

Transformation of Islamic Law in Responding to the Challenges of Modernity by Integrating Classical *Fiqh* and Contemporary *Fiqh*

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Abstract

Islamic law, as a legal system rooted in religious traditions and values, faces great challenges in adapting to the dynamics of modern life. Contemporary *fiqh* emerged as a solution to this challenge, by offering a more flexible and responsive interpretation to social, political, and technological changes. This article aims to analyze the transformation of Islamic law through contemporary *fiqh* and the renewal of *ushul fiqh* to accommodate contemporary issues, such as women's rights, religious pluralism, and individual freedom. It is important to remember that contemporary *fiqh* does not replace classical *fiqh*, but rather develops a more flexible interpretation of law, while respecting the basic principles contained in classical *fiqh*. The research method used is a descriptive qualitative approach with thematic analysis of relevant literature. The results of the study show that contemporary *fiqh* can serve as a bridge between classical *fiqh* and the needs of modern times, while maintaining the core values of Islamic law. The contribution of this research lies in the offer of a conceptual framework that strengthens the relevance of *fiqh* in answering the challenges of modernity in an applicative and contextual manner.

Keywords: Contemporary *Fiqh*, Islamic Law, *Ushul fiqh* Reform, Islamic Law Transformation, Contextual *Ijtihad*.

Abstrak

Hukum Islam, sebagai sistem hukum yang berakar pada tradisi dan nilai-nilai keagamaan, menghadapi tantangan besar dalam menyesuaikan diri dengan dinamika kehidupan modern. Fikih kontemporer muncul sebagai solusi untuk menjawab tantangan ini, dengan menawarkan interpretasi yang lebih fleksibel dan responsif terhadap perubahan sosial, politik, dan teknologi. Artikel ini bertujuan untuk menganalisis transformasi hukum Islam melalui fikih kontemporer dan pembaruan *ushul fikih* untuk mengakomodasi masalah kontemporer, seperti hak perempuan, pluralisme agama, dan kebebasan individu. Penting untuk diingat bahwa fikih kontemporer tidak menggantikan fikih klasik, melainkan mengembangkan interpretasi hukum yang lebih fleksibel, dengan tetap menghormati prinsip dasar yang terkandung dalam fikih klasik. Metode penelitian yang digunakan adalah pendekatan kualitatif deskriptif dengan analisis tematik terhadap literatur yang relevan. Hasil penelitian menunjukkan bahwa fikih kontemporer dapat berfungsi sebagai jembatan antara fikih klasik dan kebutuhan zaman modern, sambil menjaga nilai-nilai inti hukum Islam. Kontribusi penelitian ini terletak pada tawaran kerangka konseptual yang memperkuat relevansi fikih dalam menjawab tantangan modernitas secara aplikatif dan kontekstual.

Kata Kunci: Fikih Kontemporer, Hukum Islam, Pembaruan Ushul Fikih, Transformasi Hukum Islam, *Ijtihad* Kontekstual.

INTRODUCTION

Islamic law, as a legal system deeply rooted in religious traditions and values, continues to face significant challenges in addressing issues that arise in the modern world. The transformation of Islamic law is crucial in this context, particularly in confronting the rapidly evolving challenges of modernity across various aspects of social, economic, and political life. In this regard, contemporary *fiqh* emerges as an answer to accommodate the dynamics of changing times, demanding Islamic law to be more flexible and relevant to the increasingly complex and pluralistic conditions of modern society.¹ The transformation of Islamic law through contemporary *fiqh* strives to address the challenges of the times with a more contextual and responsive approach, emphasizing the importance of developing *fiqh* that maintains the fundamental principles of Islamic law, such as justice, equality, and human rights, while still considering the needs and dynamics of modern society. Classical *fiqh*, with all its textual richness and heritage, remains highly relevant. However, contemporary *fiqh* seeks to bridge the gap between classical texts and evolving social challenges, with the aim of providing more applicable solutions in facing the complexities of modern life.²

In this context, the renewal of *ushul fiqh* becomes a crucial element in supporting the transformation of Islamic law. Karimullah explains that the redesign of *ushul fiqh*, which connects Islamic law with modern legal science, is highly necessary to address challenges arising in contemporary society, such as women's rights, religious pluralism, and individual freedom. Through this renewal, *fiqh* is expected to provide more relevant and applicable solutions in resolving various social problems faced by Muslims in the modern world, without neglecting the fundamental principles of Islamic teachings.³ One area that particularly requires transformation is Islamic family law. Although some Muslim countries have undertaken reforms in family law, the changes often remain limited to administrative and procedural aspects, while the legal substance still refers to classical *fiqh* interpretations. Issues such as domestic violence, polygamy, and women's rights in marriage remain challenges that require more profound legal reform, responsive and relevant to the needs of the times, while still maintaining the basic values of Islamic teachings.⁴

Furthermore, despite various efforts to reform Islamic law, there remains a significant challenge: the mismatch between textual and normative *fiqh* and the real needs of a society living amidst technological advancements and globalization. This indicates that a more holistic approach is needed in discussing contemporary *fiqh*, one that

¹ M Agus Kurniawan, "Islam Dan Modernitas Menelusuri Hubungan Antara Tradisi Dan Inovasi," *Al-Akmal: Jurnal Studi Islam* 3, no. 6 (2024): 28–42.

² S Sumarta et al., "Interpretasi Dan Pengembangan Hukum Islam Dalam Konteks Perkembangan Zaman," *Khulasah: Islamic Studies Journal* 6, no. 2 (2024): 48–61, <https://doi.org/10.55656/kisj.v6i2.124>.

³ S S Karimullah, "Agus Moh. Najib's Project and *Ushul fiqh* Redesign: Interlinking of Islamic Law and Legal Science," *Al-Mazaahib: Jurnal Perbandingan Hukum* 11, no. 2 (2023): 139, <https://doi.org/10.14421/al-mazaahib.v11i2.3151>.

⁴ N Laili and Moh. R Bazikh, "Metode Reformasi Hukum Keluarga Islam Di Dunia Muslim Perspektif Khoiruddin Nasution," *Jurnal Restorasi Hukum* 6, no. 1 (2023): 22, <https://doi.org/10.14421/jrh.v6i1.3028>.

considers not only theological aspects but also social, economic, and cultural aspects, so that it can be more relevant and applicable in the lives of humankind in the modern era.⁵

Various previous studies show serious efforts in responding to the challenges of modernity for Islamic law. However, most of these studies still leave conceptual and methodological gaps that need further strengthening. For example, Ansori (2018) in his writing emphasizes the importance of viewing *fiqh* as a dynamic *ijtihad* process, not merely a static legal product. Nevertheless, the offered approach has not fully formed an integrative model capable of systematically unifying classical and contemporary *fiqh*.⁶ Similarly, Najib (2023), proposes an epistemological renewal of the discipline of *ushul fiqh*, but it has not reached the operational stage of real application in contemporary Islamic family law problems.⁷ Another relevant study is Mahsun's (2015) research, which also presents an interesting eclectic *manhaj* approach by combining *maqasid al-shari'ah* and modern scientific methods; however, his study is still more philosophical and has not touched upon the applicative aspects in the context of contemporary societal life.⁸ Then, there's research by Faozan and Hamidah (2025) that reviews Nu'man Jaghiem's thoughts within the framework of *ushul fiqh* renewal. Although they highlight the importance of openness to modern disciplines, this research has not yet offered concrete proposals for a comprehensive integrative model.⁹ From this review, it can be concluded that the majority of existing studies tend to be sectoral, with a partial approach between normative aspects and social context. Therefore, this research offers a new scientific contribution in the form of an integrative *fiqh* conceptual framework that not only combines the richness of classical tradition and the dynamics of contemporary *fiqh* but is also supported by the renewal of *ushul fiqh* as its methodological foundation. It is hoped that this model can be a real contribution to building a more dynamic, inclusive, and responsive Islamic legal system to the challenges of the times.

RESEARCH METHOD

This research employs a qualitative descriptive approach to analyze the transformation of Islamic law in facing the challenges of modernity through the perspective of contemporary *fiqh*. This approach was chosen due to its ability to delve into a deep understanding of the development of *fiqh* relevant to current social, political, and economic dynamics. This approach also allows the author to explore contemporary

⁵ M H A Pakarti et al., "Perkembangan *Ushul fiqh* Di Dunia Kontemporer," *Syakhsiyyah* 5, no. 1 (2023), <https://doi.org/10.21154/syakhsiyyah.v5i1.7065>.

⁶ Ansori Ansori, "Rekonstruksi Metodologi Fikih Kontemporer," *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 2 (2018): 329–40, <https://doi.org/10.24090/mnh.v12i2.1302>.

⁷ Muhammad Najib, "Transformasi Paradigma Ushul Fiqih: Kontinuitas Dan Perubahan Dalam Pemikiran Hukum Islam," *MASADIR: Jurnal Hukum Islam* 3, no. 01 (2024): 632–54, <https://doi.org/10.33754/masadir.v3i01.804>.

⁸ Mahsun Mahsun, "Rekonstruksi Pemikiran Hukum Islam Melalui Integrasi Metode Klasik Dengan Metode Saintifik Modern," *Al-Ahkam* 1, no. 25 (2015): 1, <https://doi.org/10.21580/ahkam.2015.1.25.191>.

⁹ Ahmad Faozan and Tutik Hamidah, "Pembaharuan *Ushul fiqh*: Studi Pemikiran Nu'man Jaghiem," *TAHKIM* 20, no. 1 (2024): 1, <https://doi.org/10.33477/thk.v20i1.3826>.

fiqh thoughts that can provide solutions to evolving legal issues.¹⁰ The subjects of this research include literature discussing contemporary *fiqh* and *ushul fiqh*, as well as the contributions of Islamic thinkers to the renewal of Islamic law. Relevant thinkers include figures who examine the transformation of *fiqh*, such as al-Qaradawi, Nasr Hamid Abu Zayd, and several other modern *fiqh* experts who contribute to the development of *fiqh* that is responsive to the needs of the times.¹¹

The research procedure begins with the collection of literature from various academic journals, books, and articles that examine contemporary *fiqh*, especially those discussing the relationship between *fiqh* and the challenges of modernity. After the literature is gathered, this research uses thematic analysis to extract key themes relevant to the renewal of *fiqh* and solutions to legal problems faced by Muslims in the modern era.¹² The materials used in this research are scientific works relevant to contemporary *fiqh*, *ushul fiqh*, and the renewal of Islamic law. The main instrument used is document analysis, where the author will analyze the content of existing literature to identify key concepts that can be integrated into the renewal of contemporary *fiqh*.

Data was collected through library research, by searching for relevant literature related to contemporary *fiqh* and the role of *ushul fiqh* in addressing the challenges of modernity. The literature search was conducted in various indexed international academic journal databases, such as JSTOR and Google Scholar.¹³ The collected data was analyzed using thematic analysis to identify key themes related to the renewal of contemporary *fiqh*. This technique allows the author to explore various perspectives and approaches in *fiqh* that are relevant to the conditions of contemporary Muslim society. With this approach, this research aims to contribute to the development of a more relevant and applicable contemporary *fiqh* in answering the challenges of modernity, as well as providing a new perspective on the application of Islamic law in an increasingly complex and pluralistic world.

RESULTS AND DISCUSSION

Islamic law, as a legal system deeply rooted in tradition and religious values, continues to face significant challenges in adapting itself to the rapid changes of the modern world. One crucial aspect that must be discussed is the much-needed transformation of Islamic law in confronting modernity, especially in the field of contemporary *fiqh*. As a legal system over a thousand years old, Islamic law faces the challenge of responding to rapidly changing social, political, and economic dynamics, particularly in the context of globalization and massive technological advancements.

Islamic *fiqh*, born from solid *ushul fiqh* (the science of *fiqh* fundamentals), has guided Muslims for centuries with fundamental principles contained in the Qur'an and

¹⁰ O Bakar, *Fiqh and Modernity: Reconstructing Islamic Legal Theory* (Oxford University Press, 2019).

¹¹ K A El Fadl, *Islamic Law and the Challenge of Modernity* (Oxford University Press, 2014).

¹² M Mujani and S Kurnia, *Contemporary Islamic Legal Reform: Theory and Practice* (Al-Mawardi Press, 2020).

¹³ A Ali, *Islamic Law and the Challenges of Modernity: A Study on Contemporary Jurisprudence* (Cambridge University Press, 2017).

Hadith. However, the extremely rapid development of the times and major changes in various aspects of life demand renewal within the Islamic legal system to address new challenges. Contemporary *fiqh*, which evolves with modernity, serves as a means of renewal to make Islamic law more responsive to the developments of the era without disregarding its essence. This renewal involves a deeper understanding of *ijtihad*, *qiyas*, and *istihsan*, applied in a constantly changing social context, while maintaining the fundamental principles of justice and human welfare.¹⁴

It is important to remember that contemporary *fiqh* does not replace classical *fiqh* but rather develops more flexible interpretations of the law. Classical *fiqh* has provided a very important foundation in the lives of Muslims, but new challenges, such as social change, globalization, and technology, require adjustments in its application. Contemporary *fiqh* offers space for scholars to provide more adaptive and relevant solutions, without losing the universal values of Islam that have existed since the beginning, such as justice, equality, and the welfare of the community.¹⁵

These changes demand a renewal in the perspective on *fiqh* and the interpretation of Islamic law. *Fiqh*, as the result of interpretations of the basic texts of Islamic law, needs to be renewed by considering the evolving context of the times, so that it remains relevant and applicable in facing the challenges of the era. One of the biggest challenges in this transformation is how Islamic law can continue to solve the problems faced by Muslim societies today. The development of technology and globalization, for example, necessitates regulations governing inter-state interactions, the use of technology, and increasingly complex individual rights.¹⁶

Contemporary *fiqh* emerges as a solution to this challenge. Although contemporary *fiqh* still uses the Qur'an and Hadith as its main guides, it also considers the evolving social, economic, and political contexts. *Fiqh* must be able to accommodate the developments of the times by introducing a more dynamic and responsive method of *ijtihad* to the conditions of modern society. In this regard, *ijtihad* not only considers religious texts but also the social and political conditions affecting Muslims.¹⁷

Therefore, the transformation of Islamic law, particularly in the field of contemporary *fiqh*, is very necessary to maintain the relevance of Islamic law in facing modernity. With a more contextual and dynamic approach, contemporary *fiqh* can be a solution to various social problems faced by Muslims today. The renewal in *ijtihad* and the interpretation of Islamic law provides space for the birth of new ideas that are more responsive to the changes of the times, while still respecting and preserving the fundamental principles of Islamic law that have existed for over a thousand years. The Muslim response to modernity must include a renewal in the understanding of *fiqh* that not only focuses on classical texts but also considers the existing social, political, and

¹⁴ Pakarti et al., "Perkembangan *Ushul fiqh* Di Dunia Kontemporer."

¹⁵ H T Nasr, *Islamic Science and the Challenge of Modernity* (The Islamic Institute, 2014).

¹⁶ Nurul Mujahidah et al., "Responsibilitas Hukum Islam Terhadap Dinamika Perubahan Sosial," *AL-MUTSLA* 6, no. 1 (2024): 1, <https://doi.org/10.46870/jstain.v6i1.1017>.

¹⁷ S Sikandar and M Hashmi, "دور حاضر کے تقاضے اور اصول الفقہ کی تدوین نو کے اصول و اسالیب," *Islamic Studies Research Journal Abhāth* 9, no. 36 (forthcoming).

cultural contexts. This is crucial so that *fiqh* can function as a relevant tool in solving increasingly complex contemporary issues, such as religious pluralism, gender equality, and individual freedom.¹⁸

This transformation involves critical and creative thinking about classical texts, with the aim that Islamic law remains relevant and is not trapped in a literal and static reading of religious textual sources such as the Qur'an and Hadith. Contemporary *fiqh*, which emerged in response to the developments of the times, emphasizes the importance of a more contextual and responsive interpretation of law to the social problems existing in contemporary Muslim society. In this regard, contemporary *fiqh* serves as a bridge between the inherited classical texts and the increasingly complex legal needs in the modern world, while maintaining the fundamental principles of Islamic teachings.¹⁹ The contemporary *fiqh* approach offers solutions by introducing innovations in the method of *ijtihad* (legal reasoning), which not only considers the text but also relevant social, economic, and political contexts. This thinking aligns with Bakar's view, which emphasizes that *fiqh* should be seen as a dynamic tool, not a static legal structure. The renewal of contemporary *fiqh* is also seen as an effort to address major challenges faced by Muslims in the context of social change, such as religious pluralism, individual freedom, and gender equality, which, although having a basis in classical *fiqh*, need to be adapted to face more complex contemporary conditions.²⁰

Certainly! Here's the English translation of the text you provided, maintaining the original paragraph structure:

One integral part of the transformation of Islamic law is the renewal of *ushul fiqh*, which is the science that forms the basis for the development of *fiqh* itself. The renewal of *ushul fiqh* plays a crucial role in creating a more flexible legal framework that can accommodate contemporary issues. As explained by Karimullah, *ushul fiqh* needs to be renewed to overcome the discrepancies between classical texts and the challenges faced by Muslims in the modern world, particularly concerning women's rights, religious freedom, and pluralism, while still respecting the fundamental principles already contained in classical *fiqh* teachings.²¹

Ushul fiqh, as the methodological science for establishing Islamic law, is the main foundation for developing *fiqh* that is responsive to the changes of time. The renewal of *ushul fiqh* becomes crucial so that Islamic law does not fall into stagnation and can accommodate contemporary issues such as women's rights, religious freedom, and pluralism.²² The renewal of *ushul fiqh* encourages the revitalization of *ijtihad* as the spirit

¹⁸ Nida Rafiqah Izzati et al., "Konstruksi Pemikiran Yusuf Al-Qardhawi Dalam Pembaruan Hukum Keluarga Islam," *Jurnal Interpretasi Hukum* 5, no. 3 (2024): 1193–206, <https://doi.org/10.22225/juinhum.5.3.10608.1193-1206>.

¹⁹ Sumarta et al., "Interpretasi Dan Pengembangan Hukum Islam Dalam Konteks Perkembangan Zaman."

²⁰ M Fadel, "Islamic Law and the Challenges of Modernity: A Global Perspective," *Harvard Law Review*, 2014.

²¹ Karimullah, "Agus Moh. Najib's Project and *Ushul fiqh* Redesign: Interlinking of Islamic Law and Legal Science."

²² Usul Fiqh, *Perkembangan Ushul Fikih Era Modern*, 6, no. 2 (2024): 15–21.

of Islamic legal reasoning. Progressive *ijtihad* allows scholars to develop more inclusive and contextual legal solutions, including on sensitive issues like women's empowerment and minority protection.²³

Renewal in *ushul fiqh* involves applying fundamental principles such as *ijtihad*, *qiyas* (analogy), and *istihsan* (choosing the best solution), but with a more open understanding of the context of the times. As expressed by al-Qaradawi, contemporary *fiqh* must introduce new approaches capable of handling current issues, such as human rights and religious freedom, which in the past might not have been adequately accommodated in classical *fiqh*. Therefore, the renewal of *ushul fiqh*, responsive to social change and technological advancements, is very important to ensure that Islamic law remains relevant to the lives of Muslims in the modern era, while still respecting and preserving classical *fiqh* as a solid foundation of Islamic law.²⁴

Classical *fiqh*, which has been established for centuries, provides a very strong and robust legal framework in guiding the lives of Muslims. However, in facing the challenges of the modern era, there is a need to involve more contextual and flexible *ijtihad* methods that can accommodate social, economic, and technological changes. The renewal of *ushul fiqh* needs to be done in a way that preserves the essence and fundamental principles of Islamic law, while providing space for adaptation to increasingly complex contemporary conditions, so that Islamic law remains relevant and applicable for Muslims in the modern world.²⁵

This renewal of *ushul fiqh* is not intended to replace or abandon classical *fiqh*, but to complement and adapt the application of Islamic law to the developments of the times. For example, in addressing issues arising from globalization and technological advancements, such as digital transactions and privacy rights, *ushul fiqh* needs to develop a more responsive application of the principles of *qiyas* and *istihsan* to the changing times. To answer these new challenges, the principle of *qiyas* needs to be renewed so that it can be applied to new phenomena not previously encountered by classical *fiqh* scholars, such as the development of artificial intelligence and the ethical issues it raises, while maintaining the essence and fundamental values of Islamic law.²⁶

Furthermore, *istihsan*, which functions to choose the best solution based on considerations of public welfare, becomes increasingly important in this modern context. *Istihsan* allows *fuqaha* (*fiqh* experts) to choose better legal solutions based on concrete situations, without being strictly bound to texts that may not be entirely relevant to current

²³ Muhammad Zainuddin Sunarto et al., "Pembaharuan *Ushul fiqh* Ali Jum'ah Muhammad," *Hakam: Jurnal Hukum Islam Dan Hukum Ekonomi Islam* 6, no. 1 (2022): 25–41.

²⁴ Y al-Qaradawi, *The Lawful and the Prohibited in Islam* (Islamic Book Trust, 2007).

²⁵ Sikandar and Hashmi, "درحاضر کے تقاضے اور اصول الفقہ کی تدوین نو کے اصول و اسالیب"; Achmad Alfian Kurniawan, "Julid Fi Sabilillah: The Netizen Jihad Movement in the Israel-Palestine Conflict Through the Maqashid Syariah System Approach," *Al-Rasikh: Jurnal Hukum Islam* 14, no. 1 (2025): 1, <https://doi.org/10.38073/rasikh.v14i1.2567>.

²⁶ S Kausar et al., "Analysis of the Islamic Law and Its Compatibility with Artificial Intelligence as a Emerging Challenge of the Modern World," *Annals of Human and Social Sciences*, n.d.

conditions.²⁷ Therefore, *istihsan* provides space for contemporary *fiqh* to offer more flexible solutions to new issues, such as individual rights in the digital world, religious freedom, and protection of minorities, while still respecting the fundamental principles of Islamic law.²⁸

This renewal of *ushul fiqh* is also highly relevant in the context of women's rights and gender equality. Although classical *fiqh* has provided clear rules regarding the role of women in society, contemporary *fiqh* strives to ensure that women's rights can be more respected and protected in accordance with fundamental Islamic principles of justice. Islamic law, through the renewal of *ushul fiqh*, must be able to address evolving social challenges, while still respecting and preserving the fundamental principles of Islam that value the dignity and welfare of every individual, including women.²⁹

However, this renewal of *ushul fiqh* still faces significant challenges, particularly in maintaining a balance between respecting classical *fiqh*, which has proven valid, and accommodating the changing needs of the times. The renewal of *ushul fiqh* must be carried out with great caution, so as to maintain the authority of Islamic law that has been steadfastly held for centuries. Therefore, this renewal must be done gradually and accompanied by in-depth study, so that it can preserve the core values of Islamic law, such as justice, public welfare, and the protection of individual rights, while maintaining the relevance of Islamic law in facing contemporary challenges.³⁰

Ultimately, *ushul fiqh* that is responsive to the developments of the times will ensure that Islamic law remains a relevant and acceptable legal system in an increasingly pluralistic and complex global society. This renewal is not intended to abolish classical *fiqh*, but to complement and adapt Islamic law to the challenges of the modern era. In this way, Islamic law can remain a guide for Muslims worldwide, while still respecting the existing intellectual heritage and accommodating the evolving needs of the community without diminishing the essence of basic Islamic teachings.³¹ However, this renewal of *ushul fiqh* is not without its challenges. Some scholars and intellectuals argue that this transformation risks changing the essence and fundamental principles of Islamic law that have been established from the beginning. Nevertheless, the contemporary *fiqh* approach, which is open to *ijtihad* and the contextualization of religious texts, is expected to address these challenges, without neglecting the primary objectives of Islamic law itself, namely

²⁷ Ian Rakhmawan Suherli et al., "Stagnasi Dan Kemunduran Ushul Fiqih: Faktor Penyebab, Peran Tokoh Dan Upaya Pengembangan," *Equality: Journal of Islamic Law (EJIL)* 2, no. 1 (2024): 32–48.

²⁸ Robi'ah Robi'ah et al., "Fiqh Kontemporer: Aplikasi Dan Relevansinya Dalam Konteks Masyarakat Modern," *Jurnal Ilmiah Multidisiplin Ilmu* 2, no. 1 (2025): 1, <https://doi.org/10.69714/xp5k7d43>.

²⁹ I Sujono, "Implementing and Developing Islamic Law Internationally: Challenges in the Modern Age," *Journal of Modern Islamic Studies and Civilization* 1, no. 02 (n.d.): 112–19; Wiranti Wiranti et al., "Gender Equality in the Household Life of Generation Z," *Al-Rasikh: Jurnal Hukum Islam* 14, no. 1 (2025): 1, <https://doi.org/10.38073/rasikh.v14i1.2557>.

³⁰ Khairil Anwar, "Moderasi Beragama: Sebuah Diskursus Dinamika Keagamaan Di Era Kontemporer," preprint, K-Media, 2023.

³¹ Ahmad Faizal Dzat MR and Mohammad Erliyanto, "Sejarah Pemikiran Sumber Ajaran Islam Dan Pendidikan Islam," *Cognitive: Jurnal Pendidikan Dan Pembelajaran* 2, no. 3 (2024): 36–59.

to realize justice, welfare, and sustainability for humanity, while still preserving the fundamental principles that have existed in classical *fiqh*.³²

Contemporary *fiqh* offers a more flexible and dynamic approach in responding to these issues. Contemporary *fiqh* emphasizes the importance of *ijtihad* (legal reasoning) based on social context and contemporary realities, not solely on existing texts. As stated by al-Qaradawi, Islamic law must be viewed as a living system that evolves over time, and it should not be confined by old interpretations that are no longer relevant. Therefore, a renewal of *fiqh* that considers current social, political, and economic aspects is crucial to address the challenges faced by Muslims in the modern world, while respecting and maintaining the fundamental principles inherited from classical *fiqh*.³³ Furthermore, technological advancements also significantly impact how Muslims understand and practice Islamic law. For instance, information and communication technology has changed how Muslims interact with the law, especially in the context of fatwas and interpretations of Islamic law. Hence, contemporary *fiqh* must be able to accommodate the use of technology in the practice of Islamic law, while upholding the basic principles contained in Islamic teachings and respecting the existing intellectual legacy of classical *fiqh*.³⁴

The transformation of Islamic law through contemporary *fiqh* has the potential to make a significant contribution to creating an Islamic legal system that is more responsive to the changes of the times. Through renewal in *ushul fiqh* and contemporary *fiqh*, Islamic law can become more dynamic and inclusive in addressing the challenges of modernity, and provide more applicable solutions to the social, political, and economic problems faced by Muslims today, while still respecting and maintaining the fundamental principles that exist in classical *fiqh*.³⁵

Contemporary *fiqh*, as developed by al-Qaradawi and Nasr Hamid Abu Zayd, proposes new concepts in understanding Islamic law that open wider room for broader and more flexible interpretations. These concepts allow Islamic law to remain relevant in the context of an increasingly pluralistic and rapidly changing world, while still respecting the fundamental principles of Islamic teachings that have existed.³⁶ Through contemporary *fiqh*, Islamic law can adapt without losing its essence, which is to realize justice, welfare, and peace for humanity. The transformation of Islamic law through contemporary *fiqh* has the potential to make a significant contribution to creating an Islamic legal system that is more responsive to the changes of the times. Islamic law, which has traditionally been based on classical *fiqh*—the result of interpretations by scholars of their time—faces significant challenges in the fast-paced and dynamic modern era. One key aspect of this transformation is the renewal of *ushul fiqh* (the fundamental

³² R Hassan, *Islamic Jurisprudence in the Age of Globalization* (Routledge, 2021).

³³ al-Qaradawi, *The Lawful and the Prohibited in Islam*.

³⁴ Hassan, *Islamic Jurisprudence in the Age of Globalization*.

³⁵ Muhaki Muhaki and Husein Aziz, "Maqashid Al-Syari'ah Sebagai Instrumen Pembaruan Fiqh Sosial Kontemporer (Tela'ah Terhadap Pemikiran Ibnu Ashur)," *Al-Ibrah : Jurnal Pendidikan dan Keilmuan Islam* 9, no. 2 (2024): 2, <https://doi.org/10.61815/alibrah.v9i2.476>.

³⁶ Pakarti et al., "Perkembangan *Ushul fiqh* Di Dunia Kontemporer."

science of *fiqh*), which allows for the introduction of broader and more contextual *ijtihad*. Contemporary *fiqh* strives to preserve the fundamental values contained in classical *fiqh*, but also introduces new interpretations that are more relevant to current social conditions and technological developments, thereby respecting the existing intellectual heritage.³⁷

In the renewal of *ushul fiqh*, scholars strive to re-explore fundamental principles such as *qiyas* (analogy) and *istihsan* (choosing the best solution), but with a more open approach to the realities of the times. This contemporary *fiqh* offers more flexible solutions to address contemporary issues, such as human rights, religious freedom, and gender equality, which may not be fully answered by classical *fiqh* approaches that are more limited by time and space context. This is done by considering the increasingly complex social, political, and economic developments in the modern world, while still respecting the fundamental values contained in classical *fiqh*.³⁸

Contemporary *fiqh*, as developed by figures such as al-Qaradawi and Nasr Hamid Abu Zayd, proposes new concepts in understanding Islamic law that open up more room for broader and more flexible interpretations. Al-Qaradawi emphasizes that *fiqh* must be dynamic and able to adapt to changing times. One of al-Qaradawi's major contributions is the emphasis on *ijtihad* that is responsive to the realities of the times, such as religious pluralism and individual rights, which are increasingly gaining attention in modern society. This approach opens space for Muslims to understand and apply Islamic law in a more contextual way, without losing its essence, which is to realize justice, welfare, and peace for humanity, while still respecting the fundamental principles of classical *fiqh*.³⁹

One example of the application of contemporary *fiqh* is in addressing the issue of polygamy in Islamic family law. In classical *fiqh*, polygamy is permitted with strict conditions, such as the justice that a husband must maintain towards his wives. However, in the modern context, polygamy is often considered irrelevant and can lead to injustice, especially in societies that increasingly value individual rights and gender equality. Contemporary *fiqh* seeks to review this law by introducing reforms that pay more attention to women's rights and prioritize justice in its implementation. The reform in this matter is not intended to abolish polygamy, but to provide stricter rules for its implementation and ensure greater protection for the rights of the women involved, in accordance with the principles of Islamic justice. These changes ensure that classical *fiqh* is still valued as a legal basis, while contemporary *fiqh* strives to provide solutions that are more relevant to the developments of the times, especially regarding gender equality and women's rights.⁴⁰

This renewal also aligns with the basic principle of social justice, which is one of the main objectives of Islamic law. Therefore, contemporary *fiqh* provides space to ensure that Islamic law can continue to adapt to social contexts that value gender equality and women's rights in the family. This renewal not only covers aspects of marriage but also

³⁷ Sikandar and Hashmi, "دور حاضر کے تقاضے اور اصول الفقہ کی تدوین نو کے اصول و اسالیب".

³⁸ Nasr, *Islamic Science and the Challenge of Modernity*.

³⁹ Pakarti et al., "Perkembangan Ushul fiqh Di Dunia Kontemporer."

⁴⁰ Mujani and Kurnia, *Contemporary Islamic Legal Reform: Theory and Practice*.

more equitable inheritance rights, divorce, and property division, in accordance with the principle of justice in Islam, while maintaining the fundamental values contained in classical *fiqh*.⁴¹

The issue of domestic violence (KDRT) is a major issue in Islamic family law that requires serious attention. Classical *fiqh* views the husband-wife relationship in a context that focuses more on the husband's obligations to his wife but does not provide strong enough protection for victims of violence, especially women. In contemporary *fiqh*, this issue receives greater attention by prioritizing the principles of social justice and the protection of individual rights. Contemporary *fiqh* seeks to provide more comprehensive solutions to the problem of domestic violence by introducing laws that provide stronger protection for women and children in the household, without reducing the essence and fundamental principles of Islamic teachings.⁴²

Contemporary *fiqh* introduces clear rules regarding domestic violence, emphasizing that Islam does not justify violence against women, whether physical, mental, or emotional. In this regard, Islamic law must side with the protection of the rights of victims of violence, especially women, and impose stricter sanctions on perpetrators of violence.⁴³ With this approach, contemporary *fiqh* aims to create harmonious and just families, in accordance with the basic values of Islam that emphasize compassion, mutual respect, and justice in husband-wife relationships, without reducing the principles of classical *fiqh* teachings.

Although contemporary *fiqh* strives to address the challenges of the times, it is important to note that this renewal is not intended to change the basic essence of Islamic law, but rather to maintain the relevance of Islamic law to constantly evolving social, political, and cultural conditions. Contemporary *fiqh* serves to bridge the gap between classical *fiqh*, which is well-established, and new needs arising in society. The renewal in *ushul fiqh* and contemporary *fiqh* allows for more contextual and dynamic *ijtihad*, but remains based on the principles of justice, welfare, and the protection of individual rights contained in classical *fiqh*, while ensuring that *fiqh* remains relevant and applicable in facing contemporary challenges.⁴⁴ Contemporary *fiqh* maintains a balance between respecting the existing intellectual heritage of Islam and responding to the needs of the times. Thus, contemporary *fiqh* serves as a tool to maintain justice and the welfare of the community, without neglecting the fundamental principles of classical *fiqh* which still provide noble guidance for life. This ensures that Islamic law remains relevant, inclusive, and dynamic, considering the challenges faced by Muslims around the world today, while maintaining the fundamental values contained in classical *fiqh*.⁴⁵

⁴¹ Titit Fridawati et al., "Menavigasi Penerapan Hukum Islam Dalam Sistem Peradilan Modern," *JIMMI: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 1 (2024): 78–88.

⁴² Nasr, *Islamic Science and the Challenge of Modernity*.

⁴³ Dr Joko Sriwidodo Joko and M H SH, "Pengantar Hukum Kekerasan Dalam Rumah Tangga," preprint, KEPEL Press, 2021.

⁴⁴ Afthon Yazid et al., "Memetakan Cakrawala Intelektual: Menggali Teori Ushul Fikih Yudian Wahyudi Dan Wahbah Zuhaili," *Tasyri': Journal of Islamic Law* 3, no. 1 (2024): 123–53.

⁴⁵ Sikandar and Hashmi, "دور حاضر کے تقاضے اور اصول الفقہ کی تدوین نو کے اصول و اسالیب."

CONCLUSION

Contemporary *fiqh* offers a more flexible and responsive approach to rapidly evolving social, political and technological dynamics. Renewal in *ushul fiqh* enables the application of basic Islamic principles, such as justice and the welfare of the people, by introducing more contextual interpretations in accordance with the needs of the times. In this regard, contemporary *fiqh* serves as a bridge between classical *fiqh* and the demands of modern society, including on issues of women's rights, religious pluralism and individual freedom. This research shows that the transformation of Islamic law is not only important to maintain the relevance of Islamic law in the face of the times, but also to ensure that Islamic law continues to provide applicable solutions to social problems faced by Muslims today. As a recommendation for future research, it is important to further explore the application of contemporary *fiqh* in the context of globalization and digital technology, and its impact on the interpretation of Islamic law in Muslim countries.

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