's writing style is similar to the style of Shaykh Islam in *Fath al-Wahhab*. Nevertheless, the purpose remains the same which is equal to al-Nawawi's final.

<sup>1</sup> In two peaches book.

<sup>2</sup> Of the sun, called *al-zawal*.

**Example III.** Next *ikhtilaf* can be seen in the *ittifak* of al-Syeikhain in the juz 2 and case 202 are summarized as follows:

Tashih *ittifak* by al-Rafi'i in *al-Sharh al-Saghir* of al-Nawawi tashih in *al-Manasik* on the khilaf with *Asl al-Rawdah*. The khilaf is, when the sun in, then one goes from Mina in the state as he was busy with his business as being in *mahmal* (a stretcher) and his camel is moving out. In *Asl al-Rawdah* it is said as *harus*. In *al-Sharh al-Saghir* and *al-Manasik* say it is not to be. [2, 202]

In the context of the above issue, the final two laws are made by the ulama after al-Syeikhain. Al-Banjari has not explained the opinions of Ibn Hajar and al-Ramli in this connection. Perhaps for al-Banjari, it is sufficient to show of strength on the two laws according to al-Syeikhain. While for al-Rafii's *qaul*, it is strengthened with *tashih* and it *ittifak* with *tashih* (confirmation) of al-Nawawi in *al-Manasik*. This despite the fact that al-Nawawi's *qaul* in *Asl al-Rawdah* is theoretically can sometimes be understood as original *qaul* by al-Syeikhain consensus. In reality, both decisive *mutakhirin* Imam Ibn Hajar chooses the *qaul* that is aligned with *Asl al-Rawdah* whereas al-Ramli chooses the *qaul* that is aligned with *al-Manasik* and *al-Sharh al-Saghir*. By all appearances, *qaul* held by al-Rafii was still a *khilaf* with other *qaul* for al-Nawawi in *Asl al-Rawdah*. In this situation, if *qaul* al-Nawawi in *Asl al-Rawdah* was only

considered as *qaul* al-Nawawi, then it is a *ikhtilaf* al-Syeikhain.

**Example IV.** Next *ikhtilaf* al-Syeikhain occur in juz 1, case 83 summarised as follows:

Al-Nawawi and al-Rafii are in disagreement on the issue of reading prayers on wuduk's limb. Al-Nawawi in al-Minhaj judges it is not sunnah because the law of the relevant hadith has "no sources to it" in all the Hadith books. Al-Rafii says it in *al-Muharrar*. Ibn Hajar in *al-Tuhfah* says it is permissible to say that circumcision is not as turuk<sup>3</sup> (sanad path) and that all hadiths are daif (weak); there are lies and slander which cannot be used as an argument in practicing an excellence charity (edge of practice). Al-Sharbini in al-Mughni and al-Ramli in al-Nihayah say that al-Ramli al-Kabir has endorsed as sunnah through the hadith narration of *Tarikh Ibn Hibban* and others despite the fact it is weak including practising the fadilat amal. [1, 83]<sup>4</sup>

In the above case, a unique situation took place. Mutakhirin scholars are uncomfortable in accepting al-Nawawi *qaul* despite the policy that has been followed is usually the decisive theory and considered

<sup>3</sup> Turuk is originally turuq the plural of *tariq* means road or here, means history or chain.

<sup>4</sup> Al-Banjari is supportive of al-Shihab al-Ramli as seen in him quoting all prayers and remembrance after the errors.

as the final. Yet, many scholars tend to accept the al-Rafii *qaul*. Among them are al-Ramli, al-Kabir, al-Shams al-Ramli and al-Syarbini. Even Ibn Hajar himself supports the al-Rafii side and says that it should be permissible. When it is not compulsory, of course with the intention of worship, it will be beneficial and rewards the practitioner.

**Example V.** Next *ikhtilaf* of al-Syeikhain occurs in juz 2, case 108 of which is summarised as follows:

Khilaf al-Nawawi in *al-Majmu'* and al-Rafii in *Bab al-Nafaqat*, when the servant with independent status (not slaves) who is worked as a servant to the wife of a man with nothing given as wages and only provision to be paid. Is it compulsory for the man to pay Zakat fitrah for his servant? Al-Nawawi takes it as not compulsory though Al-Rafii says it is compulsory on the man to pay the zakat fitrah as the servant of his wife is counted as equal to his wife. Ibn Hajar and al-Ramli stick with al-Rafii *qaul*.

For the above case, once again al-Rafii *qaul* was decided as a final compromise between the two mutaakhirin Scholars. This is unusual in a state that sets in khilaf between al-Nawawi and al-Rafii and al-Nawawi *qaul* is final.

**Example VI.** Next, a simplified khilaf of Juz 2, case 240-241 *Sabil al-Muhtadin* is as follows:

The khilaf of two *qaul* when a prey animal that is caught by the beagle, arrow or lay with wounds that may lead to death but not to the extent *harakah mazbuh*<sup>5</sup> but the animal suddenly disappeared and then found dead and judged as Haram to be consumed based on Azhar<sup>6</sup> *qaul* by two *qaul*. *Qaul* quoted by al-Rafii of Jumhur concluded it as *haram*. Al-Khatib al-Sharbini and al-Shams al-Ramli say this is conclusive in *al-Mughni* and *al-Nihayah* as stated by al-Imam al-Bulqini and *Sunan al-Bayhaqi* and others. The second *Qaul* that stated it halal is *qaul* from al-Imam al-Ghazali and al-Imam al-Nawawi and quoted by al-Imam al-Nawawi, it is *asah*,<sup>7</sup> and in al-Majmuc calls, it is an authentic or a *sawab*<sup>8</sup> (right) and has been chosen in *al-Tashih* and *Sharh Muslim*. [2, pp. 240-241]

The case indicates the *Ikhtilaf* of al-Syeikhain. Al-Nawawi's *qaul* has become conclusive while al-Syeikhain differed. In the above context, al-Nawawi *qaul* is

<sup>5</sup> *Haraka mazbuh* means the movement of live animals which are slaughtered. At that time, the animal no longer hears, sees, moves, and is not selective (see al-Sharwani & al-C Abbadi, n.d., p. 320).

<sup>6</sup> Azhar *qaul qaul* usually strongest between two or more *qaul* Imam. (see al-Mandili, 2004, p. 179).

<sup>7</sup> *Asah* comes from the Arabic word which means the first teaser authentic. (does not make sense, please rewrite)

<sup>8</sup> *Sawab* is derived from the Arabic word *sawab* meaning proper and accurate.

not conclusive since it is considered as unaccepted in the sect. Here, the accuracy of the scholars in explaining the decisive *qaul* is explicit. They have not ignored the principles and methods stipulated in the Shafii sect. Although Al-Nawawi is an Imam and specialises in the Shafii's sect *qaul*, it will be rejected if it confronts the methods used by Shafii sect. Al-Banjari in this situation makes al-Nawawi *qaul* as second and it means not conclusive.

## CONCLUSION

In conclusion, the above discussion indicates that the examples of *ittifak* and *ikhtilaf* by al-Syeikhain have reflected the efforts of al-Banjari in providing a definitive explanation to the *qaul* by two imams. Although fundamentally the al-Nawawi *qaul* is set as a conclusive if there is conflict with al-Rafii in its usual practice, in some cases, *qaul* al-Rafii has been adopted as a decision. This as shown in example (vi), (v) and (vi) in part of *ikhtilaf* al-Syeikhain. As previous discussed, the conclusive *qaul* by al-Syeikhain as an example has been rejected by many scholars. Although the example is not found, it is enough to show the probability of its occurrence and as a very logical reason. All these indicate that he is alert and endeavours to equip the readers with knowledge of the relevant information and their significance. Al-Banjari also shows his concern toward the decisive question and current issues. The results described in the book of *Sabil al-Muhtadin* is sufficient to meet the conclusive standard and to lift the quality of the thinking and practises of

Shafii's especially in the Malay-Muslim world. These are the highest thoughts and practices outlined by the Shafii sect leader of all time.

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