The Relationship between Classical Fiqh and Modern Social Needs in the Formation of Islamic Law

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INFO ARTICLE	ABSTRACT
  	This article examines the relationship between classical fiqh and modern social needs in the formation of Islamic law, focusing on the normative and methodological tensions arising from contemporary legal development. Classical fiqh, rooted in structured juristic reasoning and historical context, is often perceived as rigid when confronted with rapid social transformation, technological advancement, and institutional complexity. This study identifies three principal legal issues: the mischaracterization of classical fiqh as a static normative product, methodological stagnation resulting from restricted conceptions of ijtihād, and the absence of a coherent framework for integrating social change into Islamic legal formation. Employing a normative juridical method with conceptual, statute, and case approaches, the article analyzes contemporary Islamic legal discourse, fatwa practices, and adaptive jurisprudence across various legal fields. The analysis demonstrates that classical fiqh inherently possesses adaptive capacity through its methodological tools, including maqāṣid al-sharīʿah, qawāʿid al-fiqhiyyah, and juristic pluralism. This article argues that the perceived conflict between tradition and modernity stems not from doctrinal incompatibility but from methodological misapplication. It proposes a prescriptive integration framework that institutionalizes continuous ijtihād, strengthens maqāṣid-based reasoning, and revitalizes methodological pluralism to ensure that Islamic law remains doctrinally authentic, socially responsive, and normatively coherent in contemporary contexts.

INTRODUCTION

The relationship between classical fiqh and modern social needs constitutes one of the most enduring and complex debates in Islamic legal thought. Classical fiqh, developed through centuries of juristic reasoning, represents a sophisticated legal tradition grounded in textual interpretation, methodological rigor, and socio-historical context. However, contemporary Muslim societies face social realities that differ substantially from those in which classical fiqh doctrines were formulated, including

technological advancement, globalization, state legal systems, and evolving socio-economic relations. This divergence has generated a fundamental juridical question: to what extent can classical fiqh respond to modern social needs without compromising its normative authority and doctrinal integrity.[1]

Classical fiqh is often perceived as a fixed body of rules, whereas its methodological foundations reveal a dynamic legal reasoning process based on ijtihād, qawāʿid al-fiqhiyyah, and consideration of social benefit (maṣlaḥah). Nevertheless, in contemporary legal practice, classical doctrines are frequently applied through selective literalism, detaching legal norms from their original socio-historical contexts.[2] This practice results in a normative tension between doctrinal continuity and social relevance, particularly when Islamic law is expected to address modern issues such as technological mediation of religious practices, contemporary economic transactions, and pluralistic legal environments.

Modern social needs have increasingly pressured Islamic law to adapt. Developments in digital technology, financial systems, and governance demand legal responses that classical fiqh texts did not explicitly anticipate. Studies on contemporary ijtihād highlight attempts to bridge this gap through methodological renewal rather than doctrinal abandonment.[3] However, these efforts often face resistance from conservative legal authorities who equate adaptation with legal dilution. This resistance creates normative ambiguity regarding the permissible scope of legal change within Islamic law.

Recent scholarship demonstrates diverse approaches to reconciling classical fiqh with modernity. Abdillah (2025) illustrates how classical jurisprudence adapts to technological challenges in Hajj administration across madhhabs.[4] Faidah and Juwantri (2024) argue for legal convergence between classical schools and contemporary legal theory, while Suryantoro (2025) emphasizes integrative models combining classical and contemporary fiqh.[5] Despite these contributions, much of the existing literature remains fragmented, focusing on specific sectors such as economics or ritual law without articulating a comprehensive framework for legal formation.

The research gap addressed in this article lies in the absence of a systematic normative analysis of how classical fiqh and modern social needs interact in the process of Islamic law formation. Existing studies often highlight adaptability or resistance without critically examining the underlying legal reasoning structures that mediate between tradition and change. This article therefore aims to analyze the normative relationship between classical fiqh and contemporary social demands, identify tensions and convergences, and propose a prescriptive framework for forming Islamic law that remains doctrinally authentic while socially responsive.

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[1] L. Takim, "Islamic Law and the Neoijtihadist Phenomenon," *Religions* 12, no. 1 (2020).

[2] H. Shidqiah et al., "Analisis Sejarah Perkembangan Mazhab Fiqh dan Pengaruhnya terhadap Hukum Islam Kontemporer," *Aladalah* 3, no. 2 (2025)

[3] M. Ichwan, D. Ming, and M. Sya'roni, "Bridging Tradition and Modernity," *Pharos Journal of Theology* (2025).

[4] Abdillah, "Adaptability of Islamic Jurisprudence in Hajj," *Al-Risalah* 25, no. 1 (2025).

[5] N. Faidah and F. Juwantri, "Legal Convergence," *Borneo International Journal of Islamic Studies* 6, no. 2 (2024); D. Suryantoro, "Transformation of Islamic Law," *al-Rasīkh* (2025).

METHODOLOGY

This research employs a normative juridical method to examine the relationship between classical fiqh and modern social needs in the formation of Islamic law. The normative approach is appropriate because the central issues concern legal reasoning, doctrinal authority, and methodological adaptation rather than empirical implementation. This study focuses on legal norms, principles, and interpretive methodologies that structure Islamic legal formation across historical and contemporary contexts.[6]

The statute approach is applied to analyze formal Islamic legal instruments and policy-oriented legal formulations, including fatwas, codified Islamic legal norms, and institutional legal guidelines that reflect the interaction between classical doctrine and contemporary demands. This approach enables the identification of normative continuity and transformation within authoritative legal texts.[7]

The conceptual approach is used to examine foundational legal concepts such as fiqh, ijtihād, maqāṣid al-sharīʿah, maṣlaḥah, and legal adaptability. These concepts are analyzed as juridical tools that mediate between textual authority and social reality. By emphasizing conceptual coherence, this approach reveals how classical fiqh methodologies inherently accommodate contextual reasoning when properly applied.[8]

The case approach complements normative and conceptual analysis by examining representative contemporary legal practices, such as fatwa formulation by authoritative institutions and adaptive jurisprudence in specific legal fields, including pilgrimage management and Islamic economic law. While not centered on a single judicial decision, this approach highlights patterns of legal reasoning that illustrate the ongoing negotiation between tradition and modernity.

The integration of these approaches provides a comprehensive framework for evaluating how Islamic law can be formed through principled engagement with both classical jurisprudence and modern social needs.

RESULTS AND DISCUSSION
Structural Tension between Classical Fiqh Authority and Contemporary Social Needs

This study finds that the relationship between classical fiqh and modern social needs is characterized by a deep structural tension rooted in competing conceptions of legal authority, legitimacy, and adaptability. Classical fiqh derives its normative authority from continuity of scholarly transmission, methodological discipline, and proximity to foundational Islamic texts. Its authority is traditionally justified through adherence to established schools of law (madhhabs), consensus (ijmāʿ), and structured reasoning processes. In contrast, modern social needs demand legal responsiveness to rapidly evolving realities such as technological innovation, institutional governance, global economic systems, and changing social relations. This divergence creates a persistent juridical dilemma regarding whether Islamic law should prioritize doctrinal continuity or social functionality.[9]

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[6] Peter Mahmud Marzuki, *Legal Research*, rev. ed. (Jakarta: Kencana, 2017).

[7] J. Mubarak and S. Mahfudz, "Istinbath Methodology of DSN-MUI," *Indonesian Journal of Islamic Economic Law* 1, no. 2 (2024).

[8] M. Mokodenseho et al., "Analysis of the Influence of Fiqh and Maqasid al-Shariah," *West Science Islamic Studies* 2, no. 1 (2024).

[9] L. Takim, "Islamic Law and the Neoijtihadist Phenomenon," *Religions* 12, no. 1 (2020).

The analysis reveals that this tension is not inherent to fiqh itself, but rather emerges from the way classical doctrines are positioned within contemporary legal discourse. In many modern contexts, classical fiqh is treated as a closed normative corpus rather than as the product of contextual legal reasoning. Such treatment transforms historically contingent rulings into rigid legal norms, thereby disconnecting Islamic law from the social realities it seeks to regulate.[10] This phenomenon is particularly evident where legal authority is equated with textual fidelity rather than methodological reasoning. As a result, fiqh risks being perceived as normatively authoritative yet socially inadequate.

The study further demonstrates that selective literalism plays a decisive role in sustaining this tension. Contemporary applications of fiqh often prioritize the outcomes of classical rulings without sufficient engagement with their underlying legal rationales (ʿilal al-aḥkām). This approach neglects the fact that classical jurists themselves operated within specific socio-historical environments and frequently adjusted legal rulings in response to social change.[11] When such contextual sensitivity is abandoned, Islamic law appears resistant to modern needs not because of doctrinal rigidity, but because of methodological stagnation.

Importantly, the findings show that classical fiqh inherently contains adaptive mechanisms capable of addressing modern challenges. Legal maxims (qawāʿid al-fiqhiyyah), principles of public interest (maṣlaḥah), and objectives of law (maqāṣid al-sharīʿah) function as internal instruments of legal transformation. These tools allow jurists to balance textual authority with social benefit, ensuring that law remains ethically coherent and socially responsive.[12] However, in contemporary practice, these mechanisms are often subordinated to rigid school loyalty or procedural conservatism, creating a contradiction between the dynamic foundations of fiqh and its static application.

The tension becomes particularly visible in areas where modern social change is unavoidable. Abdillah (2025) demonstrates that the administration of Hajj in the technological era necessitates adaptive jurisprudential reasoning across all four madhhabs.[13] Similarly, the evolution of Islamic economic law illustrates how classical transactional models are reconfigured to accommodate contemporary financial systems. These examples indicate that adaptation is not only possible but already occurring. Nevertheless, such adaptations often lack a unified normative framework, resulting in fragmented legal reasoning that oscillates between preservation and pragmatism.

This structural tension has broader implications for the legitimacy of Islamic law. When legal norms fail to address lived realities, they risk losing normative authority among Muslim communities. Conversely, when adaptation occurs without clear methodological grounding, it is perceived as arbitrary or externally imposed. The absence of a principled mediating framework thus fuels polarization between traditionalist and reformist positions, each claiming fidelity to Islamic law while advancing incompatible legal visions.

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[10] H. Shidqiah et al., "Analisis Sejarah Perkembangan Mazhab Fiqh dan Pengaruhnya terhadap Hukum Islam Kontemporer," *Aladalah* 3, no. 2 (2025).

[11] M. Ichwan, D. Ming, and M. Sya'roni, "Bridging Tradition and Modernity," *Pharos Journal of Theology* (2025).

[12] A. Fatimah et al., "Qawāʿid al-Fiqhiyyah sebagai Tolak Ukur Penentuan Skala Prioritas," *AKSIOMA* 2, no. 6 (2025).

[13] Abdillah, "Adaptability of Islamic Jurisprudence in Hajj," *Al-Risalah* 25, no. 1 (2025).

Overall, the result confirms that the central problem is not incompatibility between classical fiqh and modern social needs, but the absence of an articulated legal framework that mediates between doctrinal authority and social transformation. Without such mediation, Islamic law is trapped in a cycle of either rigid preservation or unprincipled adaptation, undermining both its authenticity and relevance.

Methodological Convergence and Divergence in the Formation of Contemporary Islamic Law

The second major finding concerns the methodological patterns through which classical fiqh and modern social needs are reconciled in contemporary Islamic law formation. The analysis identifies two dominant trajectories: methodological convergence and methodological divergence. These trajectories reflect competing approaches to legal adaptation and reveal an unresolved debate over the epistemological boundaries of Islamic legal change.[14]

Methodological convergence occurs when modern legal challenges are addressed through the reactivation of classical fiqh methodologies. Approaches such as maqāṣid-based reasoning, takhayyur, talfīq, and renewed ijtihād exemplify this trajectory. Rather than abandoning tradition, these methods seek to preserve doctrinal continuity while enabling contextual responsiveness.[15] Scholars employing convergent approaches emphasize that adaptability is intrinsic to Islamic jurisprudence and that legal evolution must occur through recognized juristic tools. This approach maintains internal coherence and reinforces the legitimacy of legal change within Islamic epistemology.

The study finds that convergence is particularly visible in institutional legal practices. Fatwa councils and Islamic legal bodies increasingly employ maqāṣid al-sharīʿah to address contemporary issues in economics, governance, and social regulation.[16] By grounding modern rulings in classical legal theory, these institutions demonstrate that fiqh is capable of engaging with modernity without losing its normative identity. Such practices also counter the narrative that Islamic law is inherently incompatible with social progress.

However, methodological divergence emerges when modern social needs are addressed through external legal theories or pragmatic policy considerations without sufficient integration into fiqh methodology. While these approaches may produce functional legal outcomes, they risk weakening the epistemological foundations of Islamic law. Faidah and Juwantri (2024) caution that legal convergence must remain anchored in fiqh reasoning to avoid normative fragmentation.[17] Detached adaptation may satisfy regulatory demands but undermine the perceived legitimacy of Islamic law as a coherent normative system.

The analysis further reveals that divergence is often driven by institutional pressures. State legal systems prioritize legal certainty, efficiency, and compliance with global regulatory frameworks.[18] These priorities incentivize simplified legal reasoning

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[14] N. Faidah and F. Juwantri, "Legal Convergence," *Borneo International Journal of Islamic Studies* 6, no. 2 (2024).

[15] M. Nafi et al., "Alternative Fikih in Sharia Economics," Waralaba 1, no. 3 (2025).

[16] A. Najra et al., "Integration of Ushul Fiqh and Syara' Sources," Constitutional Law Review 3, no. 2 (2024).

[17] N. Faidah and F. Juwantri, "Legal Convergence," 2024.

[18] I. Saifnazarov et al., "The Interplay between Sharia Law, Religious Principles, and Social Justice," Pharos Journal of Theology (2025).

that may sideline jurisprudential depth. As a result, Islamic law is sometimes reduced to symbolic references rather than substantive normative guidance. This reduction contributes to the perception that Islamic law is either obsolete or merely decorative within modern legal systems.

Importantly, the coexistence of convergence and divergence reflects an unresolved methodological crisis rather than a clear legal trajectory. Without a shared framework for determining legitimate adaptation, legal actors oscillate between rigid traditionalism and unanchored reformism. This oscillation generates inconsistent legal outcomes and undermines public confidence in Islamic law as a stable yet responsive legal system.

The result therefore indicates that the future of Islamic law formation depends on resolving this methodological tension. Convergence grounded in classical jurisprudential tools strengthens legal legitimacy and continuity, while divergence without epistemological integration risks eroding both authority and relevance. A principled framework that clarifies the conditions and limits of legal adaptation is essential to reconcile classical fiqh with modern social needs in a sustainable manner.

Prescriptive Framework for Integrating Classical Fiqh and Modern Social Needs

This section formulates a prescriptive framework for integrating classical fiqh with modern social needs in the formation of Islamic law. The preceding results demonstrate that the core challenge is not doctrinal incompatibility, but the absence of a structured methodology that can legitimately mediate between juristic tradition and contemporary social transformation. Without such a framework, Islamic law oscillates between rigid traditionalism and unprincipled reform, both of which undermine its normative authority.[19]

A foundational prescriptive step is the re-conceptualization of classical fiqh as a methodological tradition rather than a static body of substantive rules. Classical fiqh emerged through continuous ijtihād, contextual reasoning, and juristic pluralism. However, contemporary legal discourse often freezes classical outcomes while neglecting their underlying reasoning processes. This mischaracterization transforms historically contingent rulings into immutable norms, thereby obstructing legal responsiveness.[20] Reintegrating methodological reasoning restores fiqh's capacity to address modern social realities without compromising doctrinal authenticity.

Central to this integration is the institutionalization of maqāṣid al-sharīʿah as a normative evaluative framework. Maqāṣid function not as abstract moral ideals, but as juridical criteria for assessing whether legal norms fulfill justice, public welfare, and human dignity. When applied systematically, maqāṣid allow jurists to determine whether classical rulings remain contextually valid or require reformulation in light of changed social conditions.[21] This approach preserves textual authority while preventing ethical stagnation.

Institutional reform constitutes another critical dimension of the prescriptive framework. Contemporary Islamic law is increasingly produced within formal institutions such as fatwa councils, state agencies, and regulatory bodies. These

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[19] L. Takim, "Islamic Law and the Neoijtihadist Phenomenon," *Religions* 12, no. 1 (2020).

[20] H. Shidqiah et al., "Analisis Sejarah Perkembangan Mazhab Fiqh dan Pengaruhnya terhadap Hukum Islam Kontemporer," Aladalah 3, no. 2 (2025).

[21] M. Mokodenseho et al., "Analysis of the Influence of Fiqh and Maqasid al-Shariah in the Formation of Islamic Legal Policy," West Science Islamic Studies 2, no. 1 (2024)

institutions often operate under administrative pressures that favor legal certainty and efficiency. Without clear methodological guidance, institutional actors may either replicate conservative rulings uncritically or adopt pragmatic solutions detached from fiqh epistemology.[22] A prescriptive framework therefore requires institutional guidelines that explicitly integrate classical methodologies with contemporary policy considerations.

Methodological pluralism must also be revitalized. Classical fiqh historically accommodated diverse opinions across madhhabs, enabling flexibility and contextual adaptation. Reviving mechanisms such as takhayyur and talfīq within principled limits allows Islamic law to respond to social diversity while maintaining normative coherence.[23] Pluralism, when methodologically disciplined, strengthens rather than weakens legal legitimacy.

The following table summarizes the prescriptive integration framework by contrasting classical fiqh orientation, modern social demands, and proposed integrative strategies:

Table 1. Normative Integration Framework between Classical Fiqh and Modern Social Needs

Aspect	Classical Fiqh Orientation	Modern Social Needs	Prescriptive Integrative Strategy
Source of Authority	Madhhab-based juristic precedent	Regulatory certainty and social relevance	Authority grounded in methodological validity and maqāṣid alignment
Legal Reasoning	Text-centered and analogy-driven	Context-sensitive and problem-oriented	Contextual ijtihād guided by legal maxims and objectives
Legal Adaptability	Implicit through ijtihād	Explicit demand for responsiveness	Institutionalized continuous ijtihād
Normative Objective	Preservation of doctrinal continuity	Justice, welfare, and social functionality	Maqāṣid-based evaluation of legal outcomes
Institutional Role	Individual jurists and informal councils	Formalized state and transnational bodies	Methodological guidelines for institutional decision-making
Juristic Diversity	Madhhab pluralism	Legal harmonization	Disciplined takhayyur and talfīq

The table illustrates that integration does not require abandoning classical fiqh, but reorienting its application through principled methodological mediation. Such mediation ensures that Islamic law remains internally coherent while socially responsive.

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[22] J. Mubarak and S. Mahfudz, "Istinbath Methodology of DSN-MUI," *Indonesian Journal of Islamic Economic Law* 1, no. 2 (2024).

[23] M. Nafi et al., "Alternative Fikih in Sharia Economics," *Waralaba* 1, no. 3 (2025).

Finally, this prescriptive framework underscores the importance of legal education and scholarly formation. Jurists must be equipped with competence in both classical jurisprudence and contemporary socio-legal analysis. Without such intellectual preparation, integration efforts risk superficial reform or ideological polarization.[24] Sustainable legal formation requires scholars capable of engaging modern social needs through the internal logic of fiqh.

In sum, this section affirms that integrating classical fiqh with modern social needs is both normatively legitimate and jurisprudentially necessary. Islamic law can function as a living legal system when adaptation is guided by its own methodological resources rather than external compulsion.

CONCLUSION

This article concludes that the relationship between classical fiqh and modern social needs in the formation of Islamic law is best understood as a dynamic interaction rather than a dichotomy between tradition and change. Classical fiqh, when properly situated within its methodological foundations, possesses inherent adaptive capacity that allows it to respond to evolving social realities. The perceived rigidity of Islamic law is therefore not doctrinally inevitable, but arises from methodological stagnation and institutional conservatism.

The findings demonstrate that the primary obstacle to integration lies in unresolved tensions over legal authority and adaptation. Selective literalism and restricted conceptions of ijtihād undermine the responsiveness of Islamic law, while unanchored reform risks eroding its normative coherence. A balanced approach grounded in maqāṣid al-sharīʿah, methodological pluralism, and institutional reform provides a viable path forward.

Prescriptively, the article argues that Islamic law formation must embrace continuous ijtihād, revitalize classical juristic tools, and strengthen institutional capacity for principled adaptation. Such reconstruction does not weaken Islamic law, but restores its ethical legitimacy and social relevance. Integrating classical fiqh with modern social needs is therefore essential to ensure that Islamic law remains a living legal tradition capable of guiding contemporary Muslim societies with justice and coherence.

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[24] S. Samad and A. Novita, "Sahal Mahfudz's Sociological Approach to Islamic Legal Thought," *Responsive Law Journal* (2025).

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