Hakami : Journal of Islamic Law
Edition : Vol. 1 No. 2. May - October 2026
Page : 1-26

Reactualization Fiqh: A Study of Contemporary Ulama Responses to the Disruption of Modernity

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Abstrak: Fikih kontemporer merupakan cabang keilmuan hukum Islam yang berupaya menjawab persoalan-persoalan baru yang timbul akibat perubahan sosial, ekonomi, dan teknologi yang tidak pernah dijumpai oleh generasi fuqaha klasik. Artikel ini mengkaji secara komprehensif hakikat, landasan epistemologis, faktor kemunculan, serta ruang lingkup fikih kontemporer, dengan menitikberatkan pada peran ijtihad, maqashid syariah, dan lembaga fatwa dalam merespons isu-isu aktual seperti keuangan digital syariah, jaminan sosial, relasi keluarga, dan bioetika. Penelitian ini menggunakan metode kepustakaan (library research) dengan pendekatan deskriptif-analitis terhadap literatur ushul fikih klasik dan kontemporer, himpunan fatwa Majelis Ulama Indonesia dan Dewan Syariah Nasional-MUI, serta kajian akademik terkini. Hasil kajian menunjukkan bahwa fikih kontemporer bukan disiplin yang terpisah dari fikih klasik, melainkan kelanjutan metodologisnya yang beradaptasi melalui ijtihad jama'i (kolektif) dan pertimbangan maslahah untuk menjaga relevansi hukum Islam tanpa mengorbankan prinsip-prinsip dasarnya (al-tsawabit). Studi ini merekomendasikan penguatan kapasitas metodologis lembaga fatwa serta kolaborasi lintas disiplin agar produk hukum Islam kontemporer semakin responsif, aplikatif, dan berbasis maqashid syariah.

Kata Kunci: *fikih kontemporer, ijtihad, maqashid syariah, fatwa, hukum Islam*

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Abstract: Contemporary *fiqh* (Islamic jurisprudence) is a branch of Islamic legal scholarship that seeks to address novel issues arising from social, economic, and technological changes issues not encountered by earlier generations of jurists (*fuqaha*). This article comprehensively examines the nature, epistemological foundations, origins, and scope of contemporary *fiqh* , focusing on the roles of *ijtihad* (independent legal reasoning), *maqasid al-shari'ah* (the objectives of Sharia), and *fatwa* institutions in responding to current issues such as digital Sharia finance, social security, family relations, and bioethics. Employing a library research method with a descriptive-analytical approach, the study analyzes classical and contemporary *usul al-fiqh* (principles of jurisprudence) literature, collections of *fatwas* from the Indonesian Ulema Council (MUI) and the National Sharia Board-MUI, as well as recent academic studies. The findings indicate that contemporary *fiqh* is not a discipline separate from classical *fiqh* but rather a methodological continuation that adapts through *ijtihad jama'i* (collective reasoning) and considerations of *maslahah* (public interest) to maintain the relevance of Islamic law without compromising its fundamental principles (*al-tsawabit*). The study recommends strengthening the methodological capacity of *fatwa* institutions and fostering interdisciplinary collaboration to ensure that contemporary Islamic legal rulings are increasingly responsive, applicable, and grounded in *maqasid al-shari'ah* .

Keywords: contemporary jurisprudence, ijtihad, Maqasid al-Shari'ah, fatwa, Islamic law

INTRODUCTION

Islamic teachings constitute a set of normative rules originating from Allah SWT as the Creator and the One who best knows the interests of His creatures in building life on earth. Allah created humankind as a khalifah (vicegerent) tasked with carrying out His will on earth in accordance with the normative rules that have been established. To that end, Islam provides a set of rules covering all aspects of human conduct, both in the realm of worship (ibadah) and social relations (muamalah), which is scholarly known as the science of fiqh. Simply put, fiqh can be understood as an in-depth understanding of how to apply the teachings of Islam in daily life, derived from detailed evidence through the process of ijtihad.

Fiqh, as part of Islamic sharia, possesses extraordinary dynamism in adapting to the times. The basic principles (al-tsawabit) of Islamic law are fixed, but their application (al-mutaghayyirat) constantly changes in line with evolving social, political, economic, and technological contexts (Az-Zuhaili, 2009). This reality can be seen from a simple comparison between the practice of buying and selling in the era of the Companions and digital transactions today: contracts that were once concluded face to face can now take place across continents within seconds through a smartphone application. Such changes have given rise to the need for a new discipline called contemporary fiqh, namely the effort to reinterpret Islamic law so that it remains relevant and able to answer present-day challenges without departing from the corridor of sharia. In the Indonesian setting, this dynamic is also visible in the shifting position of fiqh after independence, when doctrines that had circulated as the

teaching material of pesantren and the madhhabs were gradually formulated into instruments of national positive law (Zulhamdi, 2018a).

The urgency of studying contemporary fiqh is increasingly felt as the flow of globalization accelerates the emergence of new issues that were never explicitly discussed by classical fuqaha: financial-technology (fintech) based transactions, national social security schemes, in-vitro fertilization, organ transplantation, cloning, gender equality in public space, and environmental ethics. These issues require ulama and Muslim scholars to derive relevant, flexible, and solution-oriented Islamic rulings through the approach of ijtihad, maqashid sharia (the objectives of sharia), and the strengthening of fatwa institutions. Yusuf al-Qaradhawi asserts that contemporary ijtihad (al-ijtihad al-mu'ashir) is absolutely necessary so that Islamic law does not become rigid in facing an ever-changing reality, yet such ijtihad must remain bound to the methodological discipline of ushul fiqh so as not to slide into recklessness (tasayyub) (Al-Qaradhawi, 1994).

From the standpoint of Islamic legal theory, the study of contemporary fiqh cannot be separated from the framework of ushul fiqh, which serves as the methodology for deriving (istinbath) law from its sources, namely the Qur'an, hadith, ijma' (consensus), and qiyas (analogical reasoning), together with supporting ijtihad methods such as maslahah mursalah, istihsan, and 'urf (Haroen, 1997; Zulhamdi, 2018b). Amir Syarifuddin explains that ushul fiqh functions as a methodology of thought that guides the mujtahid in formulating rulings on matters not explicitly addressed by the primary texts (Syarifuddin, 1997). Meanwhile, the maqashid sharia approach, as systematically developed by Jasser Auda through a systems approach, offers a

holistic, open, and purpose-oriented framework of thought for formulating contemporary Islamic law, so that fiqh does not stop at a merely textual reading but captures the spirit and intent of sharia as a whole (Auda, 2007).

The significance of this study can also be seen from a sociological perspective. Contemporary Muslim society, particularly in Indonesia, lives in a social landscape that is far more plural and digitally connected than the society of the era in which the classical schools of fiqh were codified. Cross-cultural interaction, labor migration, the convergence of the global economic system, and the acceleration of information technology present legal questions that demand rapid, scientifically accountable answers. Without an adequate methodological framework of contemporary fiqh, Muslims risk becoming trapped between two extreme poles: first, a rigid literalist stance that rejects any form of legal renewal, causing fiqh to lose its adaptive capacity; second, a permissive-liberal stance that reduces the authority of the primary texts for merely pragmatic interests. Contemporary fiqh, guarded by the methodological discipline of ushul fiqh, presents itself as a middle path that maintains the balance between authenticity (ashalah) and contextualization (mu'ashirah).

The study of contemporary fiqh also cannot be separated from the development of academic literature discussing the methodology of ijtihad and maqashid sharia over the past few decades. Various studies show that fatwa institutions in a number of Muslim countries, including Indonesia, are actively developing frameworks of contemporary muamalah fiqh in response to the growth of the Islamic finance industry, social security, and biotechnology. Nevertheless, studies that specifically map the interrelation between the

epistemological foundations (ijtihad, maqashid sharia, maslahah), the factors behind its emergence, the institutional role of fatwas, and case studies of current issues within a single comprehensive framework remain relatively limited. This article seeks to fill that gap by presenting an integrative mapping.

Based on the description above, this article is structured to address several research questions, namely: (1) what is the nature and scope of fiqh and contemporary fiqh; (2) what are the epistemological foundations and the factors behind the emergence of contemporary fiqh; (3) what role fatwa institutions play in responding to contemporary Islamic legal issues in Indonesia, particularly in the fields of Islamic economics, social security, family, health, and the environment; and (4) what challenges and prospects exist for the future development of contemporary fiqh. This study is expected to make an academic contribution in the form of a comprehensive conceptual mapping of contemporary fiqh, while also providing a reflective foundation for students, academics, and practitioners of Islamic law in addressing various current issues facing the Muslim community.

METHOD

This research employs a library research approach that is descriptive-analytical in nature. The library research method was chosen because the object of study consists of concepts, theories, and Islamic legal products that can be traced through primary and secondary literature, without requiring field data collection. The population of this study is not a human subject but the entire body of literature discussing fiqh, ushul fiqh, and contemporary fiqh, while the study sample was determined purposively based on the relevance and scholarly authority of the sources.

The primary data sources in this study include classical and contemporary works of ushul fiqh, including works by Wahbah az-Zuhaili and Yusuf al-Qaradhawi, the contemporary maqashid sharia work of Jasser Auda, as well as the official collections of fatwas published by the Indonesian Ulema Council (MUI) and the National Sharia Board-MUI (DSN-MUI). Secondary data sources include ushul fiqh textbooks by Indonesian scholars such as Nasrun Haroen and Amir Syarifuddin, national and international academic journals, and academic articles relevant to the theme of contemporary fiqh.

Data collection was carried out through documentary study, namely tracing, recording, and classifying data from various written sources according to the sub-themes of discussion. Data analysis employed content analysis with a deductive-inductive pattern of thought: the deductive approach was used to derive the general principles of ushul fiqh and maqashid sharia into specific contemporary issues, while the inductive approach was used to draw general conclusions from existing patterns of fatwas and contemporary religious practice. Data validity was pursued through source triangulation, namely comparing several authoritative references on the same theme before the data were used as a basis for analysis.

The analysis was carried out in four stages. First, data reduction, namely sorting out library materials relevant to the focus of the study and setting aside irrelevant materials. Second, categorization of data into major themes, namely the nature and scope of fiqh, the epistemological foundations of contemporary fiqh, the factors behind its emergence and its characteristics, the role of fatwa institutions, and case studies of current issues. Third, interpretation of data by connecting classical and contemporary ushul fiqh

concepts to the fatwas and concrete cases examined. Fourth, drawing conclusions systematically arranged to answer the research questions. Through these steps, this research is expected to present an analysis that is objective, systematic, and academically accountable.

RESULTS AND DISCUSSION

A. The Meaning and Scope of Fiqh

Etymologically, the word "fiqh" derives from Arabic, meaning deep understanding or comprehension. Terminologically, fiqh is the science of practical sharia rulings (al-ahkam al-'amaliyyah), derived in detail from its evidentiary sources, namely the Qur'an, hadith, ijma', and qiyas. Abdul Wahab Khallaf defines fiqh as a collection of practical sharia rulings ('amaliyah) obtained through detailed evidence (Khallaf, 1990). This definition affirms two important elements: first, fiqh relates to the actions of a mukalaf (a legally responsible person, 'amaliyah), not matters of creed; second, these rulings are derived through a process of reasoning (istinbath), not merely memorized as text.

Fiqh plays a very important role in the life of a Muslim because it provides the guidance and rules that must be followed in performing acts of worship and in regulating social relations. Broadly speaking, the scope of the science of fiqh can be mapped into the following branches: (a) ibadah (worship), namely rulings concerning the vertical relationship between humans and Allah, such as prayer, fasting, zakat, and hajj; (b) muamalah, namely rulings on transactions and social relations, such as buying and selling, marriage, bequests, and guarantees; (c) jinayat, namely criminal law, including sanctions for offenders; (d) mu'asyarah, namely rulings on the conduct of social life,

covering the rights and obligations of citizens as well as social etiquette; (e) khilafiyah, namely the study of scholarly differences of opinion and the methods for resolving them; (f) adab, namely the manners of worship and moral conduct; and (g) akhlak, namely rulings concerning morality in the relationship between humans and Allah as well as between fellow human beings.

As time progresses, the science of fiqh continually undergoes applicative adjustment. The difference in social context between the era of the Companions and the modern era for example, in the practice of buying and selling and transaction mechanisms gives rise to the need for new scholarly tools capable of bridging classical texts with contemporary reality. It is from this need that the discipline known as contemporary fiqh was born, which will be discussed further in the following sub-section.

It is important to note that fiqh is in fact not merely a static collection of rulings, but rather a product of reasoning (istinbath) that constantly dialogues with the social reality in which it is applied. This dynamic character is what distinguishes fiqh from sharia in the broader sense: sharia originates directly from revelation and is fixed, whereas fiqh is the product of human (mujtahid) understanding of that sharia, thereby leaving room for legitimate differences of opinion (ikhtilaf) as long as they remain grounded in an agreed-upon methodology. This understanding forms an essential foundation before entering the discussion of contemporary fiqh, because misunderstanding the relationship between sharia and fiqh can create the impression that renewing Islamic law is equivalent to changing religion itself, when in fact what changes is the product of human reasoning about a fixed text.

B. The Nature and Epistemological Foundations of Contemporary Fiqh

Contemporary fiqh can be defined as a branch of the science of fiqh that specifically examines sharia rulings on new issues arising in the modern era, which are not explicitly discussed in classical fiqh texts. Unlike classical fiqh, whose object of study is relatively well established, contemporary fiqh is dynamic and constantly develops alongside the emergence of new issues in the fields of economics, health, technology, and social-political relations.

The epistemological foundation of contemporary fiqh rests on three main pillars. First, ijtihad, namely the earnest effort of a mujtahid to derive sharia rulings from their evidentiary sources. Al-Qaradhawi divides contemporary ijtihad into two categories: ijtihad intiqa'i (selective), namely choosing one of the opinions of classical scholars deemed most relevant and strongest in evidence to be applied to the present context; and ijtihad insya'i (creative), namely formulating an entirely new legal opinion on an issue that previous scholars never discussed (Al-Qaradhawi, 1985). In the contemporary era, individual ijtihad (al-ijtihad al-fardi) is regarded as insufficiently adequate to answer complex, cross-disciplinary issues, making collective ijtihad (al-ijtihad al-jama'i) which involves fiqh experts together with specialists in related fields (economics, medicine, science) a methodological necessity.

Second, maqashid sharia (the objectives of sharia), namely a framework of thought that positions the purposes behind the legislation of rulings as the basis of reasoning, rather than a merely rigid textual reading. Classically, maqashid sharia is formulated into five basic objectives (al-kulliyat al-khams): protecting religion (hifzh al-din), protecting life (hifzh al-nafs), protecting the intellect (hifzh al-'aql), protecting lineage (hifzh al-nasl), and protecting

property (hifzh al-mal). Jasser Auda expands this framework through a systems approach, viewing maqashid sharia as being holistic (wholeness), multidimensional (multidimensionality), open to change (openness), and purpose-oriented (purposefulness), so that Islamic law can respond to contemporary issues more adaptively without losing its authenticity (Auda, 2007).

Third, maslahah (public benefit/welfare), namely weighing benefit and harm as the basis for establishing rulings on matters lacking explicit textual evidence. Contemporary scholars use the principle of maslahah mursalah to weigh public policies and modern legal products, such as digital financial regulation and social security, as long as these do not contradict definitive (qath'i) textual evidence. The combination of these three pillars ijtihad, maqashid sharia, and maslahah forms the methodological foundation for ulama and fatwa institutions in formulating rulings on contemporary issues in a contextual manner while remaining grounded in the discipline of ushul fiqh (Az-Zuhaili, 2009; Haroen, 1997).

In addition to these three pillars, contemporary fiqh also makes use of a number of supporting ijtihad methods long recognized in classical ushul fiqh, such as istihsan (preferring a more equitable solution over a formally apparent qiyas), 'urf (taking into account societal customs that do not contradict sharia), sadd al-dzari'ah (blocking a path leading to harm), and fath al-dzari'ah (opening a path leading to good). The integrated use of these methods enables the contemporary mujtahid to formulate rulings responsive to context without having to create a new methodology from scratch, thereby

preserving the epistemological continuity between classical and contemporary fiqh.

C. Factors Behind the Emergence and Characteristics of Contemporary Fiqh

The emergence of contemporary fiqh as an independent branch of scholarship is driven by at least three main factors. First, the currents of modernization and globalization, which give rise to new problems never encountered by classical Islamic thinkers, such as cross-border digital transactions, reproductive technology, and cross-cultural religious interaction. Second, the awareness of ulama to revise the standards for establishing rulings so as to better reflect an authentic Islamic spirit, rather than merely copying secular legal frameworks from abroad without adjusting them to Islamic values. Third, the attachment of some classical fiqh thought to a rigid textual approach, which is less able to adapt to present-day dynamics, even though many new issues demand a more open, contextual approach. In Indonesia this renewal agenda has been carried by a line of thinkers whose ideas gave contemporary fiqh its local shape, among them Hasbi ash-Shiddieqy with his idea of an Indonesian fiqh, Hazairin with his bilateral inheritance theory, Munawir Sjadzali with his call for the reactualization of Islamic law, and Ali Yafie together with Sahal Mahfudz with the formulation of social fiqh (Zulhamdi, 2019a).

These three factors have driven the emergence of various strands of thought and terminology in contemporary Islamic legal discourse, such as social fiqh, the contextualization of Islamic law, democratic fiqh, humanitarian fiqh, interfaith fiqh, and, more recently popular in Indonesia, Nusantara fiqh (fiqh Nusantara) an effort to integrate Indonesia's local values into Islamic legal

reasoning without reducing the authority of sharia evidence. This phenomenon affirms that contemporary fiqh functions not merely as a theoretical discipline (al-'ulum al-nazhariyyah) but also as a body of practical rulings (al-ahkam al-'amaliyyah) applicable across various aspects of life.

The object of study of contemporary fiqh can be mapped into several aspects: (1) Islamic family law (al-ahwal al-syakhshiyyah), such as the renewal of inheritance law, marriage contracts conducted through electronic means, and the marital status of a pregnant woman; (2) muamalah and economics (al-ahkam al-madaniyyah), such as productive zakat, professional zakat, cash waqf, and online buying and selling; (3) criminal law (al-ahkam al-jinaiyyah), such as the relationship between human rights and conventional legal systems; (4) women's issues, such as female leadership and modest dress in public spaces; (5) the medical field, such as organ transplantation, in-vitro fertilization, and euthanasia; (6) the field of technology, such as modern slaughtering methods and the determination of the qibla direction using digital astronomy; (7) the political field, such as the concept of the state and the loyalty of civil servants; and (8) the field of ritual worship (mahdhah), such as the electronic payment of fitrah zakat and the organization of hajj and umrah through travel agencies.

The mapping of these objects of study above affirms that contemporary fiqh is cross-sectoral in nature and cannot be reduced merely to the study of Islamic economics, as is often mistakenly understood by some laypeople. Another prominent characteristic of contemporary fiqh is its collaborative-interdisciplinary nature: formulating a ruling on in-vitro fertilization, for example, requires a deep understanding of the biomedical process of

fertilization before a mujtahid can accurately determine its ruling. Likewise, formulating the ruling on sharia fintech requires technical understanding of how financial-technology platforms work. It is this interdisciplinary characteristic that clearly distinguishes contemporary fiqh from classical fiqh, which can generally be formulated based solely on mastery of the Arabic language and the discipline of ushul fiqh. Each of these domains, moreover, makes its own methodological demands. In the field of jinayah the discussion turns on the conditions of criminal liability, namely the existence of an unlawful act, its commission by free will, and the perpetrator's awareness of its consequences (Zulhamdi, 2020); in the political field contemporary fiqh weighs the compatibility of democratic principles with the classical theory of Islamic governance (Zulhamdi, 2019b); while in matters concerning women the categorization of awrah continues to be reread and compared with the readings of contemporary thinkers such as Muhammad Syahrur (Adnan, 2022).

D. The Role of Fatwa Institutions in Contemporary Fiqh

The complexity of contemporary issues demands the strengthening of the institutional role in the production of Islamic law; individual ijtihad (al-fatwa al-fardi) alone is no longer sufficient. In Indonesia, the institution that plays a central role in responding to contemporary fiqh issues is the Indonesian Ulema Council (MUI) through its Fatwa Commission, and the National Sharia Board-MUI (DSN-MUI), which specifically handles matters of sharia economics and finance. Since its establishment on 26 July 1975, MUI has compiled hundreds of fatwas grouped into several major themes, namely creed and religious sects, worship, social-culture, and food, medicine, and science-

technology (Sekretariat MUI, 2011). These fatwas are produced through three institutional channels: sessions of the Fatwa Commission, the MUI National Congress (Musyawarah Nasional), and the National Congress of Fatwa Commission Ulama (Ijtima' Ulama), held periodically to discuss masail fiqhiyyah mu'ashirah (contemporary fiqh issues).

This institutional mechanism is important because a collective fatwa (al-fatwa al-ijma'i) has advantages over an individual fatwa (al-fatwa al-fardi): legal decisions produced through deliberation among ulama and experts in related fields tend to be more comprehensive, take into account various scholarly perspectives, and are more readily accepted socially because they involve a collective deliberative process. This kind of institutional model aligns with the principle of collective ijtihad emphasized by Al-Qaradhawi as an urgent need of the modern era, given that the complexity of contemporary issues often exceeds the scholarly capacity of a single mujtahid, however extensive that scholar's knowledge may be (Al-Qaradhawi, 1994).

Beyond answering the religious questions of the public, contemporary fatwas also serve as references for state regulation and industry practice, particularly in the sharia finance sector. DSN-MUI, for example, regularly issues thematic fatwas on contemporary muamalah contracts that serve as references for the Financial Services Authority (OJK) in drafting regulations for sharia banking and non-bank sharia financial industries. Thus, the role of fatwa institutions in the context of contemporary fiqh is not merely religious-normative but also carries real implications for positive law in the governance of the national sharia economy.

The working pattern of fatwa institutions in formulating rulings on contemporary issues generally follows a relatively standard flow: technical identification and description of the object of the problem, tracing evidence and the opinions of earlier scholars that are relevant, cross-madhhab study to find common ground (talfiq) where necessary, and finally the formulation of a legal decision that proportionally weighs maslahah and mafsadah (benefit and harm). This working flow makes the contemporary fatwa not a unilateral decision but the result of a scientific process that can be methodologically accounted for, while still remaining open to revision should stronger data or arguments emerge in the future.

E. Current Issues in Contemporary Fiqh in Indonesia

1. Sharia Fintech and Digital Finance

The development of financial technology (fintech) presents new legal issues related to the validity of contracts, information certainty, and the potential element of riba (usury) in digital-application-based lending schemes. In response, DSN-MUI issued Fatwa Number 117/DSN-MUI/II/2018 on Financing Services Based on Information Technology in Accordance with Sharia Principles, which affirms that the operation of information-technology-based financing services must be free from elements of riba, gharar (uncertainty), maysir (gambling), tadlis (fraud), and the use of contracts inconsistent with sharia principles. This fatwa further specifies the contracts that may be used in sharia fintech schemes, including al-bai' (sale), ijarah (lease), mudharabah, musyarakah, wakalah bi al-ujrah, and qardh (DSN-MUI, 2018). This fatwa is a concrete example of how the rules of classical muamalah fiqh are adaptively transformed to respond to 21st-century financial innovation without

compromising the fundamental principle prohibiting riba. A parallel case appears in the reactualization of the classical salam contract on e-commerce platforms, where an order-based sale with deferred delivery and advance payment is reread as the fiqh basis for present-day online purchasing practices (Zulhamdi, 2022).

2. Social Security and Health (BPJS Kesehatan)

Another relevant case is the legal status of the Health Social Security Administering Body (BPJS Kesehatan). Prior to the establishment of the national social security program, the framework of contemporary muamalah fiqh on insurance had already been formulated through DSN-MUI Fatwa Number 21/DSN-MUI/X/2001 on General Guidelines for Sharia Insurance, which requires that insurance contracts be free from gharar, maysir, and riba, and which distinguishes between tabarru' (mutual assistance) contracts and tijarah (commercial) contracts (DSN-MUI, 2001). When the National Health Insurance scheme through BPJS Kesehatan began operating in 2014, the Fifth National Congress of Fatwa Commission Ulama (Ijtima' Ulama) in 2015, held at the At-Tauhidiyah Islamic Boarding School in Tegal, issued Guidelines on National Health Insurance and BPJS Kesehatan, identifying elements of gharar, maysir, and riba in several aspects of the management of premiums and social security fund investment (Ijtima' Ulama Komisi Fatwa se-Indonesia V, 2015). It should be emphasized that the outcome of that congress did not declare BPJS Kesehatan absolutely haram, but rather recommended refining the contracts to conform to sharia principles. This recommendation was subsequently followed up through DSN-MUI Fatwa Number 98/DSN-MUI/XII/2015 on Guidelines for the Implementation of Sharia Health Social Security, which

became the reference for developing sharia-based health insurance schemes in Indonesia (DSN-MUI, 2015). This BPJS case clearly illustrates the working pattern of contemporary fiqh: problem identification, analysis grounded in the principles of muamalah fiqh, and the offering of constructive solutions through refining contracts, rather than a final halal-haram verdict alone.

3. Family Law: Marrying a Pregnant Woman and Family Planning

In the realm of family law, one of the issues widely discussed in contemporary fiqh is the legal status of marrying a woman who is pregnant as a result of an extramarital relationship. A distinction must be made between a woman divorced by her husband while pregnant who clearly may not remarry until her waiting period (idah) ends, that is, until she gives birth and a woman who is pregnant as a result of fornication (zina). For the latter case, the majority of contemporary ulama in Indonesia, as reflected in a number of fatwas and studies of muamalah fiqh, tend to permit the marriage to be carried out without having to wait for the child's birth, on the consideration of maslahah to preserve the child's social lineage and to prevent a greater harm (sadd al-dzari'ah), although there are also opinions that require a waiting period out of caution regarding the determination of lineage (Kompilasi Hukum Islam, 1991, art. 53).

Another relevant issue is the ruling on family planning (KB). Contemporary fiqh distinguishes between the effort of tanzhim al-nasl (birth spacing) and tahdid al-nasl (permanent limitation of offspring). The use of temporary contraceptive methods, such as 'azl (coitus interruptus) or contraceptive devices, is generally deemed makruh (disliked) by some scholars, while an action that permanently ends reproductive capacity without an urgent

medical reason is deemed haram. However, if there is an emergency condition for instance, a serious health risk to the mother from repeated pregnancies as stated by a competent medical expert the ruling can change to permissible (mubah), in line with the fiqh principle al-dharurat tubihu al-mahzhurat (necessity permits what is otherwise forbidden) (Al-Qaradhawi, 1980).

4. Bioethics: In-Vitro Fertilization, Organ Transplantation, and Euthanasia

Advances in medical science have also given rise to bioethical issues demanding a response from contemporary fiqh, such as in-vitro fertilization, organ transplantation, and euthanasia. In general, contemporary fiqh permits in-vitro fertilization as long as the sperm and ovum come from a legally married husband and wife and the process does not involve a third party (a donor), because such involvement risks mixing lineage, which in turn contradicts one of the primary objectives of sharia, namely the protection of lineage (hifzh al-nasl). Organ transplantation, meanwhile, is generally permitted under strict conditions: the donor must act voluntarily without any element of organ trading, the donation must not excessively endanger the donor's life, and the purpose must be to save the recipient's life, in line with the principle of protecting life (hifzh al-nafs) as one of the maqashid sharia (Sekretariat MUI, 2011). Euthanasia, or the deliberate act of ending a patient's life, is generally regarded as contrary to the principle of the sanctity of human life in Islam, except within the limits of discontinuing treatment that no longer provides medical benefit (futility of treatment), which is strictly distinguished from an active act of ending life. Alongside these major questions, contemporary fiqh also addresses more everyday medical matters, such as a

woman being attended by a male obstetrician during childbirth, which is generally deemed permissible on the ground of necessity (dharurah) when no equally competent female specialist is available, while still observing the limits of looking and touching that the treatment strictly requires (Zulhamdi, 2017).

5. Environmental Fiqh and Consumption Ethics (Ecology)

Environmental issues and consumption ethics constitute a field of study increasingly receiving attention in contemporary fiqh discourse, often referred to as fiqh al-bi'ah (environmental fiqh). The global ecological crisis climate change, deforestation, marine pollution, and excessive exploitation of natural resources has prompted contemporary ulama to formulate a legal framework that positions human beings as a khalifah responsible for maintaining the balance of nature (hifzh al-'alam), rather than merely as a ruler free to exploit it. This principle is derived from a number of Qur'anic verses prohibiting corruption on earth as well as from the fiqh principle la dharara wa la dhirar (there shall be no harming of oneself or others), the meaning of which has since been expanded to include cross-generational responsibility for environmental sustainability.

In the context of consumption ethics, contemporary fiqh also formulates the prohibitions of israf (excess) and tabdzir (wastefulness) as a normative basis for a sustainable lifestyle. This principle is relevant to contemporary issues such as waste management, energy consumption, and ecologically just food-production practices. Although the study of environmental fiqh in Indonesia is not yet as comprehensive as the study of sharia economic fiqh, a number of religious and academic institutions have begun developing thematic fatwas concerning waste management, renewable energy, and forest conservation

based on waqf, indicating that the scope for developing environmental fiqh as part of contemporary fiqh remains very open for further study and development.

F. Challenges and Prospects for the Development of Contemporary Fiqh

Although contemporary fiqh has shown significant methodological development, a number of challenges still require attention. First, the tendency of some circles to continue adhering to a rigid textual-literal approach without considering context and maqashid sharia, so that the resulting legal products appear rigid and difficult to apply to contemporary reality. Second, the scarcity of ulama with cross-disciplinary competence mastering ushul fiqh while also understanding the intricacies of financial technology, biotechnology, or environmental science when in fact contemporary issues are generally technical in nature and require deep understanding of the object being ruled upon before a ruling can be established. Third, the challenge of digital literacy among ulama and fatwa institutions in keeping pace with technological innovation, which often outstrips the speed of the collective ijtihad process. Fourth, the harmonization between religious fatwa products and the state's positive-law regulations, given that MUI fatwas do not carry formal legal binding force as statutory regulations do, so their implementation depends heavily on public legal awareness and state regulatory support.

On the other hand, contemporary fiqh holds promising prospects for development. Strengthening fatwa institutions through the involvement of cross-disciplinary experts, digitalizing the process of study and dissemination of fatwas, and strengthening the methodological basis of maqashid sharia as

developed by Jasser Auda can make contemporary fiqh increasingly responsive to the needs of the times. In addition, strengthening the study of environmental fiqh (fiqh al-bi'ah) is becoming increasingly relevant given that the global ecological crisis demands that Islamic law also contribute normatively to issues of environmental sustainability, ethical consumption, and human responsibility as khalifah over the universe.

Another equally important prospect for development is strengthening Islamic higher education, particularly in family law and sharia economic law study programs, so that the curriculum taught does not stop merely at mastery of classical fiqh but also equips students with the ability to methodologically analyze contemporary issues. Islamic higher education institutions, including Faculties of Sharia, occupy a strategic position as a bridge between classical scholarly heritage and the real needs of contemporary society, making the strengthening of contemporary fiqh research within academic circles a long-term investment for the sustainability of an applicable and scholarly authoritative Islamic law.

CONCLUSION

Based on the discussion above, several conclusions can be drawn. First, contemporary fiqh is a methodological continuation of classical fiqh that specifically examines new issues in the modern era through the approach of ijtihad, maqashid sharia, and maslahah, without abandoning the basic principles of Islamic teachings. Second, the emergence of contemporary fiqh is driven by the currents of modernization, the awareness of ulama to formulate authentically Islamic law, and the limitations of the classical textual approach in answering present-day issues, which in turn has given rise to

cross-sectoral objects of study ranging from family law, sharia economics, criminal law, women's issues, health, technology, and politics, to ritual worship.

Third, fatwa institutions such as MUI and DSN-MUI play a central role in responding to current issues through the mechanism of collective ijtihad, as reflected in the fatwas on sharia fintech and sharia health social security, which demonstrate the working pattern of contemporary fiqh in the form of problem identification, analysis grounded in the principles of muamalah fiqh, and the offering of constructive solutions. Fourth, the future development of contemporary fiqh requires strengthening the methodological capacity of fatwa institutions, cross-disciplinary scholarly collaboration, and harmonization between religious fatwa products and the state's positive-law regulations, so that Islamic law continually serves as an applicable solution to the problems of the Muslim community without losing the authenticity of sharia values. The active involvement of ulama, Muslim intellectuals, and fatwa institutions is the key to maintaining the relevance of Islamic law amid the rapid development of science and technology.

In closing, this study affirms that contemporary fiqh is essentially a manifestation of dual loyalty: loyalty to the fixed basic principles of sharia (al-tsawabit), while at the same time loyalty to the responsibility of answering the real needs of the Muslim community in its own era (al-mutaghayyirat). It is this dual loyalty that makes Islamic law a living legal system, not a static historical artifact, so that it is always able to be present as a mercy to all worlds (rahmatan lil 'alamin) in every circumstance of place and time.

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