



Methodology of understanding contemporary Islamic law

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ABSTRACT

The methodology of Islamic law discusses the basic concepts of Islamic law, the Al-Qur'an, al-Sunnah, Ijma', and ijihad, and how Islamic law is studied and formulated. The most distinctive feature of Islamic law is its elasticity and dynamics. Islamic law (Ushul fiqh) is a methodology of extracting Islamic law that plays an essential role in presenting rational grounds for developing Islamic legal thought. As a methodological component for the exploration and development of Islamic law, it has been used by classical Islamic jurists through the bayani, ta'lili, and istishlahi approaches, so it is also dubbed as a traditional methodology that is considered established because in bayani method begins and is rooted in Nash Al- Qur'an and Al-Sunnah as the null argument. For this reason, this knowledge is a unique product of Muslims and has never been owned by any civilization.

Keywords: Methodology; Islamic law; contemporary

1. INTRODUCTION

Contemporary Islamic Law is an Islamic legal perspective that examines contemporary and heretical issues. In terms of terminology, contemporary Islam aims to study Islam as an alternative value both in the perspective of interpretation textual and contextual studies regarding the ability of Islam to provide a new way out for its findings in all dimensions of life from the past to the present.

Of the four competent traditional Islamic disciplines, namely fiqh, kalam, tasawwuf, and philosophy, fiqh (Islamic law) is the discipline that most strongly dominates the understanding of Muslims about the religion they profess, so most form a significant part in their way of thinking. We can trace this fact through various historical processes in the

growth of Muslim society in the past, it can also be through some of the core spirit in the teachings of the religion itself.

As a law that has lived and developed in society, Islamic law has its characteristics, one of which is its style, which is very responsive, very adaptive, and dynamic, which can open up opportunities for life, change, and renewal according to the spirit and development of the times. However, this is where the debate becomes the process of struggle, namely in terms of the relevance and actualization of the law itself, especially when it is related to the conditions of the place (local) and the era (temporal).

What exactly is meant by contemporary Islamic law, if what is meant by contemporary Islamic law is an equivalent of "Masa'il fiqhiyah", then there is a tendency to reduce the notion of contemporary Islamic law to the vortex of fiqh studies or issues that have developed in recent times.

Contemporary Islamic Law is the perspective of Islamic law towards contemporary and contemporary problems. As for the tendency of this meaning, it is embraced by many Muslim circles in various parts of the world, including Indonesia. Various books written under the title Masa'il Fiqhiyah or Contemporary Islamic Law Problems contain many new cases or contemporary problems that have never existed. Therefore, it is reasonable if such an understanding of contemporary Islamic law is given the impression of being responsive. This means that today's fiqh can respond to new issues that demand clarification from legal status (halal-haram).

Suppose we focus on the contemporary notion "as today" as in the Big Indonesian Dictionary. In that case, contemporary Islamic law can actually also be interpreted by the development of Islamic legal thought at this time.

The second definition of contemporary Islamic law does not necessarily respond to legal aspects (halal-haram) and new issues but occasionally tries to see significant changes in Islamic law. This significant change can arise as a result, most notably, of the times that demand the birth of new ethics and paradigms.

In the first or second sense, it is one of the most apparent manifestations of the birth of a new awareness as a discourse on the recent revival of Islamic law. Another phenomenon of the rise of Islamic law is marked by the increasing prevalence of comparative fiqh studies (fiqh muqran).

Several factors are the background to the emergence of contemporary Islamic law issues

First, there is a current of modernization covering most of the countries where most of the population is Muslim. Modernization resulted in various changes in the social order of Muslims regarding ideology, politics, society, culture, and so on. The many changes seem to tend to distance Muslims from religious values. This happened because so many changes gave birth to social and cultural symbols that were explicitly

not owned by religious symbols that had become established or due to modernization progress, which was not matched by a renewal of religious thought. We can also understand that modernization has given birth to various new challenges that must be answered as an integral part of efforts to renew Islamic thought.

Second, with the birth of a new situation among contemporary Muslim scholars to demand an established Western legal system in many Islamic countries. How can a foreign system govern Muslims? From this question, Muslims are made aware to further work on realizing Islamic jurisprudence relevant to the times.

Third, there are still so many and so fixated classical (contemporary) fiqh thinking with textual, ad hoc and partial understandings, causing the systematic framework of assessment to be not comprehensive and actual, as well as unable to adapt to existing developments.

Yusuf Qardhawi also explicitly emphasised the significance of severe studies in contemporary Islamic law, with this fairly basic progress. Then, the question arises: Can fiqh face today's modern times? Of course, we as Muslims will answer that Islamic law can face the times and is still relevant to be applied. However, to get there, a condition must be met consistently, namely by opening the door of *ijtihad*."

2. METHODS

The research method used in this study is qualitative, the data presentation method is descriptive analysis, and it is designed with a literary approach that explores some of the literature related to this discussion and conducts field research by interviewing several opinions from religious leaders.

3. RESULTS AND DISCUSSION

Object of Contemporary Islamic Law

By looking at the contents of the discussion in the books of *Masa'il Fiqhiyah* and *Contemporary Fatwas*, the study of contemporary Islamic law can be categorized into several aspects:

1. Aspects of family law. The family law referred to here is all matters related to the discussion of *al-ahwal al-syakhshiyah*, which includes the distribution of inheritance, marriage contracts via telephone, *waqf*, maternity marriage, and family planning.
2. Economic aspects. This is also related to the interpretation of the issue of usury and the modern management of *zakat*. Therefore, contemporary Islamic law always highlights systemic issues related to bank interest, *zakat mal*, taxation, credit and lottery club (*arisan*), professional *zakat*, productive and consumptive *zakat*, insurance, etc.

3. Criminal aspects. In terms of discussion of criminal aspects, which are so laden with human rights and religious humanism issues. Here, contemporary Islamic law tries to provide a new interpretation of the problems of kisas, cutting off hands, Islamic law, the national legal system, etc.
4. Aspects of femininity (gender). So great is the reverberation of those who voice gender issues that it dominates the discussion of contemporary Islamic law, as well as women's participation in activities previously considered the domain of men. In this case, contemporary Islamic law highlights many issues related to Muslim clothing, career women, leadership of a woman, and so on.
5. Medical aspect. The rapid development of medical science has also received great attention in contemporary Islamic legal studies. Several medical issues that adorn the discussion of masa'il fiqhiyah are the problem of organ transplantation, blood donors, post-mortem examinations, the problem of contraception, euthanasia, infertility and fertility, the problem of sex reassignment surgery, the problem of choosing the sex of the fetus, cloning problems, IVF problems, or artificial insemination problems and breast milk bank problems.
6. Technological aspects. Technological developments that create many conveniences cannot be separated from the spotlight of contemporary Islamic law. For example, slaughtering animals mechanically, listening to the call to prayer via cassette, making announcements on radio and television, greeting with the bell, and using reckoning by leaving rukyat.
7. Political aspects. Some interesting political cases are debates about the term Islamic State, the process of electing a leader, loyalty to a ruler, women who act as heads of state (presidents), and so on.
8. Aspects of worship. In worship, the discourse that develops is no less attractive. Several things are widely discussed in Masa'il fiqhiyah books, for example, hajj savings, tayammum by using land instead of dust, sacrificial worship in exchange for money, withholding menstruation to carry out the pilgrimage, pilgrimage using travel, and so on.

Of the many problems studied in the books of Masa'il Fiqhiyah, this further strengthens our hypothesis about the order and connection of fiqh with real-life contexts. Jurisprudence does not contain theoretical sciences ("ulum al-nazhariyah"), but its fields of knowledge are provisions that apply positively (ahkam "amaliyah).

If we want to see Islamic conflicts with social realities, then we must study fiqh, not the science of kalam or tasawwuf. Initially, Islamic law was regarded as knowledge par excellence, a position that theology had never reached. Western observers judge that it is only possible to understand Islam by understanding Islamic law.

Reconstruction of Contemporary Islamic Law Methodology

Reconstructing a systematic and comprehensive methodology of Islamic law in operating it, while the urgent thing to be formulated in this rule is formulating the Qur'anic view of the world (*weltanschauung*). This *Weltanschauung* will concern God, God's relationship with humans and nature, and His role in human history and society by clarifying our understanding of the nature of God, human existence or enabling a systematic analysis of the moral teachings of the Qur'an, which will ultimately produce the ethics of the Qur'an. Next is to formulate laws that are in harmony with contemporary needs based on these ethics.

In connection with formulating a worldview according to the Qur'an, efforts to build it, according to Fazlur Rahman, have never been done in Islamic history. Moreover, the need for a unified insight has brought great havoc to the rational-philosophical idea. Because he sees efforts in this field as an absolute and urgent need, however, it is also necessary to emphasise once again that the worldview of the Qur'an is related organizationally to the ethics of the Qur'an and legal formulations. This is because, as mentioned above, only by clarifying the understanding of the Qur'an's worldview can the ethics of the Qur'an as a source of contemporary Islamic law formulations be developed. In other words, the ethics of the Qur'an has a fundamental basis in this worldview.

Furthermore, these metaphysical passages of the Qur'an are the background for a coherent elaboration of the messages of the Qur'an in the moral, social and legal fields.

The second task in operating a systematic and comprehensive legal methodology is to carry out the systematic preparation of the ethics of the Qur'an. As meant by the worldview of the Qur'an, efforts to compile the ethics of the Qur'an, either systematically or otherwise, by Muslims have never been carried out. The ethics of the Qur'an is the essence of the holy book's teachings and is an important connecting link between theology and religious law.

The Qur'an condenses ethical matters, wrapping general matters into legal or quasi-legal injunctions. This, to be precise, is a sign of the moral spirit of the Qur'an, that it is not only satisfied with generalizable ethical propositions but also urges to translate them into more actual paradigms. The Qur'an always explains the goals or principles that are the essence of its laws. As a result, with this Qur'anic ethical formulation, theology and fiqh have been organically related to one another in Islamic history.

Even though theology claims to defend legal assumptions and justify fiqh, it grows and develops independently of fiqh and sometimes contradicts its fundamental principles.

To go further, the absence of a systematic formulation of Qur'anic ethics and the rigidity of the *fuqaha* in adhering literally to individual verses means that laws are often

formulated from verses of the Qur'an that are not meant in law. An example is QS XXXII: 28-29. These verses contain a moral meaning that the wives of the Prophet should not claim worldly goods. However, the jurists interpret these verses to mean that a man can give his wife a choice whether to continue living with her or divorce her as a legal procedure.

Cases like these clearly show the need for immediate handling of ethical values in the Qur'an separately, then formulating laws based on these ethics by considering the current context. In this connection, the following four illustrations on qisas, polygamy, slavery, and alcohol consumption show how the first steps mentioned above can be applied.

In connection with qisas, the Qur'an (sura II: 178; IV: 92) reinforces the law of murder that has been running in pre-Islamic Arab society. This Qur'anic-specific solution gives the victim's family the freedom to choose between seeking revenge (qisas) or asking for a sum of money (diyat). Besides, the Qur'an also adds forgiveness or pardon from the victim's family, which is seen as a virtue of high value. These Qur'anic solutions view murder as a crime against the family so that the family can sue for diyat. However, in another place, when talking about the murder committed by Qabil against Habil (Adam's son's family). The Qur'an states: For these reasons, we stipulate for the Children of Israel that whoever kills without right is to kill someone innocent, then it is as if he had killed all humanity, and whoever saves a person's life, it is as if he has saved all humankind (QS V: 27 and 32).

This verse has made murder a crime against humanity, not against the victim's family. Thus, the Qur'an's solutions in suras II: 178 and VI: 12 must be included under the principle that views murder as a crime against humanity.

While polygamy in QS IV: 3, explains that this problem arises in the context of orphan girls. In QS V: 2, the Qur'an condemns the trustees' misuse of the wealth of orphans. This theme has been put forward in the Qur'an since Mecca (QSVI: 152; XVII: 34) and emphasised even more in the Medina period (QS II: 220; IV: 2,6,10,127). In addition, the Qur'an states that in order to avoid misappropriation of the assets of orphan girls, the trustees must act reasonably (QS IV: 3); this kind of interpretation is supported by testimony (QS IV: 127), which may come down earlier than (QS IV: 3).

As a condition for polygamy, the requirement to act reasonably is emphasised again (QS IV: 129), emphasising that it is impossible to act justly between wives. So, in the case of polygamy, the clause regarding fair dealing must receive attention and be determined to have a more fundamental urgency than the specific clause which permits polygamy. The demand to act justly and fairly is one of the basic demands of the entire teachings of the Qur'an.

Furthermore, it is stated that the Qur'an wishes to maximise the happiness of family life, and for this purpose, it is stated that a usually monogamous marriage is ideal. However, these ideal moral goals had to compromise with the actual conditions of Arab

society in the seventh century, where polygamy was profoundly and firmly rooted so that legally, it could not be revoked immediately because it would destroy the moral goal itself.

It seems to be true that the permissibility of polygamy is a legal field, while the sanctions that are placed on it are in the form of a moral ideal that society expects polygamy to become legally legal.

Meanwhile, cases of slavery also run parallel to polygamy. Legally, the Qur'an accepts the institution of slavery because of the impossibility of abolishing it instantly. However, morally, the Qur'an promotes the liberation of enslaved people (QS XC:13; V: 89; LVIII: 3; XXI:33). Thus, the purpose of the Qur'an in the case of slavery is completely eliminated.

The final illustration is about the first movement above, namely regarding the prohibition of alcohol consumption. This can be explained as follows: In the Mecca period, the Qur'an mentions alcohol as one of God's creations, with milk and honey (QS XVI: 66-69). When the Muslims migrated to Medina, they were informed that there was a group of people, Umar bin Khattab, one of whom wanted the Qur'an to prohibit the consumption of alcohol (QS II:219). After some time, a party was held at the house of one of the Ansar. Some of the Muslims were drunk. When one of the leaders of the night prayer, he mistakenly read the Qur'an. When this event was conveyed to the Prophet, it came down (QS IV: 43), and according to another report, another similar party was held, in which a fistfight occurred. At this event, it is said that Sa'ad bin Abi Waqas' nose was broken. This event also reached the Prophet and descended (QS V: 90-91). Starting from a particular verse, alcohol was first announced as one of God's blessings, which then had a narrowing: it was ratified in the following two verses (QS II: 219 and IV: 43) and finally declared as an act of satan and abomination.

The four illustrations above, although giving different emphases, provide a prominent picture of the application of the first movement of a systematic Islamic legal methodology based on the situational context and coherence of the Qur'an. The ethics of the Qur'an must be used as the foundation for all Islamic legal thought. If the ethical formulation of the Qur'an has been worked out in harmony with the steps that have been put forward, then the next task is to grow the ethics of the Qur'an into the concrete socio-historical context today. Here, the second movement outlined in the double movement works. As mentioned, this growth includes modifying old rules by the current situation as long as it does not violate the principles that have been systematized into the ethics of the Qur'an and changes to things that exist in the current situation. However, before that, the current situation needs to be studied critically, politically, socio-culturally and so on in advance for the success of establishing the ethics of the Qur'an.

The process of embodying the goals or principles of the Qur'an and Sunnah of the Prophet's actual behaviour by breaking old rules/or changing them according to new

situations requires the formulation of a systematic and comprehensive methodology. This embodiment will create *maslahat* (public interest), which is related organically to the principles formulated in the ethics of the Qur'an, and cannot be separated from religious values. Furthermore, in the process of this formation, differences in the religious and cultural environment between Islamic countries have local Islamic laws or institutions in line with the situation and conditions of that country. Thus, Indonesia, for example, may have Islamic law or *fiqh*. In Indonesia, as well as other Islamic countries, the embodiment in the form of law or local institutions is based on the ethics of the Qur'an.

Thus, it is clear that a total reconstruction of Islamic society in this century is only possible if Islamic law, which is the result of *ijtihad* is reviewed critically with the Qur'an as the criterion of judgment. In order to lead in that direction, the worldview and ethics of the Qur'an are deemed necessary to be formulated immediately. The worldview and ethics of the Qur'an will serve as the foundation for all Islamic legal thought and as a basis for the theory of the socio-political order of the *ummah* in the framework of building a moral world society. It should be emphasized that *ijtihad* is the key to solving the problems Muslims face now and in the future. *Ijtihad*, as the third source of Islamic teachings after the Qur'an and *hadith*, is what makes Islam suitable for all places and times. This has been proven by scholars from various fields of religion and science in the golden age of Islam.

Due to the complexity of religious problems raised by modern science and technology advancements, the problems faced by the *ulama* (parson) in the nineteenth century, especially in the twentieth century, differed from the problems faced by the *mujtahid* scholars ten centuries ago. At that time, besides science and technology, it had not developed as rapidly as it is now, so a scholar could master various fields of knowledge that existed at his time, a clear example of this is Ibn Rushd, who attached himself to the title of *faqih* (expert in Islamic law), doctor and philosophers, the religious problems that arise were not complex.

This causes a scholar who masters various fields of knowledge to be able to carry out *ijtihad* well individually. Getting energy that is all round means understanding all knowledge is very difficult, and new problems will always arise.

Whereas in this century, science and technology have developed so much that it is no longer possible for a scholar to master various fields of knowledge, and specialisation has also developed in various branches of knowledge. Much of scholars' knowledge is limited by their field of specialisation. At the same time, the problems they face are complex (in the sense that various branches of knowledge are closely related to the problems that arise). For example, the issue of family planning is closely related to population science, economics, medicine, psychology and other sciences. Apart from that, religious knowledge, such as enacting laws that originate from chemically produced materials, certainly requires chemists' analysis. Another example is that if what is being discussed for enactment relates to medical matters, medical experts must

explain so that the problem becomes apparent. Therefore, in this modern era, individual *ijtihad* can no longer solve existing problems, and what is now needed is an *ijtihad* institution whose members are scholars from various disciplines of religion, economics, politics, technology, medicine, law, and so on.

Thus, one problem can be viewed from various aspects so that the essence of a problem can be seen, and how to solve the problem can also be thought of together. In other words, because the problems of today's social life are increasingly complex, their solutions also require the participation of many experts, so it is challenging for an expert to find solutions to society's problems without being together with the other experts. Therefore, *ijtihad* in Islamic law must be carried out collectively, not in a *Fardi* (individual) manner.

Ijtihad jama'i, if supported by state facilities without reducing the freedom of the *mujtahid* will be more successful. From the description above it is clearly seen that in this age of scientific and technological advances, individual *ijtihad* is no longer valid. Even the *ijtihad* of a group of religious scholars will not be able to solve the problems of this era correctly and in the following eras.

In recent times, there has been much talk about collective *ijtihad*, especially among writers in the field of *fiqh*. According to Nadiah Syarif, collective *ijtihad* has been carried out in the form of international *ulama*/parson meetings, such as those held by *Majma' al-Buhus al-Islamiyah* in Cairo, and such meetings must be attended by *ulamas*/parsons in the field of science as advisors and also members. This is because joint decisions made by members with different areas of expertise are closer to the truth and more potent than those individually made by members with one expertise.

Today, what is most needed in the Islamic world is not an international collective *ijtihad* institution but a national collective *ijtihad* institution. This is because the religious issues that arise in this era of scientific and technological progress are different, in addition to the various interpretations and experiences of religion in various Islamic countries. Therefore, the collective *ijtihad* of each country has more authority to understand and find a solution to a problem appropriate to the circumstances of the Muslim community in question.

Opinions and Explanations from West Kalimantan Religious Leaders:

1. Prof. Dr. KH. Hambali, HM

Contemporary Islam refers to Islam's current state and practice in the modern world. It includes the beliefs, practices and social dynamics of Muslims living in the present era. While Islam's core principles and teachings have remained unchanged since the early 7th century, contemporary Islam is influenced by factors such as globalization, technological advances, cultural diversity, political developments, and social changes.

Contemporary Islam is characterized by various interpretations and expressions, reflecting the diversity within the Muslim community. Muslims worldwide have different sects, schools of thought, and cultural backgrounds, leading to variations in religious practices and interpretations. In addition, Muslims are influenced by local customs, social norms, and the broader global context in which they live.

An essential aspect of contemporary Islam is the ongoing discourse and debate around various issues, including the relationship between religion and the state, women's rights, human rights, interfaith dialogue, and the impact of Western values and secularism. This discussion reflects the efforts of Muslim scholars, intellectuals and activists to address the challenges and opportunities faced by Muslims in the modern world while remaining true to the principles of their religion.

Contemporary Islam is also grappling with challenges posed by radical ideologies and extremist interpretations of the religion. In response, many Muslim scholars and organisations actively promote a moderate and peaceful understanding of Islam, emphasising principles such as tolerance, coexistence, and respect for diversity.

In addition, technology and media play an essential role in shaping contemporary Islamic practice. Internet and social media platforms have provided Muslims new avenues to access religious knowledge, connect with other Muslims and share their experiences. This digital landscape also facilitates discussion of religious issues, leading to a more inclusive and global dialogue among Muslims from different regions.

Overall, contemporary Islam reflects the diverse, dynamic and thriving nature of the Muslim community in the current era. It encompasses a wide range of practices, interpretations and perspectives while engaging with the modern world's social, cultural and technological realities.

Contemporary Islamic law, also known as Sharia, derives from the primary sources of Islam, namely the Qur'an (Islam's holy book) and the Sunnah (practices and teachings of the Prophet Muhammad). However, it is essential to note that there is no universally agreed-upon interpretation or application of Islamic law, and various Muslim-majority countries and communities may have their own legal systems based on Islamic principles.

Islamic law covers various aspects of life, including personal ethics, family matters, criminal law, commercial transactions, and social governance. It guides on issues such as prayer, fasting, pilgrimage, marriage, divorce, inheritance, contracts, and the prohibition of interest (usury). Islamic law promotes fairness, equity and the well-being of individuals and society.

Contemporary Islamic legal systems can be broadly categorised into two main types: classical Islamic law and modern statutory law. Classical Islamic law refers to a legal framework based on Islamic jurists' interpretations of the Qur'an and Sunnah since the early Islamic centuries. This legal system is found in Saudi Arabia, Iran, and parts of the Muslim world, where Sharia is important in legislation and governance

On the other hand, modern statutes refer to legal systems in Muslim-majority countries that have incorporated elements of Islamic law into their legal codes. They also refer to civil law, customary law, or other legal traditions. This legal system aims to integrate Islamic principles with modern legal frameworks to meet the needs of contemporary society. Examples include countries like Malaysia, Indonesia, Turkey, and many others.

It should be noted that there is a wide variety of legal interpretations in the Muslim world. Different schools of thought, such as Sunni and Shia, have fiqh traditions and variations in their understanding and application of Islamic law. In addition, within each madhhab, the scholars may have differences of opinion and interpretation. Moreover, outside the realm of state legal systems, many Muslims adhere to personal or community-based interpretations of Islamic law in their daily lives, seeking guidance from local clergy, customs, and traditions.

Overall, contemporary Islamic law is a complex and diverse subject, with variations in its interpretation and application in different regions and communities. It continues to evolve and adapt to the modern world's changing needs and circumstances of Muslims.

2. Ustadz. Dr. H. Didik. M. Nur Haris, Lc. MA

To accommodate changes and development through the times, Islam is challenged and expected always to be up-to-date and become the solution of life. The complexity of life problems, which is very dynamic at this time, adhere to the development of science and civilization and become a main stimulus to Islam's thinkers, scholars, and ulama (parsons) to provide up-to-date, accurate and dynamic answers for all problems raised. Those experts are challenged to be able to see, give advice and carry out legal investigations of these contemporary problems and issues.

Nowadays, we are facing different situations compared to the past. Currently, there are many and varied contemporary issues from various dimensions, for example, from muamalah, economics, politics, health and medicine, and other aspects of life, the problems that we did not encounter in the past. Therefore, a Mujtahid or people who explore law in contemporary times is expected to comprehend Asholah purity, conceive the foundations of fiqulahkam law, study legal certainty of authentic sources used and figure out existing reality.

Islamic Shari'a acknowledged the priorities of law for cases or issues, even though the issues were not experienced at the time of the Prophet. The priorities of law in Islamic Sharia that have been applied in daily life are mandatory legal cases, sunnah, mubah, makruh and haram. Imam Syafe'i introduced these priorities: that the law is not one level either in orders or prohibitions. The Mujtahid or contemporary law explorers must have the capability and a priority scale to determine a law of one contemporary issue.

The existence of a legal determination that is related to the impact and consequences that accompany a law at this time is related to the future because the consequences that we decide affect the side of the legal determination.

CONCLUSION

From the elaboration above, the problems of contemporary Islamic law in the future will be even more complex than what we are facing today. This is due to the current development, which impacts the accumulation of various humanitarian problems, both among people and with the surrounding natural life.

The complexity of these problems certainly requires solving problems based on religious values. This is where the importance of contemporary Islamic legal and methodological formulations is ideal and formal. The ideal-moral and formal methodological framework aims to maintain the integrity of divine, human and universal values, which provide the right direction for the development of life.

In order to reach this direction, a spirit of historicism and empiricism is needed in carrying out studies on the building of the treasures of Islamic law. This spirit of historicism can foster an attitude of appreciation fairly and objectively towards these rich classical works (*tsarwah fiqhiyah*). Meanwhile, the spirit of empiricism will help us avoid simplistic attitudes. These two forms of attitude will lead to a commitment to development, not sacrifice, a commitment to the future, nostalgia, intellectual awareness, and historical stagnation. This dream will come true if we dare to review their history in the past and study Islamic sources to respond to present and tomorrow's challenges and problems.

The results of the *ijtihad* of the classical scholars are indeed what they are. However, we must react to them in detail and dynamically to find comprehensive answers to various contemporary problems that always demand new ethics and paradigms.

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