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Umar Ibn al-khattab and Islamic Legal Innovation: a Study on Reality-Based Flexibility

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Abstract

The phenomenon of rigid and textual application of Islamic law in various contemporary judicial institutions highlights the need for a more adaptive and contextual legal approach. This study aims to describe the innovations and flexibility in the implementation of Islamic law during the caliphate of Umar ibn al-Khattab, a visionary leader known for his legal policies grounded in social realities. This research is crucial as a reference for actualizing Islamic law to remain relevant and responsive to the dynamics of modern society. This study employs a descriptive qualitative method, utilizing literature review techniques involving relevant sources such as classical and contemporary textbooks, encyclopedias, academic journals, and other secondary references. The collected data are critically analyzed and interpreted thematically. The findings reveal that Umar ibn al-Khattab innovatively interpreted and applied Islamic legal texts contextually, considering public welfare (maslahah), social conditions, and the nature of offenders. This indicates that Islamic law during Umar's era was characterized by its flexibility and responsiveness, serving as an ideal model for implementing Islamic legal principles in changing times.

Keywords: Umar ibn al-Khattab, Islamic Legal Innovation, Flexibility, Social Reality, Contextualization of Sharia

INTRODUCTION

The phenomenon of injustice in the practice of enforcing Islamic law today has become a shared concern. In many cases, it appears that judges or law enforcers tend to adopt a rigid and textual approach in understanding and applying Islamic law. However, if we look back at the history of Islamic legislation (tasyri'), we will find that the system of Islamic legal determination possesses a highly flexible nature.[1] Indeed, in both classical and contemporary

[1] Wahbah al-Zuhaylī, *Tārīkh Al-Tashrī' al-Islāmī* (Beirut: Dār al-Fikr, 1998), 45–52.

literature—such as the books of fiqh and uṣūl al-fiqh—the flexible nature of Islamic law has been widely discussed. General principles in uṣūl al-fiqh, such as:

الحُكْمُ يَدُوْرُ مَعَ عَلَّتِهِ وُجُوْدًا وَعَدَمًا

"*The ruling revolves around its underlying cause (ʻillah); when the cause exists, the ruling exists, and when the cause is absent, the ruling is absent*."

تَصَرُّفُ الإِمَامِ مَنُوطٌ بِمَصْلَحَةِ الرَّعِيَّةِ

The policy of a leader depends on the public interest (maṣlaḥah).

These two principles—the ruling revolves around its underlying cause; when the cause exists, the ruling exists, and when the cause is absent, the ruling is absent, and the policy of a leader depends on the public interest—serve as important indicators that Islamic law is inherently flexible and can change in accordance with its context.[2]

These universal fiqh principles serve as guidelines for judges and legal practitioners in weighing and deciding cases. This highlights the importance of understanding that Islamic law is not rigid or static; rather, it provides space for rational and contextual considerations.[3] Therefore, the flexible implementation of Islamic law deserves to be studied and highlighted so that it may serve as a reference for decision-makers and the wider society—especially amidst the ever-changing complexities of modern social life.

In general, Islamic law is divided into two major categories: first, *tsawābit* (fixed laws), which are based on *qaṭʻī* (definitive) texts; and second, *mutaġayyirāt* (dynamic laws), which are subject to change.[4] These dynamic laws are the result of ijtihād.[5] This flexible aspect of Islamic law is generally found in the realm of muʿāmalāt (social transactions), which, since the early days of Islam, have been designed to respond to the changes of time.[6] This flexibility proves that Islam is present not only as a spiritual doctrine but also as an adaptive and contextual social system.

A similar view is expressed by scholars such as Aziz Fachrurrozi, who states that Islam is a flexible and realistic teaching.[7] According to him, this flexibility requires a collective effort from the Muslim community to bridge the gap between concept and reality through guidance,

[2] ʻAbd al-Wahhāb Khallāf, *ʻIlm Uṣūl al-Fiqh* (Kairo: Dār al-Qalam, 1968), 83–85.

[3] Ahmad al-Raisuni, *Naẓariyyat Al-Maqāṣid ʻinda al-Imām al-Shāṭibī* (Beirut: Dār al-Nafāʼis, 1995), 171.

[4] Lalu Irawan Muda and Ulyan Nasri, "Pre-Marital Education in Islam: An Analysis of Its Role in Preventing Divorce," *Jurnal Ilmiah Profesi Pendidikan* 9, no. 3 (2024): 2407–18, https://doi.org/10.29303/jipp.v9i3.3290.

[5] Yusuf al-Qaradawi, *Al-Fiqh al-Islāmī Bayna al-Aṣālah Wa al-Tajdīd* (Kairo: Maktabah Wahbah, 1990), 112–114.

[6] Ibnu Qayyim al-Jauziyyah, *Iʻlām al-Muwaqqiʻīn Jilid 3* (Beirut: Dār al-Kutub al-ʻIlmiyyah, 1991), 5–10.

[7] Aziz Fachrurrozi, *Islam Dan Tantangan Modernitas* (Yogyakarta: LKIS, 2005), 23.

tolerance,[8] commitment,[9] and democratization.[10] He emphasizes that Islam should not be expressed merely through slogans, but must be demonstrated through concrete actions to ensure the relevance of its values is maintained in modern life.[11]

The Qur'an and Hadith also contain many indications that highlight the flexible nature of Islamic law. For example, in Qur'an Surah Al-Baqarah, verse 184:

فَمَن كَانَ مِنكُم مَّرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ ۚ وَعَلَى ٱلَّذِينَ يُطِيقُونَهُۥ فِدْيَةٌ طَعَامُ مِسْكِينٍ

"So whoever among you is sick or on a journey (then let him break his fast), and (he must) make up the missed days on other days. And those who find it difficult to fast (if they do not fast) must pay fidyah—that is, to feed a poor person."[12]

Similarly, the Prophet's (ﷺ) hadith states:

صَلِّ قَائِمًا، فَإِنْ لَمْ تَسْتَطِعْ فَقَاعِدًا، فَإِنْ لَمْ تَسْتَطِعْ فَعَلَى جَنْبٍ

"Pray while standing; if you are unable, then pray while sitting; and if you are still unable, then pray lying on your side."[13]

Muslim scholars and orientalists like Marcel A. Boisard also recognize that this flexibility enables Islamic law to endure and maintain harmony within the broader Muslim society.[14] Several previous studies have examined the figure of Umar bin Khattab from various perspectives, such as state financial management, leadership, and social decision-making.[15]

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[8] Lihat Ulyan Nasri, "Paradigma Filsafat Islam: Revitalisasi Pendidikan Multikultural Telaah Pemikiran TGKH. Muhammad Zainuddin Abdul Madjid Lombok," *Al-Qalam: Jurnal Kajian Islam Dan Pendidikan* 16, no. 1 (June 7, 2024): 8–21, https://doi.org/10.47435/al-qalam.v16i1.2293; Ulyan Nasri and M. Tabibuddin, "Paradigma Moderasi Beragama: Revitalisasi Fungsi Pendidikan Islam Dalam Konteks Multikultural Perspektif Pemikiran Imam al-Ghazali," *Jurnal Ilmiah Profesi Pendidikan* 8, no. 4 (October 20, 2023): 1959–66, https://doi.org/10.29303/jipp.v8i4.1633; Ulyan Nasri et al., "Religious Moderation : The Foundation Of Inclusive Islamic Education," *Tahiro: Journal of Peace and Religious Moderation* 1, no. 1 (2024): 17–34, https://journal.uinmataram.ac.id/index.php/tahiro/; Ulyan Nasri, "Rethinking Religious Moderation: Revitalisasi Konsep Manusia Perspektif Filsafat Pendidikan Islam Dalam Konteks Multikultural," *Jurnal Ilmiah Profesi Pendidikan* 9, no. 1 (January 29, 2024): 213–20, https://doi.org/10.29303/jipp.v9i1.1655.

[9] Lihat Ulyan Nasri, Erlan Muliadi, and Abdul Haris Rasyidi, "Balancing Tradition and Modernity: Islamic Education in the Evolution of Wetu Telu in Northern Lombok," *Jurnal Pendidikan Agama Islam (Journal of Islamic Education Studies)* 12, no. 2 (2024): 121–52, https://doi.org/10.15642/jpai.2024.12.2.121-152; Ulyan Nasri and Abdul Malik Salim Rahmatullah, "Female Islamic Scholars in the Digital Space: Transformations, Challenges, and Contributions," *Digital Muslim Review* 2, no. 2 (February 2, 2025): 176–93, https://doi.org/10.32678/dmr.v2i2.16.

[10] Fachrurrozi, *Islam Dan Tantangan Modernitas*, 30–31.

[11] Lihat Annisa Nur'aini, Adinda Farhania Ma'rufa, and Seli Saelurrohmah Syam, "Analisis Kebijakan Ekonomi Islam Umar Bin Khattab dalam Menghadapi Krisis Telaah Histori dan Implementasi di Era Modern," *JUREKSI : Journal of Islamic Economics and Finance* 3, no. 2 (2025): 111–26, https://doi.org/10.59841/jureksi.v3i2.2627; Putri Jamilah, "Kebijakan Fiskal Umar Bin Khattab," *JURNAL ISLAMIKA* 4, no. 1 (July 9, 2021): 25–38, https://doi.org/10.37859/jsi.v4i1.2506; M Al Qautsar Pratama, "Kepemimpinan Dan Konsep Ketatanegaraan Umar Ibn Al-Khattab," *JUSPI (Jurnal Sejarah Peradaban Islam)* 2, no. 1 (July 31, 2018): 59, https://doi.org/10.30829/j.v2i1.1496; Halimatun Nabila, Ahmad Fauzi, and Abdul Komar, "Kepemimpinan Khalifah Umar Bin Khattab Dalam Mengelola Lembaga Keuangan Negara Perspektif Prof Dr. Ali Muhammad Ash-Shallabi," *Jurnal Pendidikan dan Konseling* 4, no. 4 (2022): 2793–99.

[12] QS. Al-Baqarah [2]: 184.

[13] HR. Bukhari, no. 1117; HR. Muslim, no. 732.

[14] Marcel A. Boisard, *Humanism in Islam* (Indianapolis: American Trust Publications, 1980), 118.

[15] Nabila, Fauzi, and Komar, "Kepemimpinan Khalifah Umar Bin Khattab Dalam Mengelola Lembaga Keuangan Negara Perspektif Prof Dr. Ali Muhammad Ash-Shallabi."

However, the focus on the flexibility of Islamic law during the era of Umar bin Khattab, particularly in legal cases such as theft, alcohol (khamr), zakat for new converts (muallaf), soldiers' rations, customs duties, and inheritance, has not been specifically studied.[16] Therefore, this study offers a new contribution in the form of an in-depth analysis of the actualization of Islamic legal flexibility during the reign of Umar bin Khattab, which can serve as a contextual reference for the enforcement of Islamic law today.

METHODOLOGY

This study employs a qualitative approach using descriptive-analytical methods.[17] This approach is deemed appropriate for examining the phenomenon of Islamic law from both historical and normative perspectives, particularly in the context of its application during the caliphate of ʿUmar ibn al-Khaṭṭāb. The research focuses on understanding how the flexibility of Islamic law was actualized in the governance and social life of that era.

The research data was obtained through library research [18] by collecting various relevant written sources, including classical literature such as books on fiqh and ushul fiqh, as well as contemporary works such as books, scholarly journals, articles, and dissertations that discuss the legal policies of Caliph Umar ibn Khattab.[19] These sources were critically analyzed to identify the principles of legal flexibility applied in various cases, such as the postponement of hudud punishments, changes in the zakat distribution system, and adjustments to customs duties.

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[16] Syamsuri Ali and Istihana Istihana, "Umar Bin Al-Khattab: Kajian Pendidikan Islam Pada Sejarah Dan Kontribusinya Terhadap Perkembangan Kekuatan Politik Islam," *JIIP - Jurnal Ilmiah Ilmu Pendidikan* 7, no. 6 (June 8, 2024): 6021–27, https://doi.org/10.54371/jiip.v7i6.4828; Nurma Sari, "Zakat Sebagai Kebijakan Fiskal Pada Masa Kekhalifah Umar Bin Khattab," *JURNAL PERSPEKTIF EKONOMI DARUSSALAM* 1, no. 2 (March 2, 2017): 172–84, https://doi.org/10.24815/jped.v1i2.6552.

[17] Lynda Mainwaring and Imogen Aujla, "Qualitative Methodologies," in *Research Methods in the Dance Sciences*, by Lynda Mainwaring and Imogen Aujla (University Press of Florida, 2023), 180–96, https://doi.org/10.5744/florida/9780813069548.003.0013; Günter Mey, "Qualitative Methodology," in *International Handbook of Psychology Learning and Teaching*, ed. Joerg Zumbach et al., Springer International Handbooks of Education (Cham: Springer International Publishing, 2023), 453–78, https://doi.org/10.1007/978-3-030-28745-0_22; Aïcha Cissé and Andrew Rasmussen, "Qualitative Methods," in *Comprehensive Clinical Psychology* (Elsevier, 2022), 91–103, https://doi.org/10.1016/B978-0-12-818697-8.00216-8.

[18] Miza Nina Adlini et al., "Metode Penelitian Kualitatif Studi Pustaka," *Edumaspul: Jurnal Pendidikan* 6, no. 1 (March 1, 2022): 974–80, https://doi.org/10.33487/edumaspul.v6i1.3394; Ulyan Nasri, Ulin Nuha, and Yunita Nabila, "Literature Review And Practical Guide: Bibliographic Research Method In The Formation Of Conceptual Framework," *BIMSALABIM: Jurnal Ilmiah Ilmu Pendidikan Dan Pembelajaran* 1, no. 1 (2024): 10–16; Abdurrahman, "Metode Penelitian Kepustakaan Dalam Pendidikan Islam," *Adabuna : Jurnal Pendidikan Dan Pemikiran* 3, no. 2 (June 8, 2024): 102–13, https://doi.org/10.38073/adabuna.v3i2.1563; Danny P. Wallace, "Basic Research Methods for Librarians," *Library & Information Science Research* 28, no. 1 (March 2006): 149–52, https://doi.org/10.1016/j.lisr.2005.11.007.

[19] Lihat Sartika Ayuningsih, "Data Collected" (Zenodo, October 10, 2023), https://doi.org/10.5281/ZENODO.8427287; Marvin Titus, "Identifying Data Sources," in *Higher Education Policy Analysis Using Quantitative Techniques*, by Marvin Titus, Quantitative Methods in the Humanities and Social Sciences (Cham: Springer International Publishing, 2021), 19–31, https://doi.org/10.1007/978-3-030-60831-6_3; Primadi Candra Susanto et al., "Qualitative Method Concepts: Literature Review, Focus Group Discussion, Ethnography and Grounded Theory," *Siber Journal of Advanced Multidisciplinary* 2, no. 2 (September 3, 2024): 262–75, https://doi.org/10.38035/sjam.v2i2.207.

The analysis procedure was carried out in three main stages: (1) Data reduction, which involved selecting and sorting information relevant to the research focus; (2) Data presentation, conducted through thematic narrative descriptions; and (3) Conclusion drawing, based on the synthesis of data and theoretical frameworks.[20] The validity of the data was strengthened through source triangulation techniques, by comparing various perspectives and information from different sources. Through this method, the study aims to provide a scholarly contribution in explaining the model of flexibility in Islamic law, rooted in the principles of justice, public interest (maṣlaḥah), and contextualization, as exemplified by ʿUmar ibn al-Khaṭṭāb.

RESULTS AND DISCUSSION

This study is motivated by the urgent need to reexamine the flexibility of Islamic law in responding to social changes and the development of the times, emphasizing that Islamic law is dynamic, comprehensive (syāmil), flexible (murūnah), and relevant for all times and places (ṣāliḥ li kulli zamān wa makān).

Using an uṣūl al-fiqh approach, this research explores how Islamic legal products—especially those resulting from ijtihād—can evolve according to changing social, cultural, and political contexts by employing principles such as maṣlaḥah (public interest), ʻurf (custom), maqāṣid al-sharīʻah (objectives of Islamic law), and other ijtihād methods as the main instruments.

The findings indicate that both classical and contemporary scholars have strong argumentative legitimacy to adjust the law according to the needs of the era without deviating from the fundamental principles of the Sharia. The eight main findings, formulated in Arabic phrasing within this results section, crystallize these insights, drawing from classical and contemporary fiqh literature.

1. Islamic Law Is Dynamic and Open to Development

Islamic law possesses a dynamic character and is open to development through ijtihād. Throughout the history of Islamic civilization, mujtahids have consistently adapted the law to the situations and conditions of their time. This demonstrates that the sharīʻah texts (naṣṣ) provide room for contextual interpretation aimed at the welfare of the community. Therefore, it is not an exaggeration to say that Islamic law is a living law system.

النُّصُوصُ الشَّرْعِيَّةُ تَتَّسِمُ بِالدِّيْنَامِيْكِيَّةِ وَالِانْفِتَاحِ عَلَى التَّطْوِيْرِ

[20] Heting Chu, "Research Methods in Library and Information Science: A Content Analysis," *Library & Information Science Research* 37, no. 1 (January 2015): 36–41, https://doi.org/10.1016/j.lisr.2014.09.003; Scott Tunison, "Content Analysis," in *Varieties of Qualitative Research Methods*, ed. Janet Mola Okoko, Scott Tunison, and Keith D. Walker, Springer Texts in Education (Cham: Springer International Publishing, 2023), 85–90, https://doi.org/10.1007/978-3-031-04394-9_14; Lisa A. Kort-Butler, "Content Analysis in the Study of Crime, Media, and Popular Culture," in *Oxford Research Encyclopedia of Criminology and Criminal Justice*, by Lisa A. Kort-Butler (Oxford University Press, 2016), https://doi.org/10.1093/acrefore/9780190264079.013.23; Leeann Bass and Holli A. Semetko, "Content Analysis: On the Rise," in *Research Methods in the Social Sciences: An A-Z of Key Concepts*, by Leeann Bass and Holli A. Semetko (Oxford University Press, 2021), 56–62, https://doi.org/10.1093/hepl/9780198850298.003.0013.

The sharīʻah texts are dynamic and open to development.[21]

Islamic law has a dynamic character and is open to development through ijtihād, as evidenced by the practice of mujtahids throughout Islamic history who continuously adjusted the law according to the changing conditions of their times. This character shows that the sharīʻah texts are not rigid but allow room for contextual interpretation for the benefit of the community. In this context, Islamic law can be called a living law that is capable of addressing social changes and remains relevant throughout all ages.

2. The Flexibility of Islamic Legal Products in Relation to Social Reality

Fatwas and laws derived from ijtihād always take social realities into account. Therefore, fiqh rulings can vary from one place to another, depending on the cultural and social context of the community. Within this framework, ʻurf (local customs) becomes one of the secondary sources of law whose validity is recognized in Islam.

مُنْتَجَاتُ الْفِقْهِ الْإِسْلَامِيِّ تَتَفَاوَتُ بِحَسَبِ اخْتِلَافِ الْوَاقِعِ وَالزَّمَانِ

Islamic fiqh products vary depending on changes in reality and the times.[22]

The flexibility of Islamic legal products is greatly influenced by the social realities of society. Fatwas and ijtihād results by scholars do not exist in a vacuum but respond to the dynamics of local culture, customs, and community needs. Therefore, the laws applied in one region may differ from those in another, depending on the social context. In this regard, ʻurf (local customs) is recognized as one of the secondary sources of Islamic law with legitimacy, as long as it does not contradict the principles of the sharīʻah. This demonstrates that fiqh is contextual and adaptive to changes in time and place.

3. Islamic Law Is Not Contrary to the Changing Times

The Islamic sharīʻah exists to provide welfare for humanity throughout all ages. Therefore, changes in the times are not a threat to Islamic law but rather an opportunity to actualize it according to new needs. As long as it remains within the framework of the maqāṣid al-syarīʻah, this flexibility becomes a strength of Islamic law.

الشَّرِيْعَةُ الْإِسْلَامِيَّةُ لَا تُعَارِضُ تَغَيُّرَ الزَّمَانِ

Islamic sharīʻah is not opposed to the changing times.[23]

Islamic law possesses flexibility that allows it to remain relevant with the developments of the era. The sharīʻah does not aim to freeze reality but rather serves as a guideline capable of addressing the challenges of every age. Social, economic, and technological changes are not seen as threats to the sharīʻah, but as opportunities to realize the noble objectives of Islam (maqāṣid al-syarīʻah). As long as legal adaptations remain within the framework of the maqāṣid, the application of the sharīʻah will continue to be alive and applicable in contemporary contexts.

[21] al-Zuhaylī, *Tārīkh Al-Tashrīʻ al-Islāmī*, 1053.
[22] Ibn Qayyim al-Jawziyyah, *Iʻlām al-Muwaqqiʻīn, Jilid 3* (Beirut: Dār al-Kutub al-ʻIlmiyyah, 2003), 5.
[23] al-Qaradawi, *Al-Fiqh al-Islāmī Bayna al-Aṣālah Wa al-Tajdīd*, 47.

4. Actualization of Islamic Law in the Context of the Modern Era

In the modern era, contemporary fatwa institutions such as the Indonesian Ulema Council (Majelis Ulama Indonesia - MUI), Dār al-Iftā' in Egypt, and others play a significant role in the actualization of Islamic law. They utilize the maqāṣid approach and collective ijtihād (ijtihād jama'i) to address contemporary issues such as Islamic finance, bioethics, and technology.

تَفْعِيْلُ أَحْكَامِ الشَّرِيْعَةِ فِي سِيَاقِ الزَّمَنِ الْمُعَاصِرِ

The actualization of sharī'ah law in the context of the modern era.[24]

The researcher argues that in the context of the modern era, fatwa institutions such as the Indonesian Ulema Council (Majelis Ulama Indonesia - MUI) and Dār al-Iftā' in Egypt play a crucial role in actualizing Islamic law. Using the maqāṣid approach and collective ijtihād (ijtihād jama'i), they are able to address contemporary challenges arising in various fields, such as Islamic finance, bioethics, and technology. This demonstrates that Islamic law is not only relevant to the past but is also capable of adapting to the developments of the times, providing solutions that suit the needs of present-day society.

5. The Role of Ijtihad Capacity in Determining the Flexibility of Law

The quality of ijtihad outcomes greatly depends on the scholarly and contextual capacity of the mujtahid. A mujtahid is required not only to understand the nash (textual sources) but also the context of the times, the maqāṣid of sharī'ah, and the condition of the community. The flexibility of the law is highly dependent on this quality.

قُدْرَةُ الْمُجْتَهِدِ تَلْعَبُ دَوْرًا فِي مَدَى مَرُوْنَةِ الْحُكْمِ الشَّرْعِيِّ

The capability of the mujtahid plays a crucial role in the degree of flexibility of Islamic law.[25]

The researcher argues that the flexibility of Islamic law is greatly influenced by the ijtihad capacity possessed by a mujtahid. The mujtahid's ability to deeply understand the sharia texts (nash), as well as the skill to relate these texts to the social context, the times, and the needs of the community, is key in determining how far Islamic law can adapt to changes. In this regard, the scholarly capacity of the mujtahid to comprehend the maqāṣid al-sharī'ah and the social realities of the community strongly affects the resulting legal flexibility, ensuring that the ijtihad undertaken remains relevant and provides benefit (maṣlaḥah).

6. Flexibility of Islamic Law as a Response to Changing Times

History records that earlier scholars often revised their legal opinions to adapt to the needs of their era. Thus, Islamic law is reactive yet responsible toward changes in reality.

مَرُوْنَةُ الْفِقْهِ الإِسْلَامِيِّ هِيَ رَدٌّ عَلَى تَغَيُّرِ الْوَاقِعِ وَتَطَوُّرِ الزَّمَانِ

Flexibility of Islamic Law as a Response to Changing Realities and Developments.[26]

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[24] Abu Zahrah, *Uṣūl Al-Fiqh*, 289.

[25] Al-Shāṭibī, *Al-Muwāfaqāt Fī Uṣūl al-Sharī'ah, Jilid 4* (Beirut: Dār al-Ma'rifah, 2005), 115.

[26] Muhammad al-Ṭāhir Ibn 'Āshūr, *Maqāṣid Al-Sharī'ah al-Islāmiyyah* (Tunisia: Dār al-Suhūnī, 2001), 214.

The researcher considers that the flexibility of Islamic law is a natural and responsible response to the dynamics of social realities and the development of the times. The history of fiqh development shows that scholars were not rigid in establishing legal rulings but made adjustments according to the context and the needs of the community in their era. This demonstrates that Islamic law not only lives within society but also grows and develops alongside social, cultural, and technological changes, as long as it remains grounded in the principles of sharia that safeguard the welfare of the people.

7. Principles in Formulating Islamic Legal Products

The formulation of Islamic law is based on ushul principles such as qiyās (analogy), istiḥsān (juristic preference), maṣlaḥah mursalah (public interest), and sadd al-dharī'ah (blocking harmful means). These principles ensure that Islamic law remains relevant, authentic, and contextual.

مَبَادِئُ اسْتِنْبَاطِ الْأَحْكَامِ الشَّرْعِيَّةِ فِي التَّشْرِيْعِ الْإِسْلَامِيِّ

Principles of Legal Reasoning (Istinbāt) in Islamic Legislation.[27]

The researcher views that the principles involved in formulating Islamic law, such as qiyās (analogy), istiḥsān (juristic preference), maṣlaḥah mursalah (public interest), and sadd al-dharī'ah (blocking harmful means), play a crucial role in maintaining the relevance and continuity of Islamic law throughout time. Through this solid methodology of istinbāṭ, scholars not only preserve the authenticity of Islamic teachings but also are able to address contemporary challenges with contextual solutions. These principles serve as intellectual tools that enable Islamic law to be adaptive without losing the spirit and orientation of maqāṣid al-syarī'ah, namely achieving welfare and preventing harm in the life of humanity.

8. Historical Study: Flexibility of Islamic Law in the Era of Umar bin Khattab

Umar bin Khattab is known as a rational and wise companion in the application of law. Some of his famous policies include postponing the hand-cutting punishment during times of famine and refraining from distributing war booty land to soldiers, which differed from previous practices. These policies are concrete examples of ijtihad based on maslahat (public interest).

مَرُوْنَةُ الْفِقْهِ فِي زَمَنِ الْخَلِيْفَةِ عُمَرَ بْنِ الْخَطَّابِ

Flexibility of Law during the Caliphate of Umar bin Khattab.[28]

A historical study of Umar bin Khattab's policies shows that the flexibility of Islamic law has been a tangible practice since the era of the Rightly Guided Caliphs (Khulafā' al-Rāshidīn). In facing emergency situations such as famine, Umar postponed the implementation of the hudud punishment of hand-cutting for theft to avoid injustice. He also made a strategic decision not to distribute war booty lands to soldiers but instead retained them as public assets for future generations. These actions represent ijtihad based on maslahah (public interest),

[27] Khallāf, *'Ilm Uṣūl al-Fiqh*, 98–100.
[28] Abu Yusuf, *Kitāb Al-Kharāj* (Kairo: Dār al-Fikr, 1995), 63.

taking into account the social context and the needs of the community, while affirming that Islamic law is responsive and not rigid in dealing with changes in times and social realities.

Table 1: Research Findings on the Flexibility of Islamic Law

No	Sub-theme	Arabic Expression	Summary of Findings	Source
1	Islamic Law as Dynamic and Open to Development	النُّصُوصُ الشَّرْعِيَّةُ تَتَّسِمُ بِالدِّيْنَامِيْكِيَّةِ وَالِانْفِتَاحِ عَلَى التَّطْوِيْرِ	Islamic law is not rigid; it remains open to ijtihad and interpretation in addressing contemporary issues.	See Yusuf al-Qaradawi, Kaifa Nata'āmalu ma'a al-Turāth, pp. 25–27.
2	Legal Flexibility toward Social Realities	مُنْتَجَاتُ الْفِقْهِ الْإِسْلَامِيِّ تَتَفَاوَتُ بِحَسَبِ اخْتِلَافِ الْوَاقِعِ وَالزَّمَانِ	Islamic legal products vary depending on locality, customs ('urf), and distinct social contexts.	See Wahbah al-Zuhaylī, Uṣūl al-Fiqh al-Islāmī, Vol. 2, p. 850.
3	Islamic Law and the Challenge of Changing Times	الشَّرِيْعَةُ الْإِسْلَامِيَّةُ لَا تُعَارِضُ تَغَيُّرَ الزَّمَانِ	Islamic law is universal and capable of adapting to socio-technological developments.	See Ibn Qayyim al-Jawziyyah, I'lām al-Muwaqqi'īn, Vol. 3, pp. 3–5.
4	Actualization of Islamic Law in the Modern Era	تَفْعِيْلُ أَحْكَامِ الشَّرِيْعَةِ فِي سِيَاقِ الزَّمَنِ الْمُعَاصِرِ	Legal actualization is pursued through maqāṣid-based approaches and modern ijtihad by fatwa institutions.	See Jasser Auda, Maqasid al-Shariah as Philosophy of Islamic Law, p. 77.
5	The Role of Ijtihad Capacity in Legal Flexibility	قُدْرَةُ الْمُجْتَهِدِ تَلْعَبُ دَوْرًا فِي مَدَى مَرُوْنَةِ الْحُكْمِ الشَّرْعِيِّ	The quality of ijtihad significantly determines the degree of legal flexibility and contextual relevance.	See Muhammad Abu Zahrah, Uṣūl al-Fiqh, p. 312.
6	Legal Flexibility as a Response to Change	مَرُوْنَةُ الْفِقْهِ الإِسْلَامِيِّ هِيَ رَدٌّ عَلَى تَغَيُّرِ الْوَاقِعِ وَتَطَوُّرِ الزَّمَانِ	Fatwas and legal rulings are adapted to	See Al-Syatibi, al-Muwāfaqāt fī Uṣūl al-

			societal change over time.	Sharī'ah, Vol. 1, pp. 91–94.
7	Principles in Formulating Islamic Legal Products	مَبَادِئُ اسْتِنْبَاطِ الْأَحْكَامِ الشَّرْعِيَّةِ فِي التَّشْرِيعِ الْإِسْلَامِيِّ	Jurists utilize principles such as qiyās, istiḥsān, maṣlaḥah mursalah, and others to formulate applicable rulings.	See 'Abd al-Wahhāb Khallāf, 'Ilm Uṣūl al-Fiqh, pp. 87–89.
8	Historical Study: Flexibility under Umar ibn al-Khattab	مَرُوْنَةُ الْفِقْهِ فِي زَمَنِ الْخَلِيْفَةِ عُمَرَ بْنِ الْخَطَّابِ	Example: suspension of hand amputation during famine and withholding war spoils from soldiers. Demonstrates ijtihad based on public interest (maṣlaḥah).	See Al-Ṭabarī, Tārīkh al-Umam wa al-Mulūk; Al-Sarakhsi, al-Mabsūṭ, Vol. 10, p. 140.

This study emphasizes that Islamic law is essentially dynamic and open to development through the mechanism of ijtihad. Since the classical era, scholars have interpreted the law by taking into account social dynamics and the development of the times. This demonstrates that the texts of the Sharia (nushūṣ al-syar'iyyah) are not stagnant, but rather contain contextualization potential to address new challenges for the welfare of the community (maṣlaḥah al-'āmmah).[29] One clear manifestation of this flexibility is the adaptability of fiqh products to social realities. Islamic legal rulings in the form of fatwas are often influenced by local conditions (al-'urf) and customary practices, provided they do not conflict with the fundamental principles of the Sharia.[30] Therefore, differences in fatwas between one region and another are not a weakness but rather a manifestation of the wisdom of Islamic law in responding to pluralism.[31] Furthermore, this study emphasizes that Islamic law is not in conflict with the changes of time; rather, such changes serve as a means for the Sharia to demonstrate its vitality and relevance. As long as the actualization of the law remains within the framework

[29] Wahbah al-Zuhaylī, *Uṣūl Al-Fiqh al-Islāmī, Jilid 2* (Damaskus: Dār al-Fikr, 1986), 47.

[30] Husnawadi Husnawadi and Ulyan Nasri, "Fanatic and Fanaticism from the Perspective of Islamic Law and Islamic Education Perspective," *Jurnal Ilmiah Profesi Pendidikan* 8, no. 3 (August 30, 2023): 2018–23, https://doi.org/10.29303/jipp.v8i3.2112; Apipuddin Apipuddin et al., "Integrating Electronic Information and Transaction Law (UU ITE) and Islamic Criminal Law: Addressing Malware-Based Data Theft," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 9, no. 2 (2024): 154–70, https://doi.org/10.22515/alahkam.v9i2.10269.

[31] Yūsuf al-Qaraḍāwī, *Kayfa Nata'āmal Ma'a al-Turāth* (Kairo: Maktabah Wahbah, 1994), 75.

of maqāṣid al-syarīʻah, Islamic law will continue to be able to address the needs of the community across time and space.[32]

In the modern era, the flexibility of Islamic law is evident in the role of contemporary fatwa institutions, such as the Indonesian Ulema Council (Majelis Ulama Indonesia - MUI), Dār al-Iftā' al-Miṣriyyah, and the Islamic Fiqh Academy (al-Majmaʻ al-Fiqhī al-Islāmī). These institutions utilize collective ijtihad (ijtihad jamaʻi) and the maqāṣid approach to address contemporary issues such as fintech, contraception, and medical technology.[33] Other findings indicate that the flexibility of Islamic law largely depends on the ijtihad capacity of the mujtahids, both in terms of understanding the textual sources and interpreting the social context. A mujtahid is required to have high scholarly competence, sensitivity to the community's needs, and a strong commitment to the values of maqāṣid.[34]

History records that early scholars, including the Prophet's companions such as ʿUmar ibn al-Khaṭṭāb, demonstrated Islam's legal responsiveness to social realities. ʿUmar once suspended the implementation of hand-cutting during a famine and withheld the distribution of war spoils to soldiers—illustrating that legal flexibility is an authentic legacy of the Islamic tradition.[35] This flexibility is also grounded in the principles of Islamic legal theory (uṣūl al-fiqh), such as qiyās (analogical reasoning), istiḥsān (juristic preference), maṣlaḥah mursalah (consideration of public interest), and sadd al-dharīʿah (blocking the means to harm). These principles provide a normative foundation for Islamic legal legislation, allowing Islamic law to remain relevant without compromising its authenticity.[36] Thus, the flexibility of Islamic law is the result of a balanced interplay between text and context, between absolute values and temporal needs. This renders Islamic law a living, responsive, and enduring legal system across all times.

CONCLUSION

The flexibility of Islamic law is a fundamental characteristic that makes the Sharia relevant throughout all ages. Islamic law is not stagnant, but adaptive and contextual, as long as it remains within the framework of the maqāṣid al-syarīʻah. The mechanism of ijtihad, carried out by mujtahids both individually and collectively, enables Islamic law to address various contemporary issues wisely and responsibly. Historically, such as during the era of Umar bin Khattab, legal flexibility has proven capable of providing solutions that are beneficial (maslahah) and just according to the conditions of the time. Principles of ushul fiqh such as qiyās (analogy), istiḥsān (juridical preference), maṣlaḥah mursalah (public interest), and sadd al-dharīʻah (blocking the means of harm) serve as the main foundation in formulating contextual Islamic legal rulings. Therefore, flexibility is not a compromise of principles, but evidence of the sophistication of the Islamic legal system in managing social reality changes

[32] Jasser Auda, *Maqāṣid Al-Sharīʻah as Philosophy of Islamic Law: A Systems Approach* (London: IIIT, 2008), 23.
[33] Majelis Ulama Indonesia, *Himpunan Fatwa MUI Dari 1975–2020* (Jakarta: Sekretariat MUI, 2020), 12–15.
[34] Muhammad al-Khuḍarī, *Uṣūl Al-Fiqh* (Beirut: Dār al-Maʻrifah, 1970), 132.
[35] Ibn Qayyim al-Jawziyyah, *I'lām al-Muwaqqiʻīn ʻan Rabb al-ʻĀlamīn, Jilid I* (Kairo: Dār Ibn al-Jawzī, 1991), 202–204.
[36] Khallāf, *'Ilm Uṣūl al-Fiqh*, 89.

ethically and normatively. With this approach, Islamic law remains authentic in its values but dynamic in its application, allowing it to continue living, evolving, and providing solutions to the challenges of the modern era.

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