

Studying Fiqh Based on the Quran and Hadith in the Modern Era by Revisiting the Methodology of Legal Istinbat

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Abstract

This study aims to re-examine the normative foundations of the Qur'an and Hadith as the primary sources of Islamic law in responding to contemporary social dynamics and legal challenges. The Qur'an is positioned as a sacred text that contains universal and eternal principles for all humankind, while the Hadith serves as a methodological guide for applying Qur'anic laws to present-day contexts. The study is grounded in the *Ma'na-Cum-Maghza* theoretical framework, a contextual approach that emphasizes understanding the substantive meaning and message of the divine texts. This research adopts a qualitative method, employing literature review techniques from both classical and contemporary Islamic legal sources. The findings indicate the necessity for a renewed methodology of *istinbat* (legal reasoning) that is more responsive to social change, without neglecting the normative authority of Islamic legal sources. These findings are contextualized within the theoretical framework, highlighting the epistemological and methodological implications for the development of *fiqh* in Indonesia's legal landscape. This study contributes originality by integrating the *Ma'na-Cum-Maghza* approach with *istinbat* methodology, thereby enriching the discourse of contemporary Islamic legal studies and offering a new direction for lawmaking grounded in *maqashid syariah* and social justice. The findings provide practical insights for academics, practitioners, and policymakers in the field of Islamic law.

Keywords: Legal Istinbat, Contemporary Fiqh, Qur'an, Hadith

Abstrak

Penelitian ini bertujuan untuk menelaah kembali fondasi normatif Al-Qur'an dan Hadis sebagai sumber utama hukum Islam dalam merespons dinamika sosial dan tantangan hukum di era modern. Al-Qur'an diposisikan sebagai kitab suci yang memuat prinsip-prinsip universal dan abadi bagi seluruh umat manusia, sedangkan Hadis dilihat sebagai pedoman metodologis yang mengarahkan penerapan hukum Al-Qur'an dalam berbagai konteks kontemporer. Kajian ini didasarkan pada kerangka teoritis *Ma'na-Cum-Maghza*, yakni pendekatan kontekstual yang menekankan pemahaman makna dan pesan substantif teks wahyu. Penelitian menggunakan metode kualitatif dengan teknik pengumpulan data berupa studi pustaka terhadap teks-teks klasik dan kontemporer. Hasil penelitian menunjukkan perlunya pembaruan metodologi istinbat hukum yang bersifat lebih responsif terhadap perubahan sosial tanpa mengabaikan otoritas normatif sumber hukum Islam. Temuan ini dikaji dalam konteks teoritis, dengan menyoroti implikasi epistemologis dan metodologisnya bagi pengembangan fiqh di wilayah hukum Indonesia. Penelitian ini menyumbang nilai orisinal melalui integrasi pendekatan *Ma'na-Cum-Maghza* dengan metodologi istinbat, sehingga memperkaya literatur hukum Islam modern serta memberikan arah baru dalam pengambilan hukum berbasis *maqashid syariah* dan keadilan sosial. Temuan ini berkontribusi secara praktis bagi akademisi, praktisi, dan perumus kebijakan hukum Islam.

Kata Kunci: Istinbat Hukum, Fiqh Kontemporer, Al-Qur'an, Hadis



INTRODUCTION

The urgency of fiqh in the lives of Muslims, Fiqh is an integral part of the lives of Muslims because it functions as a guideline in carrying out various aspects of worship and muamalah (Wimra et al., 2023). As a result of the understanding of Islamic law, fiqh not only regulates the relationship between man and Allah (*hablum minallah*), but also the relationships between human beings (*hablum minannas*). Historically, fiqh developed through the thought of scholars who dug up the law from the main sources of Islam, namely the Qur'an and Hadith (Ishaq & Ridwan, 2023). These two sources are fundamental foundations in establishing Islamic law, both in terms of a fixed nature and in dealing with new problems that continue to develop over time.

Al-Qur'an (Al-Qur'an, 2022) As a holy book, the Koran provides the basic principles of law that are universal and eternal (Hassan, 1982), even the holy book which contains universal instructions for all mankind, until the end of life while the Hadith (Muhammad Fu'ad Abdul Baqi, 2017) As an explanation of the methodological guidelines for the application of laws in the Qur'an to the current conditions or context of society, the Prophet has become a role model in detailing, specifying, or affirming the provisions of the law (Mappasessu, 2025). With the synergy between the two, Islamic law can be applied in various situations and conditions that are constantly changing. Therefore, fiqh has always developed through *the istinbath* (Legal excavation), which is carried out by scholars based on the rules, the methodology of Islamic fiqh which we often know as ushul fiqh.

Similarly, in the modern context, the understanding of fiqh faces various contemporary challenges (Asghari, 2023). Globalization, technological advancement, and social change have raised new problems that have not been explicitly addressed in classical Islamic sources. For example, in the economic sphere, the emergence of digital financial systems, cryptocurrency-based transactions, and the fiscal policies of the modern state demand an adjustment of Islamic law that still adheres to the principles of the Qur'an and the methodology contained in the Hadith. On the other hand, debates on human rights, gender equality, and family law are also challenges for fiqh in answering the needs of the times without ignoring the basic values of Islam (Akmal, Andi Muhammad, 2024).

The *theory of Ma'na-Maghza*, developed by Sahiron Syamsuddin, offers a contextual hermeneutical approach to understanding religious texts, especially the Qur'an and Hadith. This theory emphasizes the importance of exploring the literal and historical meaning (*ma'na*) of a verse or hadith, as well as exploring the substantial message or main values contained in it (*maghza*). In this process, the text is not understood statically and literally, but rather as a living and dynamic revelation, whose relevance can be reached across space and time. Therefore, *Ma'na-Maghza* not only emphasizes "what the text says" but also "what the text speaks for" so as to bridge the gap between the authority of the text and the needs of the times.

In the context of the methodology of legal istinbat, this theory is an important conceptual foundation to overcome the limitations of the classical fiqh approach, which

tends to be textual and legal-formalistic. By utilizing *Ma'na-Maghza*, the process of legal istinbat does not stop at literal law but involves the exploration of universal values such as justice, benefit, and equality, which are the core of Sharia Maqashid. This approach allows Islamic law to continue to evolve adaptively in response to the challenges of modern times while maintaining the integrity of revelation as the primary source of law. Therefore, this theoretical framework makes a strategic contribution in updating the methodology of legal istinbat so that it remains contextual, relevant, and transformative in the life of contemporary society.

Therefore, an in-depth study of the role of the Qur'an and Hadith in the formation of fiqh is needed, as well as how the methodology of legal istinbat can be applied to answer new problems. In this paper, we will discuss the urgency of fiqh in the lives of Muslims, explain the position of the Qur'an and Hadith as the main sources of fiqh, and examine the contemporary challenges faced in understanding and applying Islamic law in the modern era. Thus, it is very important to know how the Qur'an and Hadith are the source of fiqh, the role of istinbat methodology in developing Islamic law, so that the challenges of applying fiqh in the modern era can be answered.

METHOD

This study uses a descriptive qualitative approach with a library *research* design, which aims to explore in depth the concepts of fiqh and legal istinbat methodology based on the Qur'an and Hadith by using *the theory of Ma'na-Maghza* as a conceptual foundation. This type of research was chosen because its main focus is on the interpretation of normative texts and Islamic legal thought in a contextual framework.

The selection of samples in this study was carried out purposively on relevant primary and secondary sources. The primary sources consist of verses of the Qur'an, authentic hadiths, and classic books of ushul fiqh. Secondary sources include books, scientific journal articles, dissertations, and contemporary publications that discuss *Ma'na-Maghza theory*, sharia maqashid, and contemporary fiqh methodology.

The data collection method was carried out through a documentation study of relevant texts in Arabic, Indonesian, and English. All data were analyzed using a contextual hermeneutic approach by integrating the steps of identification of literal meaning (*ma'na*) and the extraction of substantive messages (*maghza*) from the text, then associated with contemporary social-reality to assess the relevance of Islamic law in the contemporary context.

In the analysis process, data reduction, thematic categorization, and critical interpretation based on the theoretical framework are carried out. The validity of the interpretation is strengthened through the triangulation of sources and cross-literature readings, including comparing the opinions of classical scholars and contemporary thinkers.

Ethical considerations are maintained by avoiding manipulating sources, citing references in full, and not generalizing findings beyond the scope of normative and theoretical discourse. This research also maintains the objectivity of the analysis by considering variations of opinion in the fiqh tradition.

The limitations of the research lie in a non-empirical approach that does not involve field data, so the findings are conceptual and do not reflect the full complexity of Islamic law practice in society. Nevertheless, this discussion makes a significant contribution to developing a new theoretical and methodological framework in the development of contextual and dynamic Islamic law.

RESULTS AND DISCUSSIONS

1. Definition of Fiqh and Its Sources

Fiqh is one of the disciplines in Islam that serves as a guideline in establishing laws related to human life (X ЕЛМИ, 2024). Etymologically, the word *fiqh* of Arabic origin **فقه** which means *a deep understanding (al-fahmu ad-daqqiq)*. Meanwhile, terminology, fiqh is defined as the science that discusses the laws of Islamic sharia that are practical (practical) obtained through detailed postulates (*al-adillah at-tafsiliyyah*).

Classical and modern scholars have diverse definitions of fiqh in accordance with the development of Islamic jurisprudence.

1. Perspective Ulama Classic

- Imam Abu Hanifah defines fiqh as the knowledge of practical sharia laws, which is obtained from detailed evidence.
- Imam Asy-Syafi'i, in the book *Ar-Risalah* states that fiqh is the knowledge of Islamic laws taken from the Qur'an, Hadith, Ijma', and Qiyas.
- Imam Al-Ghazali emphasized that fiqh is not only limited to sharia laws but also includes methods of excavating laws that are sourced from sharia postulates.

2. Perspective Ulama Modern

- Wahbah Zuhaili, in the book *Al-Fiqh Al-Islami wa Adillatuhu* defines fiqh as the science of Islamic laws related to human practices based on evidence sourced from Islamic sharia.
- Yusuf al-Qaradawi emphasized that fiqh must be dynamic and able to answer the challenges of the times while still being based on the basic principles in the Qur'an and Hadith.
- Jasser Auda, a contemporary Islamic legal thinker, developed the concept *fiqh maqāshid*, which focuses on the purpose of sharia (*maqāshid al-sharī'ah*) in any legal excavation.

From these various perspectives, it can be concluded that fiqh is a science that regulates aspects of Islamic law in practice, with the main source of the Qur'an and Hadith as well as the methodology approach of ushul fiqh that continues to develop according to the needs of the times.

In the study of Islamic law, there is often confusion between the terms *fiqh* and *syariah*. These two terms are related, but there are also fundamental differences between them.

Table 1. Differences of Fiqh and Sharia Aspect

Aspects	Fiqh	Sharia
Definition	Knowledge that discusses Islamic laws that are practical based on Sharia postulates	The legal provisions set by Allah in the Qur'an and Hadith are fixed and universal
Characteristic	Dynamic, subject to change according to social, cultural, and time conditions	Static and absolute because it comes directly from God
Source	The Qur'an, Hadith, and other methods of ijtihad	Only sourced from the Qur'an and Hadith
Coverage	Branch laws (<i>furu'</i>) such as worship, muamalah, jinayah, and siyasah	Basic principles in Islam, such as creed, worship, morals, and basic laws
Example	The law on Islamic economic transactions (buying and selling, usury, etc.), which is regulated in the fiqh of muamalah	The commands of prayer, fasting, zakat, and hajj are mentioned in the Qur'an and Hadith

From the table above, it can be concluded that sharia is the main source of Islamic law that is fixed and absolute, while fiqh is the result of human interpretation of sharia that is dynamic and contextual. Thus, fiqh can change with the times and social conditions, while sharia remains the main foundation in establishing Islamic law.

The Qur'an is the main source of Islamic law and is the basis of all aspects of a Muslim's life (Shah, 2013). In the hierarchy of Islamic sources of law, the Qur'an has the highest position because it is a direct revelation from Allah revealed to the Prophet Muhammad ﷺ as a guide to the life of mankind.

The Qur'an contains the basic principles of Islamic law, which include aspects of worship, muamalah, jinayah, politics, economics, and social relations. Allah affirms that the Qur'an is a book that perfectly governs the law, as He says: "We have sent down to you the Book (the Qur'an) as an explanation of all things, as a guide, mercy, and glad tidings for those who surrender" (QS. An-Nahl: 89)

In Islamic law, the verses in the Qur'an can be categorized into two types. the Law of Qath'i (*qat'iyy al-dalalah*), that is, a law that has certainty of meaning and cannot be interpreted flexibly. Examples are the obligation to pray, zakat, and the prohibition of usury. Zanni's Law (*zanniyy al-dalalah*), is a law that has the possibility of interpretation, such as inheritance law or some aspects in fiqh muamalah.

Ushul fiqh scholars use various methods in understanding the laws of the Qur'an, among others, Nasikh-Mansukh, examining verses that are still valid and that have been abolished. Takwil and Tafsir, using linguistic and historical approaches to understand the meaning of the verse. Ijtihad, adapting the laws in the Qur'an to the changing conditions of the times. Examples of Laws in the Qur'an, Laws of Worship: Commands to Pray (QS. Al-Baqarah: 43), The Law of Muamalah: The Prohibition of Riba (QS. Al-Baqarah: 275), Criminal Law: Punishment for thieves (QS. Al-Maidah: 38)

Thus, we can understand that Fiqh is a science that discusses Islamic laws based on detailed postulates, while Sharia is the basic principle of law derived from the Qur'an and Hadith. Fiqh is dynamic and changes according to the context of the times, while sharia is fixed and universal. The Qur'an has the highest position as the source of Islamic law, which is interpreted through fiqh to provide solutions to the problems of the lives of Muslims. With this understanding, Islamic law can continue to develop without losing its basic essence so that it remains relevant in answering the challenges of the times.

The Role of Hadith as a Source of Methodology for the Application of Fiqh

Hadith has a very important role in the formation of Islamic law (*fiqh*) as a method of applying the laws in the Qur'an easily without going out of the limits of the laws of Allah SWT in related matters *hudud*, or to establish boundaries that are local temporal in matters outside *hudud*. Hadith is an example of everything that is based on *Rasulullah Muhammad* ﷺ, both in the form of words, deeds, and decrees (*taqrir*). As a source of Islamic law, hadith functions to explain, interpret, and provide details of the verses of the Qur'an, especially in matters that are not explicitly explained in the holy book.

Hadith has a very crucial role in the formation of Islamic law (*fiqh*) because it provides details and explanations of the Sharia principles contained in the Qur'an. In the modern era, the challenges in implementing sharia are increasingly complex due to social, economic, political, scientific, and technological changes. Therefore, the methodology of Islamic law, *istinbath*, derived from hadith, must be contextualized so that it remains relevant to the development of the times. Hadith is not only static as a legal text but also a guide in understanding how Islamic law is applied in various situations. *Rasulullah* ﷺ not only conveyed the law theoretically but also provided examples of the application of the law adapted to the social context of the Arab society of its time. Therefore, the method used by *Rasulullah* ﷺ in adapting the law to the conditions of society is an important guideline in answering modern challenges.

Hadith has a very close relationship with the Qur'an in the Islamic legal system. In general, this relationship can be categorized into several forms, Affirming and Strengthening the Law in the Qur'an. Some hadiths come to reinforce the commands or prohibitions that have been mentioned in the Qur'an. Example: The commandment to pray in the Qur'an (QS. Al-Baqarah: 43) was reaffirmed by the Prophet ﷺ with the procedures and times of prayer in various hadiths. Explaining the Laws That Are Still Global In the Qur'an, the Qur'an often provides laws in the form of general principles that are then

explained in detail by the hadith. Example: The command of zakat in the Qur'an (QS. At-Taubah: 103) is explained in the hadith with the provisions of nisab, the rate, and the type of property that must be issued zakat. Establishing Laws That Are Not Directly Mentioned in the Qur'an. Hadith also plays a role in establishing new laws that are not found in the Qur'an. Example: The prohibition of eating tame donkey meat, which is not mentioned in the Qur'an, is explained in the hadith of the Prophet ﷺ.

Specializing in General Laws in the Qur'an. There are verses in the Qur'an that give general laws, then the hadith specifies its application. Example: A verse about a thief who had to cut off his hand (QS. Al-Ma'idah: 38) in the hadith it is further explained that theft punishable by cutting off hands has certain conditions, such as the value of stolen goods must reach a certain nisab.

From this, it can be concluded that hadith is not just a complement but an interpreter and refinement of Islamic law sourced from the Qur'an. Therefore, understanding Islamic law cannot simply hold to the Qur'an without referring to the hadith.

In hadith, hadith is classified based on the quantity of the narrator and the quality of his sanad. Based on the Quantity of Narrators; There is a Mutawatir Hadith, a hadith narrated by many narrators in every level of the sanad, so that it is impossible for a lie to occur. Example: A hadith about the five prayers, which was narrated by many companions with similar words. Then, the Sunday Hadith, a hadith whose number of narrators does not reach the level of mutawatir. Divided into three: First, Famous Hadith: Narrated by three or more people, but has not yet reached mutawatir. Second, Aziz's Hadith was narrated by two narrators in each level of sanad. Third, Hadith Gharib is narrated by one narrator in one level of sanad.

Based on the quality of the Sanad, there is a Sahih Hadith, a Hadith whose Sanad is continuous, narrated by a narrator who is fair and strong in memorization and does not contain defects (*syadz*). Then, the Hasan Hadith, a Hadith whose sanad is continuous, but the narrator has a level of memorization below the sahih hadith. Then, Hadith Dha'if is a hadith that has weaknesses in sanad or narrators, so it cannot be used as a legal basis. Also, Maudhu' (False) Hadith, Hadith that is made up by irresponsible people who do not have a valid sanad.

Interpreting Qur'anic Verses with Ma'nā-Maghzā Theory and Hadith Methodology

The Qur'an is the main source of Islamic law that contains the basic principles of sharia (Nafisah et al., 2024). However, since not all of life's problems are explained in detail in the Qur'an, a methodology is needed *istinbath* (Legal excavation) to understand and develop Islamic law (Nurnazli et al., 2024). In this case, the science of Ushul Fiqh is a very important tool in establishing laws based on the Qur'an, taking into account the method of understanding pronunciation, the istihsan method, maslahat, the contextualization of the law, and the maqashid of sharia. Method of Understanding Pronunciation in Ushul Fiqh Understanding the text of the Qur'an in the context of Islamic law should go through a careful linguistic approach. Scholars use various categories of utterances in Ushul Fiqh to

ensure the correct understanding of the laws contained in the Qur'an. Nash (Clear and Firm Text). Words in the Qur'an that have a clear meaning and do not contain any other possible meanings.

"*And establish prayer, pay zakat, and pray with those who are ruku*" (QS. Al-Baqarah: 43). This verse expressly commands the implementation of prayer and zakat.

Zahir (Text Whose Meaning Is Visible, but Can Be Interpreted). The meaning of the text is obvious but still allows for other interpretations under certain conditions.

"*It is forbidden for you (to eat) carcasses, blood, pork...*" (QS. Al-Maidah: 3). Spiritually, the ruling on eating pork is haram. However, in an emergency, this verse can be interpreted as permissible (mubah) if it is to save lives.

Teori *Ma'nā-cum-Maghzā* (Syamsuddin, 2020), as developed by Sahiron Syamsuddin, is a contextual interpretation approach that aims to explore literal and historical meanings (*ma'nā*) and substantial messaging (*maghzā*) from the texts of the Qur'an. This approach offers a reading that is not only fixated on the linguistic form of the text but also seeks to bring meaning to life in social, cultural, and historical contexts, then develop it to be relevant to contemporary situations and localities.

To derive the historical meaning and significance of a verse, five methodical steps are used (Sahiron, 2017):

1. Text Language Analysis – Explores the grammatical, morphological, and semantic structure of words in sentences so that the original meaning and nuances of terminology in classical Arabic can be understood in their entirety.
2. Intratextuality – Analyzing the relationship of a verse to another verse in a single letter or in the entire Qur'an to form an internal thematic consistency of the text.
3. Intertextuality – Comparing verses with Hadith traditions, classical and contemporary interpretations, and the works of scholars in various schools to enrich the interpretation and avoid reducing meaning.
4. Historical Context Analysis (*Asbāb al-Nuzūl*) – Examine the socio-political and cultural background when the verse is revealed to understand the problems that the revelation is to solve.
5. Reconstruction of Historical Significance – Reconstructing the main message of a verse based on previous analysis to formulate the substance of the values contained in it.

After historical meaning and significance are obtained, the process continues with a transformation towards dynamic significance (contemporary and present). In this stage, the method of Hadith study is used as a basis for performing four important steps:

1. Determination of Verse Categories – Classifying verses as legal, moral, social, theological, and so on, in order to determine the limits of interpretation space.
2. Reactualization and Contextualization – Bringing verse values back into the present context through an approach to *maqāṣid syarī'ah* (Shari'a objectives) so as not to be trapped in mere legal formalism.

3. Capture of Symbolic Meaning – Interpreting the inner dimension, spiritual value or universal message of a verse that may not be literally depicted.
4. Strengthening Dynamic Significance with Auxiliary Sciences – Reinforcing the results of interpretation by using the social sciences, anthropology, history, philosophy, and law to ensure that the message of the Qur'an is able to answer contemporary realities scientifically and contextually.

With this synthesis between *Ma'nā-Maghzā* and the methodology of the Hadith, the interpretation of the verses of the Qur'an not only produces a normative understanding that is in accordance with their original and historical meanings, but is also able to create a relevant, solutive, and visionary legal, social, and ethical response for today's society. This is also a form of methodological *ijtihad* that opens up a dynamic space in the renewal of contemporary Islamic law.

Text Sentences:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

"Allah has bequeathed to you about (the distribution of inheritance for) your children.

The part of a boy is equal to the part of two daughters..." (QS. An-Nisā' [4]:11)

To obtain the historical meaning and significance of this verse, five steps are carried out as follows:

1. Text Language Analysis

The sentence structure shows the form of the imperative sentence ("*yūṣīkumu*") that shows the commandments of God. phrase "*lidz dzakari mitslu ḥazzil unsayayn*" means "for men twice the share of women", as a legal formula in the distribution of inheritance.

2. Intratextuality

This verse is closely related to the other inheritance verses in the same surah (QS. An-Nisā':12, 176), which together form a structure of inheritance law in Islam. All of these verses reflect distributive justice by considering the socioeconomic responsibility status of the beneficiaries.

3. Intertextuality

It is related to the hadiths of the Prophet related to the practice of inheritance, such as the principle of "*al-haq li kulli dhi haqqin*" (rights are given to those who have the right), and various opinions of the fuqaha (the number of scholars, Ibn 'Abbas, and Imam Malik) about the flexibility of inheritance law under certain conditions.

4. Historical Context Analysis

At the time of the descent of this verse, the Arab society adhered to a patriarchal system that denied women's inheritance rights. This verse is present as a progressive reform, giving legal legitimacy to women as heirs of the revolutionary things of their time.

5. Reconstruction of Historical Significance

The historical significance of this verse is the division of inheritance that considers the

role of the economy in the family, not just gender. Men receive two parts because they bear the maintenance, while the women are not obliged to bear the maintenance.

Using the methodology in the study of Hadith, the significance of the verse is expanded through a contextual approach, as follows: *First*: Determination of Verse Categories. This verse is classified as a verse of mu'amalah law (social law), which is open to ijtihad in its application according to maqāsid syarī'ah. *Second*: Reactualization and Contextualization. In the Indonesian context, the economic role of women has changed significantly. Many women are the main breadwinners in the family. Thus, the approach of inheritance distribution should not be rigid in the 2:1 scheme but rather consider the actual burden of responsibility in accordance with maqṣad al-'adālah (the goal of justice). *Third*: Capturing Symbolic Meaning. The 2:1 division is not gender discrimination, but rather a symbolic social responsibility. This symbolic meaning must be re-read to affirm the value of substantive justice, not just the formality of numbers. *Fourth*: Reinforcement with Auxiliary Knowledge. In judicial practice in Indonesia, reinterpretation has been carried out through *Kompilasi Hukum Islam* (KHI) and judges' decisions that consider the socio-economic aspects of the heirs. Islamic inheritance law is studied through sociological, juridical, and historical approaches to ensure that the law provides a fair solution, not just a legalistic one.

In the Indonesian context, *the Ma'nā-Maghzā approach* opens up a space for contemporary ijtihad in the distribution of inheritance based on substantive justice. In Indonesia, this can underlie the development of Islamic inheritance law jurisprudence so that it is more responsive to the dynamics of gender roles, family structures, and the modern economic system. This is also relevant for the reform of contextual and inclusive Islamic law in the national legal system.

In actuality and concretely, the application of the principle of substantive justice in inheritance cases can be found in the Decision of the Medan Religious Court Number 92/Pdt.G/2009/PA-Mdn, where the judge decides the distribution of inheritance that does not fully follow the formula 2:1 (male: female) as literal in QS. An-Nisan ' 11: In this case, the judge took into account the fact that the female heirs had made the greatest economic contribution to the family and were responsible for the care of the parents, while the male heirs did not play an active role in the family's responsibilities. Taking into account the maqāsid syarī'ah, especially the principle of *al-'adālah* (justice), the judge determined a more proportional division of inheritance based on contributions and needs, not just gender. This is a form of reactualization of the message of justice from the verses of the Qur'an in today's reality.

This approach reflects the applicative application of *the Ma'nā-Maghzā* theory in the judicial sphere. The judge does not stop at the literal meaning of the verse but digs into the historical meaning that men receive more of their economic responsibilities and then reconstructs that meaning into dynamic significance: whoever bears more economic

obligations deserves a fairer portion. This kind of approach is an important foundation in the modernization of Islamic law in Indonesia, showing that Islamic normative values remain alive and adaptive to social dynamics. Thus, the ruling is not only a progressive legal precedent but also a tangible representation of contextual methods of interpretation based on *maqāṣid* and the local realities of Muslim society.

In understanding and establishing Islamic law, scholars use special methods such as *istihsan* and *maslahah mursalah*, especially to answer legal issues that are not explicitly mentioned in the Qur'an and hadith (Zayyadi et al., 2023).

Exist, *Istihsan* (Putting aside *Qiyas* for the sake of the greater good). *Istihsan* is used when the application of *Qiyas* is considered inappropriate to certain conditions. This can be seen in *qiyas*; buying and selling transactions must be carried out directly. However, with *istihsan*, transactions based on digital contracts are still allowed due to the benefits in the modern era. Next, *Maslahah Mursalah* (General Fame That Is Not Contrary to Sharia). It is used to establish new laws based on benefits to mankind without any special postulate prohibiting it. This can be seen in the establishment of traffic laws in Islam, which are not mentioned in the Qur'an but are necessary to safeguard the public welfare.

Contextualization of Islamic law is the process of understanding and applying Islamic law by taking into account the social, cultural, economic, and political realities that develop in an era (Mappasessu, 2024). This principle aims to keep Islamic law relevant and applicable in the lives of Muslims without eliminating the essence of Sharia. In the history of Islam, Islamic law has continued to develop through the *ijtihad* of scholars who adapt the law to the needs of people in various places and times. For example, the law applied at the time *Rasulullah ﷺ* may be developed or adapted according to the challenges of the modern era.

The contextualization of Islamic law must be carried out while adhering to the principles of *syar'iyah* (the principles of Islamic law) and must not deviate from the *maqashid syariah* (purpose of Islamic law) (Yusefri et al., 2024). Some of the principles that are the basis for contextualizing Islamic law are: Changing Fatwas Based on Changes in Time, Place, and Situation. *Kaidah fiqh* menyebutkan:

تَغْيِيرُ الْأَحْكَامِ بِتَغْيِيرِ الْأَزْمَانِ وَالْأَمْكِنَةِ وَالْأَحْوَالِ

"The law can change with changing times, places, and circumstances." In the past, the means of transaction were dinar and dirham money. Now, there is a digital transaction system and cryptocurrency, so the law on Islamic finance must adapt to technological developments.

The Role of *Al-'Urf* (Customs and Customs of Society). The rules of *fiqh* state:

الْعَادَةُ مُحْكَمَةٌ

"Custom can be used as a legal basis as long as it does not contradict the sharia."

In the Shafi'i madhhab, the marriage contract must initially use Arabic. However, in non-Arab countries, the marriage contract can be done in the local language so that it is better understood by the bride-to-be.

1. Paying Attention to Ease and Avoiding Difficulties (*Rukhshah* and *Yusr Principles*)

The rules of fiqh state that:

المَشَقَّةُ تَجْلِبُ التَّيْسِيرَ

"Difficulties bring convenience."

People who are sick are allowed to pray while sitting or lying down if they are unable to stand.

Ijtihad is the main instrument in the development of Islamic law that allows Muslims to adapt the sharia to the changing times without losing its basic values (Mappasessu, Kurniati, 2024). Dalam terminologi hukum Islam, ijtihad berarti usaha maksimal seorang mujtahid (ulama ahli) dalam menggali, memahami, dan merumuskan hukum dari sumber-sumber utama Islam, yaitu Al-Qur'an dan Hadis. Seiring dengan dinamika sosial, politik, dan ekonomi yang terus berkembang, ijtihad menjadi sarana penting untuk memastikan hukum Islam tetap relevan dan aplikatif di berbagai konteks kehidupan (Thahir, 2024). Tanpa ijtihad, hukum Islam berisiko stagnan dan kurang responsif terhadap tantangan-tantangan baru yang dihadapi umat.

Dalam sejarah Islam, ijtihad telah memainkan peran besar dalam pembentukan mazhab-mazhab fikih, seperti yang dilakukan oleh Imam Abu Hanifah, Imam Malik, Imam Syafi'i, dan Imam Ahmad bin Hanbal. Mereka menggunakan berbagai metode ijtihad, such as istihsan (legal preference based on benefits), and istislah (consideration of public benefits) to answer legal problems that are not explicitly found in the Qur'an and Hadith. The reform of Islamic law is also seen in the application of Maqashid sharia, which is an approach that focuses on the main objectives of Islamic law, such as the protection of religion, soul, intellect, descent, and property. With this approach, Islamic law can provide a more flexible and contextual solution to the problems of the ummah.

The role of ijtihad in the reform of Islamic law is increasingly important in the modern era, where various aspects of life have undergone significant changes. For example, in Islamic economic law, new concepts such as Islamic banking, digital transactions, and crypto-based economics are a challenge for scholars to formulate laws that are in accordance with Sharia principles. Similarly, in the medical field, ijtihad is the basis for the determination of laws related to organ transplantation, in vitro fertilization, and the use of vaccines that were previously unknown in classical Islamic literature. By using the right ijtihad method, Islam can provide solutions that are in accordance with the demands of the times without abandoning its Sharia roots.

However, in practice, ijtihad also faces challenges, both in terms of methodology and public acceptance. Some see ijtihad as a threat to the established tradition of Islamic law, while others see it as a way out for more progressive legal developments. Another challenge arises from the lack of a truly competent number of mujtahids in understanding

sharia texts and relating them to contemporary realities. Therefore, a more in-depth Islamic education system and a more systematic methodology are needed to produce scholars who are able to perform *ijtihad* correctly and responsibly.

Thus, *ijtihad* is the main key in the reform of Islamic law so that it remains relevant and applicable in various times and places. With *ijtihad*, Islamic law can continue to develop without losing its basic essence. However, in order for *ijtihad* to run well, it is necessary to have the right methodological approach and intellectual readiness from scholars to study every issue in depth. In the modern context, *ijtihad* must be carried out collectively by scholars who have multidisciplinary expertise, so that Islamic law can provide a just and beneficial solution for humanity.

The Implementation of Fiqh in the Contemporary Era

Fiqh, as a discipline of Islamic law, continues to evolve to adapt to the dynamics of the times. In the contemporary era, the implementation of fiqh is not only limited to the aspect of personal worship but also penetrates into the state's legal, economic, political, and social systems. In the context of the modern world, many Muslim countries have adopted fiqh into their legal systems with various approaches, either in full (as in Saudi Arabia and Iran) or partially in the form of family law and Islamic banking (as in Indonesia, Malaysia, and Pakistan). The role of fiqh in modern law is increasingly complex because it has to adapt to the principles of the rule of law that emphasize the rule of law, human rights, and democracy.

In the context of the state of law, fiqh is implemented by considering the principles of legality, justice, and the public interest. Muslim countries based on a dual legal system, such as Indonesia, Egypt, and Malaysia, allow Islamic law to be applied in certain aspects, such as family law, Islamic banking, and religious justice (Mappasessu, Kurniati, 2024). In Indonesia, fiqh is a reference in legislation such as *Kompilasi Hukum Islam* (KHI), which regulates marriage, inheritance, and waqf. In addition, the Constitutional Court and the Supreme Court often refer to the principles of fiqh in deciding cases related to Muslims, showing that fiqh remains relevant in the modern legal system.

The implementation of Islamic law in the modern legal system is also seen in the rapidly growing Islamic banking and economy in various countries. The concept of fiqh muamalah has become the basis for Islamic banking, sukuk (Islamic bonds), and the globally recognized halal financial system. In fact, international financial institutions began to consider Islamic financial principles as an alternative to the conventional financial system based on *riba*. Regulations on the Islamic economy have also been integrated into the national legal system in many countries, such as the Sharia Banking Law in Indonesia and Malaysia. This shows that fiqh has the flexibility to develop in the modern legal system without losing its basic principles.

However, the debate between fiqh law and positive law remains a challenge in its implementation. One of the main issues is how to balance the principles of fiqh with

modern legal concepts that emphasize secularism, human rights, and democracy. In some countries, the application of fiqh in the legal system is often debated, especially in issues related to women's rights, religious freedom, and Islamic criminal punishment (hudud). For example, in Islamic criminal law, the concepts of qisas and hudud are often considered to be contrary to modern legal principles that prioritize rehabilitation over physical punishment. Therefore, a more flexible approach to contemporary ijthihad is needed so that Islamic law can adapt to international legal norms without losing its substance.

Thus, it can be understood that the implementation of fiqh in the contemporary era remains relevant in various aspects of life, especially in the state, economic, and social legal systems. However, the biggest challenge is how to balance the principles of fiqh with the values of modern law that are developing globally. With the Maqashid sharia approach, fiqh can continue to evolve to provide fair and beneficial legal solutions for society, both in Muslim countries and in the global context. Therefore, synergy is needed between scholars, academics, and legal practitioners to formulate Islamic law that is responsive to the challenges of the times without eliminating the essence of Sharia.

In the contemporary era, fiqh is faced with various new problems that require a more flexible and contextual approach. The dynamics of modern society demand that Islamic law function not only as a religious norm but also as a legal system that is responsive to the challenges of the times. Issues such as Islamic economics, human rights, gender equality, and digital technology are major concerns in the reform of Islamic law. Therefore, the implementation of fiqh in the modern era requires a broader interpretation by considering the benefits of the ummah and the principle of universal justice.

In the midst of rapid social change, fiqh is faced with various problems that were previously unknown in classical literature. One of the main issues is how Islamic law can adapt to the realities of multicultural societies and globalization. In the social field, for example, there have been various debates about the role of women in leadership, minority rights in Islamic countries, and regulations on freedom of opinion in the context of Islamic law. Some scholars argue that Islamic law should maintain established traditional norms, while others seek to contextualize it to better align it with the values of democracy and social justice.

One of the great challenges in the implementation of fiqh in the contemporary era is how to balance the authority of sacred texts and the ever-evolving social realities. In modern society, Islamic law cannot be understood literally without considering the sociological and psychological aspects of the ummah. Therefore, a more progressive ijthihad methodology is needed in interpreting Islamic law so that it remains relevant to existing social problems.

In dealing with contemporary issues, fiqh has a big role in providing solutions based on Islamic values. One of the fastest-growing fields is Islamic economics, which has become a major pillar in the global financial system. Principles such as the prohibition of usury, the concept of profit sharing (mudharabah and musyarakah), and the Zakat and waqf system

have been adopted in various Islamic banking regulations in the world. In fact, the concept of Islamic finance has been accepted by international financial institutions as an alternative to the conventional interest-based financial system.

In addition to the economic field, fiqh also has an important role in human rights and gender equality. In some Muslim countries, the application of Islamic law often raises debates regarding women's rights, religious freedom, and Islamic criminal punishment. Some scholars and reformist thinkers have attempted to reinterpret Islamic law with a maqashid shariah approach, which focuses on the main goals of Shariah, such as justice, welfare, and the protection of individual rights. Examples are the new interpretation of women's inheritance rights that take into account economic and social factors in modern society, as well as the revision of Islamic criminal law to prioritize the principle of restorative justice over harsh corporal punishment.

In the field of technology and digitalization, fiqh also faces new challenges in establishing laws related to online transactions, cryptocurrencies, and artificial intelligence. Several fatwas have been issued to provide guidelines on the legality of digital currency trading, the use of AI in legal decision-making, as well as regulations regarding ethics in the digital world.

Along with the development of the times, various reformist thinkers have emerged who seek to update the approach to fiqh to better suit modern reality. Reformist thought in Islamic law aims to find a balance between normative texts and the demands of the times without eliminating the main values in Islam. One of the approaches used is collective ijtihad, which involves scholars from various disciplines to formulate Islamic law that is more adaptive.

Several reformist figures, such as Muhammad Abduh, Rashid Rida, and Fazlur Rahman, have proposed the idea of interpreting the Qur'an and Hadith more contextually. They emphasized that Islamic law must be able to evolve in accordance with social changes and scientific advances. For example, in the matter of family law, modern thinkers argue that women's rights in Islam need to be reviewed to better conform to the principles of gender equality and justice advocated in the Qur'an.

The reformist approach to fiqh is also seen in efforts to integrate Islamic law into the national legal system in various Muslim countries. Several countries have codified Islamic law to be more in line with the prevailing positive law. For example, in Indonesia, *Kompilasi Hukum Islam* (KHI) has become the basis for the regulation of marriage, inheritance, and religious justice. In Malaysia, the Islamic banking system has grown rapidly and is recognized in the country's legal system.

The implementation of fiqh in the contemporary era requires a more flexible approach in order to answer the challenges of the times without losing its essence. Modern social problems such as human rights, gender equality, and technological advances require more adaptive methods of legal istinbath. The role of fiqh in responding to contemporary issues can be seen in the development of Islamic economics, family law, and digital ethics. Reformist thought in Islamic law is also increasingly evolving to ensure that fiqh remains

relevant in the modern world. Therefore, synergy is needed between scholars, academics, and legal practitioners to develop progressive and just Islamic law, so that fiqh is not only a traditional heritage but also a solution to the challenges of the times.

CONCLUSIONS AND SUGGESTIONS

This research reaffirms that the Qur'an and Hadith are the main sources of Islamic law that are not only normative but also dynamic in responding to the changing times. Using the *Ma'na-Maghza approach*, the analysis of the methodology of legal istinbat results in a more contextual, substantial, and relevant understanding of the needs of modern society. This approach allows the integration of the literal meaning of the text with the moral and social messages it contains so that fiqh is not only understood as a product of formal law but also as an instrument of social change based on the maqashid of sharia.

The main findings of this study suggest that the renewal of the legal istinbat methodology is indispensable to bridge the gap between the authority of revelation and contemporary reality. The significant contribution of this research lies in the preparation of a conceptual framework that combines contextual interpretation theory with legal methodology, which can enrich the treasures of Islamic legal studies in Indonesia. Practically, the results of this study provide a new direction in making legal decisions that are more responsive, fair, and adaptive to community development. Thus, this research not only reflects on the importance of contextualization in Islamic law, but also encourages the formation of an istinbat model that is inclusive, progressive, and in line with the values of universal social justice.

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