

The Urgency of Contextualizing Islamic Law in Contemporary Society

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Abstract

The contextualization of Islamic law is an approach that emphasizes the importance of understanding social, cultural, and historical contexts in the application of Islamic teachings, particularly normative legal provisions. The urgency of contextualization arises as a response to the complex and diverse dynamics of modern society, where the textual application of Islamic law without considering social realities can lead to inconsistencies and even injustice. This study aims to examine the importance of a contextual approach in the interpretation and implementation of Islamic law, and to illustrate how the fundamental principles of Sharia such as justice (al-adl), public benefit (al-maslahah), and the objectives of Islamic law (maqashid al-shariah) can serve as the foundation for this process. Using a qualitative method and a normative-philosophical approach, this study demonstrates that the contextualization of Islamic law is not a form of deconstruction of religious teachings, but rather an effort to present Islamic law as relevant, adaptive, and solution-oriented in contemporary society.

[Kontekstualisasi hukum Islam merupakan suatu pendekatan yang menekankan pentingnya pemahaman terhadap konteks sosial, budaya, dan historis dalam penerapan ajaran Islam, khususnya hukum-hukum yang bersifat normatif. Urgensi kontekstualisasi muncul sebagai respons terhadap dinamika masyarakat modern yang kompleks dan beragam, di mana penerapan hukum Islam secara tekstual tanpa mempertimbangkan realitas sosial dapat menimbulkan ketidaksesuaian, bahkan ketidakadilan. Penelitian ini bertujuan untuk menelaah pentingnya pendekatan kontekstual dalam penafsiran dan implementasi hukum Islam, serta menggambarkan bagaimana prinsip-prinsip dasar syariah seperti keadilan (al-adl), kemaslahatan (al-maslahah), dan tujuan hukum Islam (maqashid al-shariah) dapat dijadikan landasan dalam proses tersebut. Dengan menggunakan metode kualitatif dan pendekatan normatif-filosofis, kajian ini menunjukkan bahwa kontekstualisasi hukum Islam bukan bentuk dekonstruksi ajaran, melainkan upaya untuk menghadirkan hukum Islam yang relevan, adaptif, dan solutif dalam kehidupan masyarakat kontemporer.]

Keywords: contextualization, Islamic law, maqashid al-shariah, justice, social relevance

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INTRODUCTION

Islamic law constitutes one of the legal systems that plays a significant role in regulating the lives of Muslims, both in matters of worship and social transactions. As a legal system derived from the Qur'an and Sunnah, Islamic law possesses universal and flexible characteristics that enable its application across different contexts of time and place. Nevertheless, the development of modern society, marked by social transformation, technological advancement, globalization, and the increasing complexity of contemporary life, necessitates an understanding of Islamic law that is not solely text-oriented but also attentive to the social, cultural, and historical contexts in which the law is implemented.

Within the Islamic intellectual tradition, Islamic law is generally understood through *fiqh* as the product of scholars' *ijtihad* in interpreting the sources of the Shari'ah. Consequently, Islamic law possesses a dynamic dimension that allows for adaptation to changing circumstances without disregarding the fundamental principles of the Shari'ah. This flexibility is reflected in the concept of *maqāṣid al-syarī'ah*, which aims to preserve religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). These principles serve as an important foundation for developing an Islamic legal framework that is responsive to the needs of contemporary society.

Several previous studies have examined the importance of contextual approaches in understanding and developing Islamic law. Research conducted by Ahmad Arif Noeris and Supriyanto (2025) demonstrates that the historical approach plays a crucial role in Islamic studies because it bridges the normative and empirical dimensions, thereby generating a more contextual, inclusive, and relevant understanding of religion in response to contemporary developments. These findings underscore that an understanding of the social and historical background of a religious text is an indispensable aspect of the process of interpreting Islamic law.

Furthermore, the study by Gebby Chyntia Detta Kaunang and Safarni Husain (2025) explores the flexibility of Islamic law in responding to various contemporary issues, particularly in the areas of family law, human rights, and the modern economy. Their findings indicate that the *maqāṣid al-syarī'ah* approach enables contextual legal adaptation, allowing Islamic law to address the complexity of modern societal challenges while preserving the fundamental values of the Shari'ah.

Meanwhile, the research conducted by Suriah Pebriyani Jasmin, Rahmatiah HL, and Lomba Sultan (2025) positions *maqāṣid al-syarī'ah* as a critical paradigm in the reconstruction of Islamic law. The study reveals that *maqāṣid al-syarī'ah* is no longer understood merely as the normative objectives of the Shari'ah; rather, it has evolved into an epistemological framework capable of evaluating the relevance, justice, and public benefit of Islamic law in addressing contemporary issues, including gender equality, human rights, bioethics, and social justice.

Despite these contributions, existing studies have largely focused on historical approaches, the flexibility of Islamic law, or the use of *maqāṣid al-syarī'ah* as a general instrument of legal reform. Research that specifically integrates the contextualization of Islamic law with the principles of *maqāṣid al-syarī'ah* as a foundation for achieving justice and social relevance in contemporary society remains relatively limited. Therefore, this study seeks to address this gap by analyzing the urgency of contextualizing Islamic law and examining the role of *maqāṣid al-syarī'ah* in fostering an Islamic legal framework that is adaptive, equitable, and relevant to the dynamics of modern society.

This study is significant because it seeks to explain the urgency of contextualizing Islamic law in response to the dynamics of contemporary society while demonstrating how the principles of *maqāṣid al-syari'ah* can serve as a foundation for the interpretation and implementation of Islamic law. Accordingly, this research is expected to contribute conceptually to the development of Islamic legal thought that is more adaptive, just, and relevant to the needs of modern society.

Based on the foregoing discussion, this study aims to analyze the urgency of contextualizing Islamic law in contemporary society and to examine the role of *maqāṣid al-syari'ah* as a foundation for promoting justice and social relevance in the application of Islamic law.

METHOD

This study employs a qualitative method using a library research design and a normative-philosophical approach. The normative approach is utilized to examine Islamic legal concepts derived from the Qur'an, Sunnah, and the scholarly discourse on the contextualization of Islamic law and *maqāṣid al-syari'ah*. Meanwhile, the philosophical approach is employed to analyze the fundamental values underlying the implementation of Islamic law, particularly the principles of justice (*al-'adl*), public benefit (*al-maṣlaḥah*), and the objectives of Islamic law (*maqāṣid al-syari'ah*) in addressing the dynamics of contemporary society.

The research data were obtained through a documentation study of various relevant literary sources. Primary data sources consist of literature discussing Islamic law, *maqāṣid al-syari'ah*, and the contextualization of Islamic law. Secondary data sources include scholarly journal articles, academic books, previous research findings, and documents related to the development of contemporary Islamic legal thought.

Data were collected through a literature review by examining, identifying, and classifying various sources relevant to the focus of the study. Subsequently, the data were analyzed using a descriptive-analytical method through three stages: data reduction, data presentation, and conclusion drawing. The analysis was conducted by critically examining various perspectives on the contextualization of Islamic law and relating them to the principles of *maqāṣid al-syari'ah* in order to determine their relevance in addressing issues of justice and the social needs of contemporary society.

Through this approach, the study seeks to develop a comprehensive understanding of the urgency of contextualizing Islamic law and the contribution of *maqāṣid al-syari'ah* as a normative foundation for realizing an Islamic legal framework that is adaptive, relevant, and oriented toward the welfare and public benefit of society.

RESULT AND DISCUSSION

Normative and Epistemological Foundations of Islamic Law

Etymologically, law refers to a set of rules that serve as the foundation for a nation or society and are binding upon its members. These rules may take the form of formal legislation or informal traditions (Djamil, 1997).

According to Muhammad Daud Ali, law encompasses all standards by which human behavior in relation to the surrounding world can be assessed and evaluated (Rohidin, 2016). Muhammad Muslehuddin, citing the Oxford English Dictionary, defines law as a body of rules recognized by society and the state as binding upon all members, whether such norms are rooted in tradition or embodied in formal regulations (Muslehuddin, 1997).

In the context of the *mukallaḥ*, law refers to divine teachings manifested in the form of obligations (commands and prohibitions), recommendations (to perform or refrain from certain acts), *takehyir* (the option to choose between performing and refraining from an act), or *wad'i* provisions (the designation of something as a cause, condition, or impediment) (Fatwa et al., 2013).

The foundations of Islamic law have been extensively discussed in the canonical works of Islamic legal scholars. Nevertheless, the term “Islamic law” itself does not explicitly appear in the Qur'an or other primary sources of Islamic law. Instead, terms such as *Shari'ah*, *fiqh*, *ḥukm Allāh* (the law of God), and related concepts are more commonly employed. The Arabic term *al-ḥikmah* (wisdom) derives from the root *ḥakama*, from which the word *ḥukm* (judgment or law) is also derived. A person is considered wise when he possesses a sound understanding of the law and consistently applies it in practice (Mardani, 2015).

From this perspective, Islamic law may be understood as a set of legal norms that Muslims are obligated to observe. These norms originate from divine revelation and the Sunnah of the Prophet, regulating human conduct in ways that are recognized and accepted either directly or indirectly.

According to M. Hasbi Ash-Shiddieqy, Islamic law constitutes a body of legal rules that has continually undergone adaptation in response to social and cultural developments (Ash-Shiddieqy, 1975). Islamic law encompasses not only legal norms but also ethics, beliefs, and acts of worship. An-Na'im (2009) argues that Islamic law governs numerous dimensions of human life, both in this world and in the hereafter. Islamic law is fundamentally based upon two primary sources: divine revelation and human reason. This duality is reflected in the concepts of *Shari'ah* and *fiqh*. While *Shari'ah* is closely associated with divine revelation, *fiqh* represents human reasoning and understanding concerning the practical rulings derived from the Qur'an and Sunnah. Consequently, Islamic law may be understood as comprising two interconnected dimensions. The first consists of explicit and comprehensive legal rulings addressing matters such as worship, marriage, inheritance, and other religious obligations. This dimension is associated with *Shari'ah*. The second consists of legal rulings developed through rational reasoning and scholarly interpretation, which fall within the domain of *fiqh* (Al-Qardlawi, 2009).

This distinction demonstrates that Islamic law operates on two levels. The first level consists of divine legal provisions contained in the Qur'an and *Sunnah al-mutawātirah*, both of which are regarded as sacred sources. The second level consists of legal interpretations derived from these sacred sources through human reasoning and scholarly effort (Usman, 1994).

The foregoing discussion indicates that Islamic law, interpreted by An-Na'im as *al-nuṣūṣ al-muqaddasah*—a term borrowed from Iskandar Usman—represents the essential and foundational message of Islam. In contrast, Islamic legal rulings that do not belong to the category of *al-nuṣūṣ al-muqaddasah* are products of interpretation developed by Muslim jurists.

Islamic law differs from Western legal systems in that it does not maintain a strict distinction between public and private law or between civil and criminal law. Rather, Islamic law is traditionally classified according to its substantive areas, including:

- a. *Munākahāt*;
- b. *Wārith* (inheritance);
- c. *Mu'āmalāt* in its specific sense;
- d. *Jināyāt* or *'uqūbāt*;
- e. *Al-ahkām al-sultāniyyah*;

f. *Siyar*;

g. *Mukbāṣamāt* (Faiz, 2001).

This framework may also be viewed through a broader classification comparable to the distinction between civil (private) law and criminal (public) law in Western legal systems.

a. Islamic Private (Civil) Law

Islamic private law consists of legal provisions that regulate and govern human conduct in fulfilling personal interests and life necessities (Jamali, 2010). It includes: (1) *Munākahāt*, which regulates matters of marriage, divorce, and their legal consequences; (2) *Wirāthab*, which governs inheritance, including heirs, estates, inheritance rights, and the distribution of inherited property. Islamic inheritance law is commonly referred to as *farā'id*; and (3) *Mu'āmalāt* in its specific sense, which regulates property rights, contractual relations, leasing, sales, loans, partnerships, and other forms of social and economic transactions.

b. Islamic Public (Criminal) Law

Islamic public law consists of legal provisions intended to regulate and restrict human conduct in order to protect public interests and prevent violations thereof. It includes: (1) *Jināyāt*, which contains rules concerning acts punishable under Islamic criminal law, including both *jarīmah ḥudūd* and *jarīmah ta'zīr*. *Jarīmah ḥudūd* refers to offenses for which fixed punishments (*ḥadd*) have been prescribed by the Shari'ah and are considered rights of Allah (Muslich, 2004). Muslim jurists generally agree that seven offenses fall within the category of *jarīmah ḥudūd*: *zīnā*, *qadḥ*, *shurb al-ḵhamr*, theft, *ḥirābah*, *riddah*, and *al-baghy* (rebellion) (Ali, 2012). *Jarīmah ta'zīr*, on the other hand, refers to offenses whose punishments are not specifically prescribed by the Shari'ah but are left to the discretion of the legitimate authority (*ulil amri*), both in terms of determination and implementation. In such cases, the lawgiver establishes only a general range of punishments rather than prescribing specific penalties for each offense. (2) *Al-aḥkām al-sultāniyyah*, which concerns matters relating to governance, state leadership, and public administration. (3) *Siyar*, which regulates issues of war and peace as well as relations with followers of other religions and foreign states. (4) *Mukbāṣamāt*, which governs judicial institutions, adjudication, and procedural law.

In the discipline of *Uṣūl al-Fiqh*, the term *dalīl* refers linguistically to an indicator or evidence pointing to something. Among the possible meanings of *dalīl* is anything that provides guidance toward a particular conclusion. This is the sense in which Muslim jurists employ the term. According to scholars of *uṣūl al-fiqh*, a *dalīl* is anything that, through sound examination, leads to knowledge of a legal ruling (*maṭlūb ḵhabarī*) being sought. In simple terms, a *dalīl* refers to any evidence that can substantiate a claim concerning Islamic legal rulings. To function as a valid legal proof (*ḥujjah*), such evidence must possess definitive authority (*qaṭ'ī*) and must be demonstrably derived from Allah SWT through revelation. Only four sources satisfy these requirements: the Qur'an, the Sunnah, the consensus (*ijmā'*) of the Companions, and *qiyās* (analogical reasoning) (Atha, 2003).

a. The Qur'an

Specifically, Qur'an Surah Al-Qiyāmah (75):17–18 indicates that the word *qara'a*, from which the term “Qur'an” is derived, originates from the verbal noun (*maṣdar*) of the root *qara'a*, meaning “to recite” or “that which is recited” (*maqrū'*) (Hasbiyallah, 2013):

إِنَّ عَلَيْنَا جَمْعَهُ وَقُرْآنَهُ ۗ ۱۷ فَإِذَا قَرَأْتَهُ فَاتَّبِعْ قُرْآنَهُ ۗ ۱۸

Meaning: Indeed, it is upon Us to compile it [in your heart] and to make you recite it. (18) Then, when We have recited it, follow its recitation.

The terminological definition of the Qur'an is as follows: "The Word of Allah revealed to Prophet Muhammad (PBUH) in the Arabic language, transmitted to subsequent generations through *mutawātir* narration. Its recitation constitutes an act of worship, it is recorded in the *muṣḥaf*, beginning with Surah Al-Fātiḥah and ending with Surah An-Nās."

The Qur'an serves as a source of guidance and wisdom for all humanity. The principles articulated in the Qur'an provide answers to various dimensions of human life and existence. As it encompasses matters of worship, ethics, literature, law, and social regulations, the Qur'an is regarded as the primary and most authoritative source for Muslims. Fundamentally, all essential teachings of Islam are contained within the Qur'an, while the Sunnah functions to explain and elaborate upon the general principles presented therein. The MKD Review Team of UIN Sunan Ampel Surabaya (2014), citing Quraish Shihab's work *Membumikan Al-Quran*, explains that the teachings of the Qur'an can be classified into three major categories. The first is the dimension of *'uqūdah*, which addresses doctrines concerning faith, including belief in the Day of Judgment and the oneness of God. The second is the dimension of *Shari'ah*, which encompasses legal rules and regulations governing the relationship between human beings and God, fellow human beings, and the natural environment. The third is the moral dimension, which contains teachings emphasizing the importance of living in accordance with religious and ethical values that are universally applicable (Tim Reviewer MKD, 2014).

b. As-Sunnah

Linguistically, *sunnah* is defined by scholars of language as a way, method, course of conduct, or direction of action. The authority of the Sunnah as a source of law is supported by various scriptural evidences, including the words of Allah SWT in Surah An-Najm verses 3–4, Surah Al-An'ām verse 50, and Surah Al-Hashr verse 7.

وَمَا يَنْطِقُ عَنِ الْهَوَىٰ ۗ ۙ إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ ۙ
 قُلْ لَا أَقُولُ لَكُمْ عِنْدِي خَزَائِنُ اللَّهِ وَلَا أَعْلَمُ الْغَيْبَ وَلَا أَقُولُ لَكُمْ إِنِّي مَلَكٌ ۗ إِنْ أَتَّبِعُ
 إِلَّا مَا يُوْحَىٰ إِلَيَّ ۗ قُلْ هَلْ يَسْتَوِي الْأَعْمَىٰ وَالْبَصِيرُ ۗ أَفَلَا تَتَفَكَّرُونَ ۝٥٠
 مَا أَفَاءَ اللَّهُ عَلَىٰ رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ
 وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ ۗ وَمَا آتَاكُمُ الرَّسُولُ
 فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا ۗ وَاتَّقُوا اللَّهَ ۗ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Meaning: "And he does not speak from his own desire. It is nothing but a revelation revealed [to him]." (Qur'an, An-Najm 53:3–4)

"Say, 'I do not tell you that I possess the treasures of Allah, nor do I know the unseen, nor do I tell you that I am an angel. I only follow what is revealed to me.' Say, 'Are the blind and the seeing equal?' Will you not then reflect?" (Qur'an, Al-An'ām 6:50)

“Whatever gains (fay’) Allah has bestowed upon His Messenger from the people of the towns belong to Allah, the Messenger, his relatives, orphans, the needy, and travelers, so that wealth may not circulate solely among the rich among you. Whatever the Messenger gives you, take it; and whatever he forbids you, refrain from it. And fear Allah. Indeed, Allah is severe in punishment.” (Qur’an, Al-Hasbr 59:7)

From a terminological perspective, the concept of *Sunnah* may be understood through three scholarly disciplines:

1. According to the school of *ḥadīth*, scholars generally equate *Sunnah* with *ḥadīth*, referring to everything that was said, done, or approved by Prophet Muhammad (PBUH), including his statements, actions, and tacit approvals.
2. Scholars of *Uṣūl al-Fiqh* maintain that all teachings of the Prophet (PBUH), whether conveyed through speech, writing, or actions, constitute his *Sunnah*.
3. In the field of *fiqh*, jurists and scholars of *uṣūl al-fiqh* have reached a broadly similar understanding of the meaning of *Sunnah*. However, within *fiqh*, *Sunnah* may also refer to an act that is commendable if performed but whose omission does not incur sin. In this sense, *Sunnah* represents one of the categories of *al-aḥkām al-taklīfiyyah*.

The *Sunnah* is regarded as a complementary source to the Qur’an because it clarifies and elaborates upon Qur’anic teachings. Consequently, its explanatory function is of significant importance in understanding the divine message. In this regard, the relationship between the *Sunnah* and the Qur’an may be viewed from at least three perspectives: the *Sunnah* as a *ta’kīd* (confirmation and reinforcement) of the Qur’an, the *Sunnah* as an explanation of the Qur’an, and the *Sunnah* as a source of legislation (*muṣabbiḥ*) that establishes legal rulings within the framework authorized by divine revelation.

c. *Ijmā’*

Etymologically, *ijmā’* means agreement or consensus (Haroen, 1997). According to *Fuṣūl al-Badā’i*, *ijmā’* refers to a legal ruling established through the consensus of all *mujtahids* among the followers of Prophet Muhammad (PBUH) after his death. When all qualified jurists are aware of a particular issue and unanimously agree upon its legal ruling, such agreement constitutes *ijmā’*. Their consensus serves as evidence that the ruling in question is recognized as part of Islamic law. During the lifetime of the Prophet (PBUH), legal authority was directly vested in him; therefore, no independent consensus concerning Islamic legal rulings could exist. For this reason, *ijmā’* is understood as occurring only after his death, as reflected in its classical definition. Moreover, consensus necessarily requires the agreement of more than one individual (Khalaf, 2003).

d. *Qiyās*

The Arabic root of *qiyās* literally denotes measurement or the determination of the measure of something, from which the meanings of comparison and analogy are derived. In Islamic legal theory, *qiyās* refers to extending the legal ruling of a matter explicitly addressed in the Qur’an or *Sunnah* to a new matter not explicitly mentioned in the texts on the basis of a shared effective cause (*illah*). As a method of *ijtibād*, *qiyās* enables jurists to derive legal rulings through analogical reasoning. It therefore serves as a means of legal deduction and constitutes one of the recognized methods of *istinbāt al-aḥkām* (legal

derivation). Furthermore, *qiyās* is acknowledged as one of the legal evidences (*adilla shar‘iyyah*) employed in establishing Islamic legal rulings (Usman, 2001).

In general, the objective of Islamic law is to enable human beings to attain well-being in both this world and the Hereafter by embracing beneficial matters and avoiding harmful ones. Broadly speaking, Islamic law seeks to secure both the material and spiritual welfare of humankind. This welfare encompasses not only worldly life but also eternal life in the Hereafter (Aibak, 2008).

The objectives of Islamic law may be understood from two perspectives: that of Allah and His Messenger as the Lawgiver, and that of human beings as the subjects and implementers of the law. Viewed from the perspective of the Divine Lawgiver, the purposes of Islamic law reveal several fundamental objectives.

Classical Islamic legal literature identifies three categories of human needs: *ḍarūriyyāt*, *ḥājjiyyāt*, and *taḥsīniyyāt*. The first category, *ḍarūriyyāt*, consists of essential necessities required for the preservation and continuity of human life. Islamic law seeks to protect and maintain these primary necessities because they form the foundation of human existence and flourishing. The second category, *ḥājjiyyāt*, refers to complementary needs that facilitate the fulfillment of essential necessities and alleviate hardship. Examples include needs related to freedom, equality, and other conditions that support human well-being. The third category, *taḥsīniyyāt*, encompasses refinements and embellishments that enhance the quality of life and contribute to the advancement of civilization, including matters related to proper clothing, housing, food, and other aspects of social refinement.

Furthermore, human beings were created to obey and live in accordance with Islamic law. Compliance with divine guidance is intended to lead individuals toward a virtuous and prosperous life. This objective is achieved by avoiding actions that cause harm and embracing those that promote benefit and well-being. Therefore, in its broadest sense, Islamic law aims to attain the pleasure of Allah and to ensure human welfare in both this life and the Hereafter (Mustofa & Wahid, 2009).

Characteristics and Dynamics of Islamic Law in Contemporary Society

Law generally consists of binding rules, obligations, and prohibitions that individuals are required to obey. Violations of such rules are typically subject to sanctions. According to Ibrahim Hosen, Islamic law (*Shari‘ah* and *fiqh*), as a system revealed by God, differs fundamentally in its nature and characteristics from positive or man-made law (*wad‘i* law), which is the product of human reasoning. Among its most significant characteristics are the following:

1. Islamic law constitutes a system of worship and devotion. Compliance with its provisions is regarded as an act of submission to Allah that merits spiritual reward, whereas neglecting or disregarding them is considered an act of disobedience for which accountability exists in the Hereafter. This principle is closely related to the purpose of human creation, namely, to worship Allah (Qur’an, Al-Dhāriyāt: 56). Unlike positive law, violations of certain religious obligations may not necessarily result in worldly sanctions.
2. Adherence to Islamic law is regarded as an indicator of the strength and sincerity of an individual's faith (Qur’an, Al-Nisā’: 65).
3. Islamic law promotes, encourages, and mandates righteous conduct (*ijābī*) while prohibiting harmful and unjust actions (*salbī*). Compared with positive law, Islamic

law places greater emphasis on the constructive and affirmative dimension of human conduct. This emphasis stems from the fact that the promotion and preservation of human welfare constitute the central objectives of Islamic law. The prohibitive dimension functions primarily as a means of preventing harm and corruption. Furthermore, Islamic law seeks to maintain a balance between individual interests and collective welfare.

4. The teachings of Islamic law aim to cultivate genuinely pious individuals who not only comply with legal obligations but also embody noble character, ethical integrity, and a profound awareness of their responsibilities toward both society and God.

Dr. H. Fathurrahman, M.A., identifies several additional characteristics of Islamic law:

a. Comprehensive and Perfect

Islamic law is comprehensive in the sense that it was revealed in the form of general principles that remain applicable across different times and circumstances. Rather than regulating every specific detail of human life, Islamic law establishes fundamental principles and normative standards, while leaving their elaboration and practical application to human reasoning. Consequently, Islamic law functions as a universal ethical and legal framework.

b. Flexible and Adaptive

Islamic law is universal and flexible, enabling it to regulate various dimensions of human life, ranging from interpersonal relations and economic activities to matters of health and religion. At the same time, it does not impose rigidity or oppression. Its implementation allows room for contextual interpretation and *ijtihad* while preserving its essential principles.

c. Universal and Dynamic

Islamic law possesses both permanence and dynamism. Its teachings are not confined by territorial, ethnic, or temporal boundaries. Unlike some previous religious traditions that were directed toward particular communities, Islamic law is intended for all humanity regardless of race, ethnicity, or nationality, whether Arab or non-Arab. At the same time, its dynamic nature enables it to respond to changing social circumstances and remain relevant across different historical periods.

d. Systematic and Integrated

Islamic law is founded upon a coherent system of interrelated principles. Its various legal institutions and normative components are interconnected, forming an integrated legal framework characterized by internal consistency and logical harmony.

e. *Ta'abbudī* and *Ta'aqqulī*

Islamic law contains both *ta'abbudī* and *ta'aqqulī* dimensions. The *ta'abbudī* dimension refers to matters of worship that must be performed according to divinely prescribed procedures and whose rationale may not always be fully comprehensible through human reason. This dimension is particularly evident in acts of *'ibādah maḥḍah*. Conversely, the *ta'aqqulī* dimension is especially apparent in the field of *mu'āmalāt*, where legal rulings are generally based on intelligible purposes and rational considerations (*ma'qul al-ma'nā*). In this

sphere, Muslims are encouraged to engage in *ijtihad* in order to address emerging issues while remaining faithful to the objectives of the Shari'ah.

Among these characteristics, the adaptability and applicability of Islamic law are particularly significant. Islamic law possesses the capacity to be implemented across different times and places in accordance with the specific circumstances and needs of Muslim communities and society at large (Syafei, 2000).

Contextualizing Islamic Law through *Maqāṣid al-Syari'ah*: Truth, Justice, and Social Relevance

The contextualization of Islamic law refers to the effort to understand and implement Islamic teachings by taking into account the social, cultural, historical, and societal contexts in which the law operates. Conceptually, contextualization is not intended to alter the substance of the Shari'ah; rather, it seeks to ensure that the values embedded within Islamic law remain relevant and capable of addressing the challenges that emerge in different times and circumstances. In this process, *maqāṣid al-syari'ah* serves as the primary foundation, as it functions to safeguard the fundamental objectives of the Shari'ah, including the protection of religion, life, intellect, lineage, and property. Accordingly, the contextualization of Islamic law is not merely oriented toward textual compliance but also toward the realization of human welfare and public benefit.

One of the principal objectives of contextualizing Islamic law is the preservation of truth as the foundation of Islamic teachings. Truth in Islamic law is not based solely on subjective human considerations; rather, it derives from divine revelation and the principles of the Shari'ah, which are intended to promote the common good. Nevertheless, Islam provides room for *ijtihad* as an instrument for understanding and applying legal rulings in accordance with changing circumstances. Through *ijtihad* grounded in sound methodology and rigorous reasoning, Islamic law can continue to evolve without losing its foundational values. Therefore, the contextualization of Islamic law constitutes an important mechanism for maintaining a balance between the authority of the text and the continuously changing realities of society.

In addition to pursuing truth, the contextualization of Islamic law also seeks to realize social justice. From an Islamic perspective, justice is a fundamental principle and one of the primary objectives of legal implementation. The Qur'an positions justice as a universal value that must be upheld in all aspects of life, including personal relationships, social interactions, and state governance. Justice is not merely understood as equality before the law; it also entails ensuring that every individual receives his or her rights proportionately and that all forms of discrimination and abuse of power are prevented.

The implementation of Islamic law based on the principle of justice requires a contextual understanding of contemporary issues. In increasingly complex modern societies, a purely textual approach is often insufficient to address evolving social realities. Consequently, *maqāṣid al-syari'ah* functions as a methodological instrument that enables Islamic law to remain adaptive while preserving its normative foundations. Through this approach, Islamic law can operate not only as a system that guarantees legal certainty but also as one that promotes justice, protects human rights, and advances broader social welfare.

Therefore, the contextualization of Islamic law constitutes a necessity that cannot be overlooked in contemporary society. Through the integration of the values of truth, justice, and *maqāṣid al-syari'ah*, Islamic law can remain relevant in responding to the challenges of the modern age while preserving its essential function as an instrument for promoting the welfare and well-being of humanity.

CONCLUSION

This study demonstrates that the contextualization of Islamic law constitutes an urgent necessity in addressing the increasingly complex dynamics of contemporary society. The findings reveal that the application of Islamic law cannot be separated from an understanding of the social, cultural, and historical contexts surrounding a particular issue. In this regard, *maqāṣid al-syarī'ah* functions as a normative foundation that enables Islamic law to remain relevant, adaptive, and capable of responding to contemporary challenges without neglecting the fundamental principles of the Shari'ah. The contextualization of Islamic law should not be viewed as a deviation from religious teachings; rather, it represents an effort to realize the universal values of Islam, particularly truth, justice, and public welfare, within societal life.

From a theoretical perspective, this study contributes to the development of Islamic legal scholarship by emphasizing the importance of integrating contextual approaches with *maqāṣid al-syarī'ah* in understanding and implementing Islamic law. The study also reinforces the view that Islamic law possesses a dynamic character that allows the process of *ijtihad* to continue in response to changing social conditions and historical developments. From a practical perspective, the findings may serve as a reference for academics, legal practitioners, and policymakers in formulating interpretations and applications of Islamic law that are more responsive to the needs of modern society and more strongly oriented toward social justice and the common good.

Nevertheless, this study has certain limitations. As a library-based research project, it focuses primarily on conceptual and normative analysis and therefore does not empirically examine the implementation of Islamic law contextualization across various sectors of social life. Furthermore, the study does not provide an in-depth analysis of the application of the *maqāṣid al-syarī'ah* approach to specific issues such as family law, Islamic economics, human rights, or developments in digital technology.

Accordingly, future research is encouraged to develop empirical studies on the implementation of Islamic law contextualization within diverse social and institutional settings and to further explore the role of *maqāṣid al-syarī'ah* in responding to increasingly complex contemporary issues. Such efforts would contribute to the future development of Islamic law by not only preserving the normative authority of the Shari'ah but also enhancing its relevance in addressing the evolving needs of society.

REFERENCES

- Aibak, K. (2008). *Metodologi pembaruan hukum Islam*. Pustaka Pelajar.
- Ali, Z. (2007). *Hukum pidana Islam*. Sinar Grafika.
- An-Na'im, A. A. (2009). *Epistemologi hukum Islam*. Pustaka Pelajar.
- Ash-Shiddieqy, M. H. (1975). *Filsafat hukum Islam*. Bulan Bintang.
- Atha bin Khalil. (2003). *Ushul fiqh: Kajian ushul fiqh mudah dan praktis*. Pustaka Thariqul Izzah.
- Djamil, F. (1997). *Filsafat hukum Islam*. Logos Wacana Ilmu.
- Faiz, M. (2001). *Konstitusionalisasi hukum Islam dalam sistem hukum nasional: Membedah peradilan agama*. PPHIM Jawa Tengah.
- Fatwa, A. F., et al. (2013). *Ushul fiqh dan kaidah fiqhyyah*. IAIN SA Press.
- Hasbiyallah. (2013). *Fiqh dan ushul fiqh: Metode istinbath dan istidlal*. PT Remaja Rosdakarya.
- Haroen, N. (1997). *Ushul fiqh*. Logos Wacana Ilmu.
- Jamali, A. (2010). *Pengantar hukum Indonesia*. Rajawali Press.

- Jasmin, S. P., Rahmatiah, H. L., & Sultan, L. (2025). Logika maqāṣid al-syarī'ah sebagai paradigma kritik dalam rekonstruksi hukum Islam. *Ekspose: Jurnal Penelitian Hukum dan Pendidikan*, 24(2), 349–362.
- Kaunang, G. C. D., & Husain, S. (2025). Fleksibilitas hukum Islam dalam menjawab tantangan hukum keluarga, HAM dan ekonomi modern: Tinjauan maqashid syariah. *Tasyri': Journal of Islamic Law*, 4(2), 1131–1162. <https://doi.org/10.53038/tsyr.v4i2.387>
- Khalaf, A. W. (2003). *Ilmu ushul fiqh: Kaidah hukum Islam*. Pustaka Usmani.
- Mardani. (2015). *Hukum Islam: Pengantar ilmu hukum Islam di Indonesia*. Pustaka Pelajar.
- Muslehuddin, M. (1997). *Filsafat hukum Islam dan pemikiran orientalis: Studi perbandingan sistem hukum Islam*. Tiara Wacana.
- Muslich, A. W. (2004). *Pengantar dan asas hukum pidana Islam (Fikih jinayah)*. Sinar Grafika.
- Mustofa, & Wahid, A. (2009). *Hukum Islam kontemporer*. Sinar Grafika.
- Noeris, A. A., & Supriyanto, S. (2025). Pendekatan historis dalam studi Islam: Kerangka metodologis dan urgensinya dalam konteks kontemporer. *Jurnal Studi Islam Indonesia (JSII)*, 3(2), 251–264.
- Al-Qardlawi, Y. (2009). *Madkhal li dirasah asy-syariah al-Islamiyah*. Maktabah Wahbah.
- Rohidin. (2016). *Buku ajar pengantar hukum Islam: Dari Semenanjung Arabia hingga Indonesia*. Lintang Rasi Aksara Books.
- Syafei, H. R. (2000). Hukum Islam sebagai dasar hukum universal dalam sistem pemerintahan modern. *Mimbar*, 16(4), 293–295. <https://ejournal.unisba.ac.id/index.php/mimbar/article/view/24>
- Tim Reviewer MKD UIN Sunan Ampel Surabaya. (2014). *Studi al-Qur'an*. UIN Sunan Ampel Press.
- Usman, I. (1994). *Istihsan dan pembaruan hukum Islam*. Rajawali Pers & Lembaga Studi Islam dan Kemasyarakatan.
- Usman, S. (2001). *Hukum Islam: Asas-asas dan pengantar studi hukum Islam dalam tata hukum Indonesia*. Gaya Media Pratama.