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# RECONSTRUCTING FIQH IN POST-REFORM INDONESIA: FROM THEOCENTRIC TO ANTHROPOCENTRIC PARADIGMS

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## Abstract

*This study investigates the transformation of Islamic law (fiqh) discourse in post-Reformation Indonesia, highlighting the intellectual shift that emerged following the democratization process in 1998. While previous research has described the general openness of this period, this study identifies and analyzes the novel patterns of legal reasoning and methodological renewal that distinguish contemporary Indonesian fiqh. Employing qualitative content analysis of key literature, including scholarly books, journal articles, and dissertations, this study uncovers how the increased intellectual freedom has enabled scholars to develop more context-sensitive interpretations of Islamic law. The study's main contribution lies in its systematic mapping of post-Reformation fiqh trends, particularly the rise of anthropocentric and socially responsive Islamic law. These findings reveal that, despite facing resistance from traditionalist perspectives, this evolving discourse marks a significant epistemological shift that aligns Islamic legal thought more closely with the needs of modern plural societies.*

***Keywords:*** *Contemporary fiqh, legal reform, Indonesia, post-reformation, Islamic law*

## INTRODUCTION

The development of Islamic legal thought in Indonesia has undergone a long and dynamic journey, shaped by historical, political, and socio-cultural factors. Among the most significant turning points is the Reformation era, which began in 1998, marking the end of the authoritarian New Order regime and ushering in a new phase of democratic openness and freedom of expression (Simorangkir, 2015). This new climate enabled a more pluralistic and critical engagement with religious discourse, including in the realm of Islamic law. The post-Reformation period, therefore, opened space for the reconfiguration of *fiqh* thinking in Indonesia, giving rise to interpretations that are more responsive to the realities of a modern, diverse society (Rahman, 2021).

Prior to this era, the development of Islamic law in Indonesia was heavily regulated and politically constrained. During the New Order regime, Islamic legal discourse was often formalistic, top-down, and tied closely to state policy. Although some breakthroughs did occur, such as the enactment of Law No. 7/1989 on Religious Courts and the 1991 Compilation of Islamic Law, these were still products of a highly centralized and controlled legal environment (Hidayat, 2017). As a result, intellectual freedom in interpreting Islamic legal sources remained limited.

The Reformation era shifted this landscape. Scholars began to introduce new perspectives in *fiqh* that emphasize contextualization, public interest (*maslahah*), and ethical dimensions of *shari'ah* (Yusdani, 2024). Discourses such as Social *Fiqh*, introduced by Kiai Sahal Mahfudh (Mahfudh, 2011), Gender Justice *Fiqh,* promoted by figures like Kiai Husein Muhammad (Muhammad, 2001), Interfaith *Fiqh* (Sirry (ed), 2004), and the revitalization of *Maqasid al-Shari'ah* reflect the emerging intellectual trends that seek to reconcile Islamic legal tradition with contemporary Indonesian realities

(Maulidi, 2015). These discourses do not merely aim at legal reform but represent deeper epistemological shifts in how *fiqh* is understood and applied.

Despite the growing body of literature on these themes, most existing studies tend to be descriptive, biographical, or doctrinal in nature, focusing on individual scholars or specific issues without offering a holistic analysis of the broader transformation in Indonesian *fiqh* thought. As a result, there is a lack of comprehensive scholarly work that maps how post-Reformation developments have influenced the epistemology, methodology, and thematic focus of Islamic legal discourse in Indonesia.

This research seeks to fill that gap by offering a systematic analysis of the key discourses, patterns, and innovations in contemporary Indonesian *fiqh*. The novelty of this study lies in its integrative approach, which not only documents new ideas in post-Reformation *fiqh* but also interrogates the underlying methodological transformations and contextual adaptations that shape them. Rather than treating these discourses in isolation, the study situates them within a larger framework of epistemological renewal in Islamic law.

The urgency of this research lies in the fact that Islamic legal discourse continues to influence both formal legal institutions and broader socio-religious dynamics in Indonesia. Understanding how *fiqh* evolves in response to democratic openness, pluralism, and modernity is crucial for evaluating its relevance and sustainability in the future. Moreover, by critically examining the changing character of *fiqh* in post-Reformation Indonesia, this study contributes to wider debates in Islamic legal theory, especially concerning the tension between tradition and reform.

Based on this context, the primary objective of this study is to critically examine the transformation of Islamic legal thought in Indonesia after the Reformation era, with particular attention to how new intellectual trends reflect both continuity and innovation within the *fiqh* tradition. More

specifically, the study seeks to: 1) identify and analyze major discourses in post-Reformation Indonesian *fiqh* (e.g., social *fiqh*, gender *fiqh*, interfaith *fiqh*, maqasid-oriented fiqh); 2) explore the methodological and epistemological frameworks that underpin these discourses; 3) evaluate the practical and normative implications of these discourses for Islamic legal thought in a modern, pluralistic context.

By achieving these aims, this study aspires to provide a richer understanding of the contemporary landscape of Islamic legal thought in Indonesia and its relevance for future scholarly and practical engagements.

## RESEARCH METHODS

This study employs a library research method with a qualitative-descriptive approach, aiming to analyze the development of Islamic legal thought in Indonesia during the post-Reformation period (Hasanah, 2023). The study is entirely based on documentary sources and does not involve field data collection. Its primary focus is a comprehensive examination of scholarly writings and the intellectual contributions of contemporary Indonesian *fiqh* thinkers, as well as other relevant literature addressing the dynamics of *fiqh* development from 1998 to 2024.

The data analyzed in this study include books, journal articles, conference proceedings, theses, dissertations, and reliable online publications. The selection of literature was guided by specific inclusion criteria: (1) the material must directly address Islamic legal thought in the context of post-Reformation Indonesia, (2) the authors must be recognized as scholars or intellectuals active in contemporary *fiqh* discourse, and (3) the sources must be accessible through academic repositories, university libraries, or credible digital databases. Conversely, literature that lacked thematic relevance, did not focus on Islamic law, or originated from non-academic platforms was excluded from analysis.

Data collection was carried out systematically through searches of academic databases such as Garuda, Google Scholar, SINTA, and university library catalogs. For data analysis, this study applies two complementary approaches: content analysis and critical discourse analysis. Content analysis was used to identify dominant themes, thought patterns, and conceptual categories emerging from the selected literature (Wilson, 2016). This approach helped map the recurring topics and frameworks present in contemporary Indonesian *fiqh* discourse. In addition, critical discourse analysis (CDA) was employed to investigate how language and narrative structures within these texts reflect ideological stances, intellectual power dynamics, and contextual responses to modern social and political challenges (Matytsina, 2019). By integrating both methods, the study offers a deeper understanding of the transformation of *fiqh* thought, not only in terms of content but also in terms of discourse production and socio-historical context.

## DISCUSSION

*Fiqh*, as the fruit of extracting Islamic law, has a very large role in society. H.A.R. Gibb in *The Modern Trends of Islam* states that a human being who accepts Islam as his religion will indirectly accept the authority of Islamic law over him (Ichtijanto, 1991). Although they vary in their observance of it, the fact is that the most important subject in all Islamic studies is the law (Daud Ali, 1999). This is because the law covers all areas of a Muslim's life. We can conclude that the existence of Islamic law or *fiqh* for a Muslim is as social engineering, which is a means to make social changes to achieve the ideal format that is aspired to.

The term 'new *fiqh*' or 'contemporary *fiqh*' intends to explain that *fiqh* in the current era is more developed than in the previous era. The word contemporary arises due to a shift in the style of thinking or transition, and the

development of philosophy at the present time (Bertens, 2013). Husni Mubarak explains that contemporary *fiqh* is a study of Islamic normative rules to provide legal solutions to problems that occur today (Mubarak, 2019). So that the use of contemporary words underlines the state of this modern era, which is clearly very different from the past.

The inevitability of the difference between the problems of the past and the present encourages scholars to formulate new *fiqh* discourse. The need to formulate the most relevant *fiqh* is a demand for some people to play their role. Mujamil Qamar at least noted that there are as many as 28 kinds of *fiqh* written by Muslim scholars in Indonesia (Qamar, 2021). Some of the contributions of Indonesian scholars in the stage of contemporary *fiqh* discourse will be described as follows.

## Sahal Mahfud's Social *Fiqh*

Social *Fiqh* (*Fikih Sosial*) is a concept introduced by Kiai Sahal Mahfudh in response to the evolving social and legal dynamics in society. This concept aims to bridge traditional *fiqh* teachings with the real-life demands of modern communities. Kiai Sahal emphasizes that *fiqh* should not be understood as rigid or standardized, but rather as a dynamic system that is oriented toward *maslahah* (public benefit) and guided by progressive, contextual reasoning (Mahfudh, 2011). He thus proposes that the classical Islamic texts (*al-kutub al-mu'tabarah*) be reinterpreted in light of existing social realities. As such, Social *Fiqh* does not only focus on normative rituals (*ibadah*) but extends to the application of Islamic law in areas of *mu'amalah* (social transactions), including economics and politics (Mahfudh, 2011).

In practice, Kiai Sahal Mahfudh's Social *Fiqh* is built upon five main principles. The first is the contextual interpretation of texts, which seeks to align Islamic legal teachings with the situational and temporal conditions of

society (Mahfudh, 2011). Scholars often cite the historical transformation in Imam al-Shafi'i's legal thought—from *qaul qadim* to *qaul jadid*—as an example of how environmental and societal changes justify shifts in jurisprudential reasoning (Nahrawi, 1988). The second principle urges a transformation in the way Muslims follow a *mazhab*, moving from a textualist to a methodological-contextualist orientation. This shift reflects the original ethos of the *mazhab* founders, who prioritized the development of *istinbath* (legal reasoning) methods over strict textual imitation (Firdaus, 2023). Just as a person in need is better taught to hunt rather than merely given food, students of Islamic law should be equipped with the methodological tools to derive legal rulings suitable for contemporary contexts.

This methodological shift resonates strongly with Mohammed Abid Al-Jabiri's approach to engaging with Islamic intellectual heritage (*turats*), particularly through the *fasl* and *wasl* methods. The *fasl* method calls for maintaining a critical distance from inherited texts in order to compare historical and present conditions objectively, while *wasl* represents the effort to reconnect those texts with current realities to ensure relevance (al-Jabiri, 1993). Similarly, Taha Jabir Al-Alwani promotes an epistemological method (*qira'ah manhajiyyah ma'rifiyyah*), which emphasizes contextual understanding in interpreting classical texts, recognizing the socio-political environment in which those texts emerged (Firdaus, 2023). These approaches parallel the third principle of Social *Fiqh*, the need to verify and differentiate between immutable core teachings and changeable subsidiary rulings. In areas such as Islamic economics, for instance, classical contractual models may need to be adapted or integrated in response to the complexities of contemporary financial systems, without abandoning their foundational ethical logic (al-Alwani, 2001).

The fourth principle emphasizes viewing *fiqh* as a moral compass, not merely as a system of enforceable positive law (Mahfudh, 2011). From its

inception, *fiqh* has embodied moral values such as justice, compassion, and social responsibility. The *'illat al-hukm* (effective cause of a ruling), a central element in Islamic legal analogy (*qiyas*), inherently reflects the moral reasoning that underpins legal responses to novel circumstances. This affirms that the practice of sharia is not limited to the literal application of legal texts, but extends to the underlying ethical wisdom that sustains them (Mahfudh, 2011).

The final principle introduced by Kiai Sahal Mahfudh is the call to integrate socio-cultural awareness and philosophical inquiry into the study of *fiqh*. He encourages an interdisciplinary approach in understanding the lived realities behind legal rulings (Mahfudh, 2011). In a rapidly changing world, recognizing the fluid and adaptable nature of *fiqh* is essential for developing Islamic legal responses that remain meaningful and relevant.

Nevertheless, despite its intellectual appeal and contemporary relevance, Social *Fiqh* is not without criticism. One major concern lies in its emphasis on contextual flexibility, which can inadvertently lead to excessive subjectivity in legal interpretation (Hallaq, 2009). When *maslahah* becomes the dominant frame of reference, there is a risk that it might be misused by individuals seeking religious justification for personal or ideological interests (Kamali, 2008). Conservative scholars further argue that Social *Fiqh* leans too far toward modernism, thereby eroding the authority of classical *fiqh* and potentially undermining the continuity and integrity of Islamic jurisprudential tradition. These scholars often express caution in using *maslahah* as a legal basis, fearing it opens the door to ethical relativism and dilutes the discipline of ijtihad with personal bias (El Fadl, 2001). Moreover, the effectiveness of Social *Fiqh* is often hindered by the inadequacy of methodological training in contemporary *fiqh* education. Without strong foundations in legal theory and reasoning tools, the contextual application of Islamic law risks being superficial or misdirected.

In a broader perspective, Kiai Sahal Mahfudh's Social *Fiqh* aligns with the reformist currents in modern Islamic legal discourse. His vision shares common ground with the hermeneutical frameworks proposed by scholars like al-Jabiri and al-Alwani, and even resonates with Jasser Auda's reconstruction of *Maqasid al-Shariah* as a dynamic, value-driven framework (Auda, 2008). All these approaches share a commitment to bridging classical scholarship with contemporary realities through critical and methodological engagement. Far from being an isolated idea, Social *Fiqh* stands as part of a wider movement in Islamic thought that seeks to harmonize fidelity to tradition with responsiveness to change. It is through such engagements that Islamic jurisprudence can evolve into a living tradition, rooted in scripture yet alive to the ethical, social, and political demands of the present.

## Gender Justice *Fiqh*

Gender Justice *Fiqh* (*Fikih Keadilan Gender*) is an intellectual and theological effort to deconstruct patriarchal interpretations of Islamic law and promote the equal status of women and men. This discourse arises from the realization that classical *fiqh*, primarily developed by male scholars, has often been influenced by patriarchal sociocultural structures that marginalize women in both private and public spheres. Reformist scholars such as Kiai Husein Muhammad argue that many Islamic legal interpretations are shaped more by cultural constructions than by the ethical core of Islamic teachings. He advocates for the reinterpretation of classical texts through a lens of justice (*'adl*) and compassion (*raḥmah*), which are central values in the Qur'an (Muhammad, 2001). Similarly, Siti Musdah Mulia emphasizes that Islamic law must be revisited to restore its egalitarian spirit, and that any

discriminatory rulings are often the result of historical, not theological bias (Mulia, 2020).

Nevertheless, this progressive jurisprudence continues to face resistance. Traditionalist and conservative Islamic circles often reject gender-based reinterpretations, accusing them of being influenced by Western feminist ideologies. Even within Indonesia's large Islamic organizations, efforts by figures like Nur Rofiah to introduce critical gender perspectives have encountered suspicion and pushback, particularly when challenging dominant interpretations that place men in positions of unquestioned authority (Rofiah, 2020).

At the grassroots level, the impact of Gender Justice *Fiqh* is limited. Many Muslim communities continue to uphold rigid interpretations that subordinate women and silence their voices. As Rofiah (Rofiah, 2020) explains, without critical literacy and transformative religious education, the reinterpretation of gender roles in Islam will struggle to influence daily religious practice. Yet, reformist scholars maintain that a *maqasid al-shari'ah* framework—grounded in justice, public welfare, and mercy—is essential for developing a liberatory Islamic legal discourse that affirms the dignity of all human beings, regardless of gender (Abdul Kodir, 2023).

## Interfaith *Fiqh*

Interfaith *Fiqh* (*Fikih Lintas Iman*) is a contemporary approach that seeks to foster inter-religious harmony through dialogue, mutual respect, and legal reform grounded in pluralistic values. This concept emerges in response to the increasing global and local tensions between religious communities, particularly in the context of identity politics, sectarianism, and religious exclusivism. According to Abicandra (2022), Interfaith *Fiqh* aims to identify common ethical and legal ground between Abrahamic faiths— Islam,

Christianity, and Judaism—by reinterpreting religious laws in a way that acknowledges diversity without compromising theological integrity.

However, while the concept is intellectually compelling, its real-world application remains uneven. For instance, in Indonesia, various interfaith dialogue forums such as FKUB (Forum Kerukunan Umat Beragama) have institutionalized spaces for religious cooperation, yet their impact is often limited to ceremonial engagement rather than substantive theological reconciliation (Mubarok, 2014). Moreover, legal issues such as interfaith marriage and inheritance still face significant resistance both at the level of state law and societal acceptance. In practice, courts in Indonesia rarely grant recognition to interfaith marriages without one party converting, and inheritance laws continue to be interpreted in ways that favor exclusivist readings of religious identity (Surasa et al., 2025).

The idea of Interfaith *Fiqh* also intersects with Indonesia's official campaign for Religious Moderation *(Moderasi Beragama)*, which emphasizes tolerance, *wasathiyah* (moderation), and peaceful coexistence. Yet, challenges persist. Rising incidents of religious intolerance, including church permit denials, disruption of minority worship, and hate speech, indicate that the normative ideals of interfaith harmony have not been fully internalized across all levels of society. This reflects a tension between legal-normative frameworks and sociological realities on the ground (Badan Litbang dan Diklat Kementerian Agama RI, 2019).

Therefore, the relevance of Interfaith *Fiqh* lies not only in its theological foundations but also in its ability to engage with sociopolitical structures and power dynamics. It must move beyond abstraction and become embedded in legal reform, community education, and active peacebuilding. Without tangible pathways for implementation, the concept risks remaining an idealistic vision disconnected from the complex religious pluralism that defines Indonesian society.

## Maqāṣid al-Sharī'ah

*Maqāṣid al-Sharī'ah*, which means the objectives or intents of Islamic laws, is an important concept in understanding *sharia*. The study of *Maqāṣid al-Sharī'ah* is very relevant in the context of Islamic law, especially to understand the purpose behind each provision of sharia. The history of *Maqāṣid al-Sharī'ah* can be divided into two main periods. First, during the time of the Companions and subsequent generations, an understanding of *maqasid* already existed, although the term was not yet formally used (Hamidan, 2019). The Companions, as students of the Prophet, learned first-hand about the law and the wisdom behind it, and the application of *maqasid* values was seen in their decisions. For example, in the case of the bookkeeping of the Qur'an, which was aimed at safeguarding religion (al-Shalih, 2000). Similarly, the abolition of hand-cutting during the time of Caliph Umar (Zuhaili, 1997).

The second period in the development of *Maqāṣid al-Sharī'ah* science is the era of codification of *Maqāṣid al-Sharī'ah* science. Islamic legal thought began to be structured more systematically (Hamidan, 2019). Ulama began to make *maqasid* an integral part of *ushul fiqh*, although not yet completely separate. Important works, such as those produced by Al-Hakim al-Tirmidzi (1991) and Abu 'Ali al-Syasyi (n.d.), greatly contributed to the understanding of *maqasid*.

*Maqāṣid al-Sharī'ah*, after his period, saw more significant developments. Al-Juwaini, for example, was the first to signify *dharuriyat al-khamsah* (al-Juwaini, 1997). This was continued by Al-Ghazali by defining *maslahah* and providing certain criteria that are in accordance with the value of *sharia* on the subject of *maslahah*. Al-Ghazali's efforts in the development of *maqasid* can be said to be a preventive form of liberalization of *maslahah*. If, in the end, *maslahah* is the main milestone as the basis for ijtihad, according to Al-Ghazali, the labeling of *maslahah* on things that are

considered to contain *maslahah* must be competently verified. This is to make sure that the assumption of the existence of a *maslahah* in a particular object does not come from lust, and Islam remains a religion that has pure teachings and values, even though ijtihad and novelty always fill it even today (al-Ghazali, 1997).

Furthermore, the development of *Maqāṣid al-Sharīʿah* was continued by a scholar with the title *'Sulthan al-Ulama'* (King of Scholars), namely, Izzuddin bin Abd al-Salam. He initiated the concept of *'jalb al-mashalih wa dar' al-mafasid'* (Ibn Abd al-Salam, 2020). In his opinion, Islamic law that was revealed, along with its commands and its prohibitions, had implications for human benefit and protection for humans from all dangers. Another concept initiated by Izzuddin bin Abd al-Salam is about *fiqh al-muwazanat*, which is a method of choosing and weighing if we are faced with confusion about which *maslahat* and *mafsadat* we should choose (Ibn Abd al-Salam, 1996). He explains that if we are faced with two *maslahat*, then we should choose both. If we cannot, then we choose the one that has greater *maslahat*. Likewise, if we are faced with two *mafsadat*, we should keep them away. If not, then we choose the lightest of the two.

*Maqāṣid al-Sharīʿah* was then continued by Al-Shāṭibī in his work entitled *"Al-Muwafaqat"* (al-Shāṭibī, 1997). In his work, he tried to summarize and innovate the *maqasid* discourse to be more systematic. This is what makes him the father of *Maqāṣid al- Sharīʿah*. In the period of al-Shāṭibī and his predecessors, as emphasized at the beginning, *Maqāṣid al-Sharīʿah* was still part of the science of *ushul fiqh*. So that the works of scholars who discuss the theme of *Maqāṣid al-Sharīʿah* are actually written works in the field of *ushul fiqh* science. It was only during the time of Thahir ibn Ashur, a Tunisian scholar, that he emphasized and separated the science of *Maqāṣid al-Sharīʿah* from the field of *ushul fiqh* (Ibn Ashur, 2001).

One of the well-known figures in the contemporary era who tried to redevelop *Maqāṣid al-Sharī'ah* is Jasser Auda. Through his monumental work *'Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach'*. He argues that the understanding of *maqasid* should be expanded and used as a basis for an ijtihad methodology that is more relevant to the modern context (Amin & Agustar, 2023). He introduced a systems approach to understanding Islamic law, which includes several key elements, namely:

1. Cognitive Nature: law must be understood rationally and philosophically, not just through text.
2. Wholeness: a holistic approach is required to understand the law in its larger context.
3. Interrelated Hierarchy: recognizes the relationship between law and other disciplines, such as the social sciences and humanities.
4. Openness: law must be responsive and adaptive to changing times and social contexts.
5. Multi-dimensionality: understanding law from multiple perspectives and disciplines.
6. Purposefulness: emphasizes that the law must have a clear purpose, which is to achieve human benefit (Auda, 2008).

In the context of Indonesia, as the country with the largest Muslim population and immense socio-cultural diversity, the approach of *Maqāṣid al-Sharī'ah* serves as a vital framework for reinterpreting Islamic law in a more contextual, inclusive, and adaptive manner. The five essential objectives of sharia (*al-dharuriyat al-khamsah*) have become foundational in reforming Islamic legal perspectives across various sectors, including religious fatwas, family law, and social policies (Harun et al., 2019).

In practice, the *maqasid* approach has been used to address pressing social issues such as gender inequality, domestic violence, poverty, and structural injustice. Kiai Husein Muhammad—a *pesantren*-based scholar and gender justice advocate—consistently promotes *maqasid* as a tool to challenge patriarchal interpretations embedded in classical *fiqh* that are no

longer aligned with the principles of justice and public welfare (Muhammad, 2001). Through this approach, Islamic law is interpreted not merely in its textual form but more substantially, focusing on the ethical values and purposes intended by the *sharia* itself. For instance, in the debate over female leadership, *maqasid* helps argue that public benefit and personal capability take precedence over gender-based restrictions (Abdul Kodir, 2023; Hallaq, 2011). This approach is also reflected in the Islamic discourse of major religious institutions such as Nahdlatul Ulama's *Bahtsul Masail* and Muhammadiyah's *Tarjih*, as well as in the Islamic legal philosophy curricula of various Islamic universities in Indonesia. Thus, *Maqāṣid al-Sharī'ah* has evolved from a component of classical *usul al-fiqh* into a comprehensive ethical and methodological paradigm for realizing the inclusive and compassionate spirit of Islam (*rahmatan lil 'alamin*) in the life of the nation.

## Rethinking the Balance between the Divine and the Human in Contemporary *Fiqh* Discourse

The preceding discussion reveals that contemporary Islamic legal thought in Indonesia is undergoing a significant transformation. This transformation is marked by the emergence and consolidation of several progressive legal discourses, including Social *Fiqh*, Gender Justice *Fiqh*, Interfaith *Fiqh*, and the legal philosophy of *Maqāṣid al-Sharī'ah*. These approaches collectively signal a paradigmatic shift in the formulation and application of Islamic law; a shift from rigid traditionalism and textual literalism toward a dynamic, anthropocentric orientation grounded in human welfare, dignity, and ethical intentionality. This transformation does not occur in a vacuum. Rather, it reflects both a response to and an engagement with the evolving social, political, and intellectual landscapes of the modern world, especially in pluralistic Muslim-majority societies like Indonesia.

To fully appreciate the implications of this shift, it is necessary to revisit the philosophical foundations of jurisprudential thought. The

development of Islamic law has historically oscillated between two dominant poles, the theocentric and the anthropocentric paradigms. The former locates legal authority entirely in the divine command, focusing on submission to God's will as revealed through sacred texts. The latter, while not denying divine authority, emphasizes the centrality of human experience, rationality, and social context in interpreting and applying the law.

Modern legal reformers in Indonesia, consciously or not, have contributed to this ongoing epistemological evolution. They acknowledge that while divine revelation remains the ultimate source of legal and moral authority, its application must be mediated through human understanding, which is inherently contextual, temporal, and dynamic. Thus, the anthropocentric turn in Islamic jurisprudence is not a rejection of the divine. Rather, it is an attempt to interpret divine will through a hermeneutics that is historically conscious and ethically responsive.

This paradigm shift is both necessary and inevitable. The world Muslims inhabit today is vastly different from the historical contexts in which classical *fiqh* was formulated. Issues such as gender justice, religious pluralism, environmental sustainability, and democratic governance demand legal responses that are not only faithful to Islamic ethical principles but also attuned to contemporary human realities. In this light, the anthropocentric orientation offers a framework through which Islamic law can maintain its relevance and vitality without succumbing to rigid formalism or blind imitation (*taqlīd*).

However, adopting an anthropocentric framework is not without its perils. Critics such as Wael B. Hallaq (2009) have warned that prioritizing human reason and social context over textual fidelity could result in an erosion of the normative distinctiveness of Islamic law. It may open the door to subjective or politically motivated interpretations that, while appearing progressive, are disconnected from the theological and spiritual core of

Islam. These concerns are valid and merit careful consideration. The challenge, then, is to develop a jurisprudential methodology that maintains a principled balance between divine transcendence and human agency, a methodology that avoids both the rigidity of scriptural literalism and the pitfalls of ethical relativism.

In this regard, several models of *fiqh* discourse emerging in Indonesia provide instructive examples of how such a balance can be achieved:

## Social *Fiqh* as a Contextual Framework

Kiai Sahal Mahfudh's Social *Fiqh* represents a deliberate reorientation of Islamic legal thought toward the lived realities of society (Mahfudh, 2011). It is based on the conviction that Islamic law must not be reduced to ritual obligations or abstract doctrines but must serve as a transformative force that responds to socio-economic and political challenges. Through this model, legal reasoning becomes a site of engagement with interdisciplinary knowledge, empirical data, and social ethics. It enables *fiqh* to move beyond static legalism toward becoming a dynamic moral-legal system responsive to the public good (*maṣlaḥah ʿāmmah*).

Importantly, this approach does not negate the authority of revelation but emphasizes that the divine message must be understood within the context of its goals—namely, justice, welfare, and social harmony. In this way, Social *Fiqh* reconciles theocentric foundations with anthropocentric applications, demonstrating the possibility of a symbiotic relationship between sacred text and human experience.

## Gender Justice *Fiqh* and the Reclamation of Human Dignity

Perhaps the most transformative expression of anthropocentric *fiqh* is found in the field of gender justice. The works of scholars such as Kiai Husein Muhammad and Nur Rofiah exemplify the effort to revisit and revise classical

legal doctrines that have historically marginalized women (Muhammad, 2001; Rofiah, 2020). Their approach is rooted in the Qur'anic ethos of justice, compassion, and human dignity, asserting that any legal interpretation that results in the oppression or exclusion of women contradicts the fundamental values of Islam.

This mode of *fiqh* not only engages in textual reinterpretation (*ta'wīl*) but also centers womens' lived experiences as epistemologically legitimate sources for legal inquiry. It critiques the patriarchal biases embedded in traditional *fiqh* while offering a hermeneutic of liberation that aligns with both Islamic ethics and contemporary human rights discourse. Far from being an act of secular encroachment, gender justice jurisprudence is an effort to restore the ethical integrity of Islamic law by correcting historical misapplications and affirming its capacity to uphold universal human dignity.

## Interfaith *Fiqh*

In a religiously diverse nation such as Indonesia, the development of Interfaith Fiqh is an urgent necessity. This legal discourse seeks to reframe Islamic law not as an exclusivist system but as a framework that can coexist with and respect other religious traditions (Abicandra, 2022). It is not about theological compromise but about juridical inclusivity—recognizing that the legal and moral concerns of different communities often overlap and can be addressed through common ethical principles.

Interfaith jurisprudence emphasizes shared human values—such as justice, compassion, and mutual respect—as foundational to legal engagement across religious boundaries. By doing so, it reinforces the anthropocentric principle that law must be grounded in the realities of human coexistence and that its ultimate purpose is to promote peace, dignity, and mutual flourishing. This orientation is deeply rooted in the Islamic concept of *rahmah li al-ʿālamīn*

(mercy for all creation), which frames Islamic law as a universal moral project.

## Maqāṣid al-Sharī'ah

Among the various anthropocentric models, the *maqāṣid* approach offers the most systematic and theoretically robust foundation. Originating from classical jurists like al-Ghazālī and al-Shāṭibī, and refined by modern thinkers such as Jasser Auda, this framework centers the law's ultimate objectives—protection of life, intellect, religion, property, lineage, and dignity—as benchmarks for legal reasoning. In contemporary contexts, these goals have been expanded to include human rights, environmental sustainability, and social equity.

Indonesian scholars and institutions increasingly draw upon *maqāṣid* theory to craft legal responses to modern challenges (Hallaq, 2011). Whether addressing poverty, corruption, or ecological degradation, the *maqāṣid* paradigm ensures that Islamic law remains a responsive, ethical, and contextually relevant system. It transcends narrow formalism and empowers jurists to employ a purposive, ethical lens in legal interpretation.

Nevertheless, as Mohammad Hashim Kamali (Kamali, 1998) cautions, the invocation of *maṣlaḥah* must be anchored in sound methodology. Without rigorous criteria and institutional oversight, appeals to public interest can become tools of political expediency or ideological manipulation. The challenge lies in operationalizing *maqāṣid* in ways that preserve the normative integrity of Islamic law while maximizing its ethical efficacy.

Taken together, these developments represent a growing consensus among Indonesian Muslim scholars that Islamic jurisprudence must evolve—not through rupture with tradition, but through its principled extension. Anthropocentric jurisprudence does not aim to supplant the divine with the human, but rather to humanize the application of divine guidance. It

affirms the Qur'anic injunction that God created humanity with dignity (*karāmah*) and entrusted it with moral responsibility (*taklīf*). It also recognizes that revelation, while timeless in its message, must be continually reinterpreted in light of new historical circumstances.

Such an approach requires not only methodological innovation but also institutional reform. Educational curricula in *pesantren,* Islamic universities, and fatwa councils must embrace interdisciplinary knowledge, gender inclusivity, and pluralistic ethics. Jurists must be trained not only in classical *usūl al-fiqh* but also in contemporary fields such as sociology, political science, and human rights law. Legal interpretation must become a collaborative enterprise—engaging scholars, activists, communities, and institutions in the co-creation of ethical legal norms.

## CONCLUSION

In conclusion, the anthropocentric turn in *fiqh* represents a necessary and transformative evolution—particularly within Indonesia's pluralistic and rapidly changing social context. It embodies a vision of Islamic law that is intellectually credible, socially engaged, and morally attuned to the challenges of our time. It neither rejects tradition nor surrenders to modernity, but seeks a principled synthesis where divine revelation and human welfare are mutually reinforcing.

By embracing this paradigm, *fiqh* can continue to fulfill its role as a comprehensive moral-legal system—one that does not merely regulate human behavior, but uplifts human dignity, fosters social justice, and promotes the common good. It is in this spirit that Islamic jurisprudence must be reimagined: not as a relic of the past, but as a living tradition capable of illuminating the path toward a more just, compassionate, and harmonious future.

# REFERENCES

Abdul Kodir, F. (2023). Qirā'ah Mubādalah Tafsir Progresif untuk Keadilan Gender dalam Islam (Cetakan V). IRCiSoD.

Abicandra, M. N. H. (2022). Menggagas Fiqih Lintas Agama (Upaya Mempertahankan Islam Inklusif dan Plural). Jurnal Pendidikan dan Kajian Aswaja, 8(2), 91–106.

al-Alwani, T. J. (2001). Qadhaya Islamiyah Muashiroh: Maqashid Syariah. Dar Al-Hadi.

al-Jabiri, M. A. (1993). Nahnu wa al-Turats: Qiraah Muashiroh fi Turatsina al-Falsafi. Markaz Al-Tsaqafi Al-Arabi. al-Shalih, S. (2000). Mabahits fi 'Ulum al-Qur'an. Dar al-'Ilm lil Malayiyn.

al-Syasyi, A. 'Ali. (n.d.). Ushul al-Syasyi. Dar al-Kutub al-Arabiyah.

al-Tirmidzi, A.-H. (1991). Al-Shalah wa Maqasiduha. Dar Ihya al-'Ulum. Al-Ghazali, A. H. M. (1997). Al-Mustashfa min 'Ilm al-Ushul. Dar Al-Fikr.

Al-Juwaini, A. al-M. A. M. bin A. (1997). Al-Burhan fi Ushul al-Fiqh. Dar al-Kutub al-Ilmiyah. Al-Syathibi, A. I. (1997). Al-Muwaffaqot. Dar Ibn Affan.

Amin, M. S., & Agustar, A. (2023). A Comparative Study of Maqasid Shari'ah Theory According to Ahmad al-Raysuni and Jasser Auda. Jurnal Ilmiah Ahwal Syakhshiyyah (JAS), 5(1), 18–48.

Auda, J. (2008). Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach. The International Institute of Islamic Thought.

Badan Litbang dan Diklat Kementerian Agama RI. (2019). Tanya Jawab Moderasi Beragama. Kementerian Agama. Bertens, K. (2013). Sejarah Filsafat Kontemporer Jerman dan Inggris. Gramedia.

Daud Ali, M. (1999). Hukum Islam, Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia. Radja Grafindo Persada. El Fadl, K. A. (2001). Speaking in God's Name: Islamic Law, Authority and Women. Oneworld Publications.

Firdaus, M. S. (2023). Epistemologi Fikih Kontemporer. Yayasan Wakaf Darus-Sunnah. Hallaq, W. B. (2009). Shari'a: Theory, Practice, Transformations. Camridge University Press.

Hallaq, W. B. (2011). Maqasid and The Challenges of Modernity. Al-Jami'ah: Journal of Islamic Studies, 49(1), 1–32.

Hamidan, Z. M. (2019). Maqasid al-Syari'ah al-Islamiyyah Dirasah Ushuliyah wa Tathbiqat Fiqhiyah (1st ed.). Resalah Publishers.

Harun, M. S., Haji Abdullah, L., & Rosele, M. I. (2019). Nilai Universal dan Hubungannya dalam Syariat Menurut Perspektif Maqasid Al-Shari'ah: The Universal Value And Its Relation With Syariah In Maqasid Al-Shari'ah Perspective. Journal of Fatwa Management and Research, 13(1), 128–138. https://doi.org/10.33102/jfatwa.vol13no1.161

Hasanah, N. (2023). Metode Penelitian Kepustakaan: Konsep, Teori, dan Desain Penelitian. PT. Literasi Nusantara Abadi Grup. Hidayat, E. (2017). Kompilasi Hukum Islam Dalam Tata Hukum Nasional. Asas: Jurnal Hukum Dan Ekonomi Islam,9(2), 190–200. Ibn Abd Al-Salam, I. A. A.-A. (1996). Al-Fawaid fi Ikhtishar Al-Maqashid. Dar Al-Fikr.

Ibn Abd Al-Salam, I. A. A.-A. (2020). Qawaid al-Ahkam fi Ishlah al-Anam (6th ed.). Dar Al-Qalam. Ibn Asyur, M. A.-T. (2001). Maqasid al-Syari'ah. Dar al-Nafais.

Ichtijanto, H. (1991). Hukum Islam di Indonesia, Perkembangan dan Pembentukan. Remaja Rosdakarya. Kamali, M. H. (1998). Principles of Islamic Jurisprudence. Ilmiah Publishers.

Kamali, M. H. (2008). Shari'ah Law: An Introduction. Oneworld Publications. Mahfudh, M. A. S. (2011). Nuansa Fiqh Sosial (7th ed.). LkiS.

Matytsina, M. (2019). Critical Discourse Analysis: Theoretical and Methodological Approaches. Vestnik Volgogradskogo Gosudarstvennogo Universiteta. Serija 2. Jazykoznanije, 3, 206–216. https://doi.org/10.15688/jvolsu2.2019.3.17

Maulidi. (2015). Maqasid Syariah Sebagai Filsafat Hukum Islam. Al-Madzahib, 3(1), 1–19. Mubarak, H. (2019). Belajar Mudah Fikih Kontemporer. LKKI Publisher.

Mubarok, H. (2014). Memperkuat Forum Kerukunan Umat Beragama (FKUB). Dialog, 37(2), 195–206. https://doi.org/10.47655/dialog.v37i2.66

Muhammad, H. (2001). Fiqh Perempuan, Refleksi Kiai atas Wacana Agama dan Gender. LkiS.

Mulia, S. M. (2020). Ensiklopedia Muslimah Reformis: Pokok-pokok Pemikiran untuk Reinterpretasi dan Aksi. Baca. Nahrawi, A. (1988). Al-Imam Al-Syafi'i fi Madzhabihi Al-Qadim wa Al-Jadid (Disertasi Universitas Al-Azhar Kairo). Qamar, M. (2021). Moderasi Islam Indonesia. IRCiSoD.

Rahman, A. (2021). Kebangkitan Politik Islam Pasca Orde Baru, 1999-2001. KAIS Kajian Ilmu Sosial, 1(2), 107–118. https://doi.org/10.24853/kais.1.2.107-118

Rofiah, N. (2020). Nalar Kritis Muslimah: Refleksi atas Keperempuananm Kemanusiaan, dan Keislaman. Afkaruna. Simorangkir, J. (2015). Islam Pasca Orde Baru. Istinbath, 16(2), 199–216.

Sirry (ed), M. A. (2004). Fiqih Lintas Agama: Membangun Masyarakat Inklusif-Pluralis (Mun'im A. Sirry (ed)). Yayasan Wakaf Paramadina.

Surasa, A., Sururie, R. W., Gisymar, N. A., Aris, M. S., Farid, D., & Abdulah Pakarti, M. H. (2025). Interfaith Marriage in Indonesia: Juridical Challenges and Human Rights Perspectives. Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan, 12(1), 117–134. https://doi.org/10.32505/qadha.v12i1.11071

Wilson, V. (2016). Research Methods: Content Analysis. Evidence Based Library and Information Practice, 11(1(S)), 41–43. https://doi.org/10.18438/B8CG9D

Yusdani. (2024). Fikih Indonesia, Tema Kajian, Nalar, Dan Konstruksi Pemikiran. Percetakan Diandra. Zuhaili, W. (1997). Al-Fiqhu al-Islamy wa Adillatuhu (4th ed., Vol. 7). Dar Al-Fikr.