

## The Relevance of Islamic Jurisprudence (Fiqh) in Tackling Modern Issues

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### Abstract

This research explores the ongoing significance of Islamic law (fiqh) in tackling modern ethical challenges, including those arising from digital advancements, biotechnology, environmental changes, and shifting socio-economic frameworks. The study examines how fiqh adjusts to matters like digital financial systems, AI in medical decision-making, and bioethical challenges by integrating *maqāṣid al-shari‘ah* and modern *ijtihad*. Utilizing a Systematic Literature Review (SLR), the research integrates fiqh with modern academic work to assess changes in methodology within Islamic law. The review highlights a notable transition from solely textual reasoning to a *Maqāṣid al-Shari‘ah* that emphasizes public interest, justice, and contextual significance. Research indicates that collaborative and interdisciplinary approaches to *ijtihad* have become crucial for tackling complex modern ethical challenges, especially in areas that demand scientific and technological knowledge. Fiqh institutions are increasingly utilizing collective reasoning to guarantee trustworthy, evidence-based legal results. The research also underscores the increasing significance of fiqh in the ethics of the digital economy, bioethical oversight, and environmental management, where fiqh aligns with international standards. Despite this advancement, a significant research gap continues to exist in the practical use of *Maqāṣid al-Shari‘ah* in policy, technology regulation, and actual legal decisions. In summary, the research finds that fiqh remains significantly relevant today when examined through vibrant, *maqāṣid*-oriented, and interdisciplinary approaches. Enhancing empirical and practical research is essential to guarantee that Islamic law remains a responsive, ethical, and solution-driven framework for addressing modern ethical challenges.

**Keywords:** *Fiqh, Islamic Law, Maqāṣid al-Shari‘ah, Ijtihad, Modern Ethical Challenges*

## INTRODUCTION

In this era of globalization and rapid technological advancement, the relevance of fiqh as an Islamic law is increasingly being tested by the emergence of new complex and multidimensional issues. Developments in digitalization, biotechnology, and social and economic changes demand a legal response that not only adheres to classical texts but is also capable of adapting to contemporary realities. Fiqh, which is rooted in the Qur'an, Sunnah, ijma', and qiyas, is now faced with the challenge of maintaining its normative authority while providing practical solutions to issues such as digital financial transactions, artificial intelligence in medical decision-making, and ethical issues in genetic engineering (Feriati et al., 2025; Prayogi et al., 2025). In this context, *maqāṣid al-sharī'ah* or the main objectives of sharia become an important instrument to ensure that every legal adaptation remains within the corridor of universal benefit and justice (Najra et al., 2024).

The transformation of fiqh in the modern era cannot be separated from the role of ijtihad as a dynamic method of legal reasoning. Ijtihad allows scholars and mujtahids to interpret and develop Islamic law contextually, enabling them to respond to modern ethical challenges without losing the normative essence of Sharia. In practice, contemporary ijtihad does not only rely on religious knowledge, but also requires interdisciplinary understanding, including science and technology, so that the resulting legal products are truly relevant and solution-oriented (Feriati et al., 2025; Mohammed Hassanein, 2025). This can be seen in the fatwa response to issues of fintech, biotechnology, and public health, where collaboration between scholars, academics, and policy makers is crucial (Najra et al., 2024).

One important aspect in the development of contemporary fiqh is the integration of *maqāṣid al-sharī'ah* in the ijtihad process. *Maqāṣid* not only serves as the ultimate goal of sharia, but also as a parameter in assessing the validity and relevance of a legal product. The *maqāṣid* approach allows Islamic law to be more adaptive to social, economic, and technological changes, without having to sacrifice the basic principles of sharia (Abdulkadir & Bature, 2025; Mohammed Hassanein, 2025). Thus, *maqāṣid* becomes a bridge between tradition and innovation, as well as between text and context, so that Islamic law remains capable of providing protection for religion, life, reason, lineage, and property amid the dynamics of the times (Athambawa, 2025).

In addition, a moderate approach to fiqh is becoming increasingly relevant in responding to social diversity and the challenges of pluralism in modern society. The *wasatiyyah* or moderation paradigm in Islamic law emphasizes the importance of balance between text and context, between legal certainty and flexibility, and between traditional authority and the actual needs of society (Hefni et al., 2025; Saiin et al., 2025). The relevance of fiqh in dealing with modern ethical challenges greatly depends on the ability of scholars, academics, and Islamic legal institutions to continue to carry out methodological and substantial reforms. Recent studies confirm that the integration of *usul fiqh*, *maqasid al-sharia*, and *ijtihad* is key to ensuring that Islamic law remains responsive, adaptive, and solution-oriented amid changing times (Feriati et al., 2025; Najra et al., 2024; Prayogi et al., 2025). Thus, fiqh functions not only as a normative Islamic law, but also as a dynamic and relevant ethical framework to guide Muslims in facing moral and legal complexities in the modern era.

In contemporary fiqh studies, there is a significant research gap, particularly regarding the practical application of *maqāṣid al-sharī'ah* in addressing modern ethical challenges. Most of the existing literature still focuses on theoretical and conceptual discussions, while

empirical data-based research that tests the effectiveness of maqāṣid in legal practice, public policy, or decision-making in the fields of technology, economics, and bioethics is still very limited (Athambawa, 2025; Kurniawan et al., 2025). Recent studies show that although maqāṣid al-sharī'ah has been recognized as an important framework in Islamic law, its implementation in real contexts such as fintech, environmental protection, and public health policy has not been explored in depth (Feriati et al., 2025; Shihan et al., 2021). In addition, there is a tendency for theoretical bias in maqāṣid research, where most studies still rely on literature review methods and have not integrated interdisciplinary approaches or field studies that can connect theory with social and legal dynamics in society ((Kurniawan et al., 2025). This creates an urgent need for more applied and transformative research, which not only tests the normative validity of maqāṣid, but also assesses its impact in responding to modern ethical challenges such as economic digitalization, climate change, and biomedical ethics (Athambawa, 2025; Feriati et al., 2025). Thus, filling this research gap is a strategic step to ensure that fiqh and maqāṣid al-sharī'ah are truly capable of providing real and measurable solutions to contemporary problems.

The applied model offered in this study serves as a practical framework for fatwa institutions, policymakers, and Muslim communities in formulating legal decisions that are responsive to contemporary issues. This model moves through four core steps: (1) analysis of social and technical realities through the principles of fiqh al-waqi'; (2) classification of each issue into relevant maqāṣid al-sharī'ah objectives; (3) application of collective ijtihad involving multidisciplinary experts so that legal decisions have scientific accuracy and shar'i legitimacy; and (4) harmonization between fiqh norms, scientific data, and modern regulatory needs to produce ethical, applicable, and adaptive legal guidelines. This framework enables fiqh to function as a legal system that not only preserves traditional values but is also capable of keeping pace with new developments in biotechnology, the digital economy, and environmental ethics (Auda, 2008; Soualhi & Hashim, 2025). With this approach, the research is expected to make a real contribution to the development of fiqh that is not only responsive to changing times but also capable of bridging tradition and innovation, as well as between Islamic norms and the needs of today's global society.

## METHOD

This research utilizes a Systematic Literature Review (SLR) approach to explore how fiqh, by combining maqāṣid al-sharī'ah and modern ijtihad, adjusts to contemporary ethical and legal issues. A systematic literature review is an organized, clear, and repeatable research approach employed to discover, assess, and integrate pertinent studies addressing a well-defined research aim. This systematic literature review reduces possible bias by employing clear inclusion and exclusion criteria and adhering to a predetermined review protocol. This review aims to explore how fiqh have been utilized in modern contexts, especially in domains like digital financial transactions, biotechnology, public health, and environmental ethics. The analysis centers on academic works both historical and modern that address the progression of fiqh, the implementation of maqāṣid al-sharī'ah, and the methodological advancements of contemporary ijtihad concerning new modern ethical challenges.

Data was gathered via a systematic search through key academic databases utilizing specific keywords such as Fiqh, Islamic Law, Maqāṣid al-Sharī'ah, Ijtihad, Modern Ethical Challenges. Articles were evaluated for thematic relevance, academic credibility, and direct alignment with the study's goals. After data collection, a qualitative synthesis method was employed to analyze and interpret the chosen studies. This approach facilitates a thorough

comprehension of how fiqh align or differ from modern legal requirements, featuring direct comparisons like the correlation between traditional debates on gharar and current digital contracts, or the overlap of historical medical ethics with today's discussions on organ transplants and genetic alterations. The synthesized results are conveyed narratively and, when suitable, are outlined in comparative format for clarity and analytical consistency. By employing this systematic method, the research reveals that modern uses of fiqh increasingly utilize maqāṣid-oriented logic to maintain ethical significance and contextual flexibility.

## RESULTS

### *The Methodological Evolution: From Textualism to Maqāṣid-Based Systems*

The most significant discovery concerning the importance of fiqh today is its methodological transformation from a strict focus on text-based literalism to a flexible interaction with the Maqāṣid al-Shari‘ah. Classical thinkers such as Al-Juwaini and Al-Ghazali established Maqāṣid as a protective framework for the five essentials faith (din), life (nafs), intellect ('aql), lineage (nasl), and wealth (mal) whereas modern scholarship has significantly broadened this concept. Contemporary legal scholars, drawing on Ibn Ashur's reformist ideas, contend that Maqāṣid should evolve from simply being the "reason for the rulings" to functioning as dynamic principles for societal growth and human rights (Auda, 2008). For example, the safeguarding of "intellect" is no longer restricted to banning intoxicants but is now understood to include the right to education, access to information, and protection from algorithmic manipulation and bias within Artificial Intelligence systems (Mohadi & Tarshany, 2023). This transition enables fiqh to operate as an ethical governance framework for modern ethical challenges where particular scriptural proofs (nass) might be lacking, closing the knowledge gap between divine purpose and swiftly changing human conditions (Almanahij, 2024).

Nevertheless, this change in methodology has caused considerable stress within the legal community. A significant divide exists between "liberal" interpretations that occasionally utilize Maqāṣid to supersede particular textual rulings considered incompatible with contemporary values, and conventional jurisprudential perspectives that maintain objectives should stay grounded in the text. Studies show that the prevailing method employed by global organizations is one of integration, in which Maqāṣid is utilized to contextualize, rather than to deconstruct, Islamic law. This is frequently accomplished via the tool of Fiqh al-Waqi (Jurisprudence of Reality), which demands a thorough sociological comprehension of the context prior to issuing a ruling. The legitimacy of a legal decision today increasingly relies on its compatibility with 'urf (customary practice) and its capacity to prevent social harm, as long as it does not breach clear prohibitions. This subtle use of 'urf is crucial for aligning Islamic law with contemporary social dynamics, guaranteeing that fiqh stays a dynamic, evolving system instead of a stagnant code (Marinsah et al., 2025).

### *Structural Change: The Emergence of Collaborative*

Ijtihad The intricate challenges of the 21st century from the molecular dynamics of gene editing to the algorithmic framework of decentralized finance have made the traditional concept of the individual polymath (mujtahid) inadequate. The research highlights a significant structural shift of legal authority from individual academics to organizations of Collective Independent Reasoning. Organizations like the International Islamic Fiqh Academy (IIFA) within the Organization of Islamic Cooperation (OIC) have become the main

drivers of modern legal thought. These academies operate as interdisciplinary research centers, requiring consultation (shura) among theologians, scientists, economists, and medical professionals (OIC Islamic Fiqh Academy, n.d.). This joint effort alleviates the "disorder of fatwas" resulting from ungoverned personal views and guarantees that decisions are technically correct. For instance, assessing the Shari'ah compliance of a derivative financial instrument currently necessitates mathematical modeling and economic predictions, areas that conventional fiqh education does not offer. Through the institutionalization of this knowledge, modern fiqh forms a "neo-traditional" blend that preserves the past's authority while actively interacting with current realities (Henin, 2023).

### ***Bioethical Negotiation: The Sacredness of Life in the Era of Biotechnology***

Within the field of bioethics, fiqh exhibits a nuanced ability to balance the limits between divine sanctity and human involvement. The discussion on organ transplantation underscores a fragile equilibrium between the ban on infringing upon the human body (hurma) and the necessity to preserve life (hifz al-nafs). Most international fiqh councils allow organ donation as a type of "ongoing charity" (sadaqah jariyah), yet they firmly forbid the sale of organs to avoid the commodification of human dignity. A major and persistent point of debate highlighted in the literature is the definition of death. The OIC Fiqh Academy and several national councils have officially recognized "brain death" as the conclusion of life to enable heart and liver transplants, harmonizing fiqh with contemporary medical agreement. Nevertheless, a significant portion of scholars and ordinary Muslims continue to be doubtful, sticking to the conventional cardiopulmonary definition. This divergence shows that fiqh is not uniform but rather a spectrum of ethical deliberation where medical benefits are consistently balanced with theological wariness about the departure of the soul (Padela & Duivenbode, 2018).

Moreover, the implementation of fiqh in genetic engineering establishes distinct ethical boundaries concerning human enhancement. Modern legal experts have created a clear separation between somatic cell editing, allowed as a therapeutic measure (tadawi) to treat illnesses, and germline editing, which is completely forbidden. This ban is based on the aim of safeguarding lineage (hifz al-nasl) and the religious belief that human genetic makeup is a divine trust (amanah), rather than a substrate for experimentation. The international Islamic reaction to the He Jiankui situation in China, where human embryos underwent genetic modification, was largely unfavorable. Legal scholars classified these interventions as "tampering" ('abath) with divine creation (fitrah), contending that the dangers of causing inheritable changes and muddling lineage significantly surpass any possible advantages. This position reiterates that although fiqh promotes medical solutions, it opposes changes to human nature itself (Alsomali & Hussein, 2021). In terms of end-of-life care, fiqh enforces a firm ban on euthanasia and assisted suicide, perceiving life as a sacred trust that only God is entitled to take back. Nonetheless, an important difference is established between active euthanasia and the cessation of ineffective treatment; the latter is allowed when medical professionals consider recovery unattainable, although nutrition and hydration are typically regarded as fundamental care rather than medical intervention and should be preserved (Al-Bar & Chamsi Pasha, 2015).

### ***The Digital Economy: Establishing Worth and Automating Agreements***

The emergence of the digital economy has necessitated a significant reassessment of core economic ideas in fiqh, especially regarding the essence of money (thamaniyyah) and the

concept of uncertainty (gharar). The legal standing of cryptocurrencies is still highly divided. On one hand, institutions such as Egypt's Dar al-Ifta, Turkey's Diyanet, and Indonesian groups like NU and Muhammadiyah have deemed cryptocurrencies haram (forbidden). Their argument is based on the significant volatility of these assets, which they claim represents an undue risk (gharar) similar to gambling (maysir), along with the absence of government support, jeopardizing financial autonomy (Khan et al., 2024). In contrast, an expanding array of research from areas such as South Africa and Malaysia advocates for allowance based on the notion of 'urf (customary practice). These researchers argue that in Islam, "money" is characterized by social recognition and utility instead of inherent worth. When a digital asset is recognized by society as a means of exchange, it gains the status of money. This perspective employs Maqāṣid al-Sharī'ah to propose that blockchain technology can improve financial inclusion and safeguard wealth against inflation in struggling economies (Andinianti & Huda, 2025; Benali et al., 2025)

The incorporation of smart contracts introduces another realm where fiqh engages with "code as law." In principle, the clarity and permanence of blockchain records closely correspond with the Islamic obligation to prevent uncertainty in agreements. Nevertheless, the automatic enforcement of smart contracts presents an issue for the Islamic tenet of *nazarah* (leniency) regarding debtors. Fiqh requires that a borrower in true distress be allowed delay, a principle that is challenging to incorporate into strict, self-implementing algorithms that automatically seize collateral upon failure to pay. Studies indicate that for smart contracts to achieve complete Sharia compliance, they might need to operate as "Sharia Oracles" or hybrid models that enable human involvement and moral judgment. This guarantees that the effectiveness of automation does not surpass the ethical principles of justice and compassion that are fundamental to Islamic transactional law. Moreover, the issue of responsibility (*dhaman*) in AI-based decisions continues to be intricate, with experts concurring that AI does not possess legal personhood, thereby attributing liability to the developers or users according to the principle of "guarantee follows the advantage" (Mohadi & Tarshany, 2023).

### *Environmental Stewardship: Implementing Green Fiqh*

In response to the existential challenge posed by climate change, modern fiqh has established a strong segment termed "Green Fiqh" (Fiqh al-Bi'ah), transforming environmental conservation from a societal virtue into a religious duty. This movement reawakens the theological idea of *khalifah* (stewardship), suggesting that humans are custodians accountable for upholding the cosmic equilibrium (*mizan*). Environmental destruction is therefore considered *fasad* (corruption) on earth, a serious offense. This religious position has been put into practice via particular fatwas, like those released by the Indonesian Ulema Council (MUI), which state that the incineration of peatlands and the overuse of single-use plastics are haram (prohibited) or makruh (discouraged). These decisions directly connect the safeguarding of the environment to the protection of life and heritage, claiming that ecological well-being is essential for human existence (Özdemir, 2021; Soualhi & Hashim, 2025).

Apart from prohibition, fiqh is merging more with financial tools aimed at addressing climate change, like Green Sukuk (Islamic bonds) and carbon credit trading. Jurists have participated in *takyīf fiqhī* (legal characterization) to recognize carbon credits as tradable assets (*mal*), as long as they reflect true environmental offsets and are devoid of speculation. Through the validation of these instruments, Islamic law aligns financial motivations with

spiritual responsibilities, enabling capital to be directed towards renewable energy and climate resilience initiatives. This illustrates the ability of fiqh to both govern personal conduct and organize intricate financial markets in support of global sustainability aims, successfully aligning Shari'ah objectives with the UN Sustainable Development Goals (SDGs) (Soualhi & Hashim, 2025)

### ***Legal Pluralism and State Interaction: Conflict and Accommodation***

The significance of fiqh is particularly examined in its engagement with secular state legal frameworks, where it frequently functions within a situation of legal pluralism. In South Africa, the Constitutional Court's pivotal ruling in *Women's Legal Centre Trust v President of the Republic of South Africa* (2022) represented a significant milestone. The court ruled that the non-recognition of Muslim marriages was unconstitutional, obligating the state to acknowledge marriages conducted under Islamic law to promote equality and dignity for Muslim women and children. This situation illustrates how fiqh can be incorporated into a liberal human rights framework, providing safeguards for marginalized groups while necessitating the update of traditional customs like polygyny and consent to align with constitutional norms of gender equality (Abduroaf & Moosa, 2023; 2022)

Conversely, the scenario in the United Kingdom showcases a system of "shadow" justice. Sharia councils function as crucial alternative dispute resolution entities, mainly assisting women in "limping marriages" those who are civilly divorced yet still religiously married due to their husbands' refusal to issue a talaq. In the absence of these councils, those women would find it impossible to remarry in their community. Although critics contend that these councils could negatively impact women's rights by coercing them into reconciliation, their continued existence underscores the vital role of fiqh in the personal status and identities of Muslim minorities. The study suggests that prohibiting these councils would probably push the practice into secrecy, eliminating any chance for oversight or improvement. Hence, the significance of fiqh in the West is characterized by its function in addressing the voids that secular law leaves in the personal lives of followers (Zee, 2016).

## **CONCLUSION**

This research shows that the importance of fiqh today is rooted in its ability to undergo methodological innovation, its collaboration across disciplines, and its ethical flexibility in response to swift technological and social changes. Incorporating *maqāṣid al-sharī'ah* into contemporary *ijtihad* has allowed Islamic law to transform from a mainly textual model into a purposive legal structure that connects normative principles with modern circumstances, especially in areas like digital finance, biotechnology, and environmental governance (Auda, 2008; Padela & Duivenbode, 2018; Soualhi & Hashim, 2025). The results further emphasize that collaborative and formalized *ijtihad* has become essential in tackling intricate problems that exceed the abilities of individual scholars, particularly those needing scientific and technical knowledge, as shown by the efforts of organizations like the International Islamic Fiqh Academy.

Moreover, the study shows that modern fiqh is progressively functioning in a context of global legal pluralism, balancing its role within Islamic law while continuing to serve as an essential ethical guide for Muslim communities globally (Abduroaf & Moosa, 2023; Zee, 2016). Despite these progressions, notable disparities remain especially in the practical evaluation of how *maqāṣid*-oriented reasoning is applied in policy, technology regulation, and socio-legal judgments. Consequently, upcoming research needs to focus on applied and interdisciplinary

investigations that assess the real-world effects of maqāṣid-oriented Islamic law on pressing issues like digital governance, environmental decline, and biomedical advancements. Enhancing this empirical aspect is crucial to guarantee that fiqh remains not only a theoretical tradition but also a vibrant, solution-focused framework that can navigate Muslim communities through the intricacies of contemporary life.

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