

## Analytical Study on the Implementation of Research Models in Islamic Jurisprudence

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### ABSTRACT

**Objective:** The primary issue in this research lies in the disparity between traditional fiqh research methodologies and the intricate nature of contemporary dilemmas. Normative-textual approaches often lack the flexibility required to tackle emerging issues like fintech and bioethics. Conversely, contextual approaches, such as socio-historical and thematic-contemporary methods, risk clouding the authenticity of texts unless meticulously balanced. **Method:** This research primarily comprises library research, employing a qualitative content analysis technique within an interpretive-critical framework. **Results:** The findings indicate: 1) The normative-textual fiqh research model centers on scrutinizing sacred texts (the Qur'an and Hadith) and the viewpoints of classical scholars found in ancient texts. This deductive research formulates laws for novel issues based on existing evidence, employing the method of gathering all relevant evidence (istiqra') and selecting the most robust (tarjih). 2) The socio-historical fiqh research model views Islamic law as a product shaped by societal and historical forces. This model not only examines the legal aspects but also delves into the socio-political context and circumstances that underpin them. It incorporates the perspective of maqashid shari'ah (the objectives of Islamic law) to reinterpret and reconstruct the fiqh understanding. 3) The thematic-contemporary fiqh research model, tailored to address intricate contemporary issues like the digital economy, concentrates on a central theme and explores it comprehensively from various fiqh perspectives. **Novelty:** The outcomes of this research are implemented by adopting a complementary-integrative approach in all Islamic legal research endeavors. For instance, in the realm of sharia-compliant fintech, the exploration typically commences with a normative-textual model to unveil the fundamental muamalah principles, followed by an analysis of the socio-historical backdrop, ultimately involving relevant specialists for a thorough examination.

## INTRODUCTION

The exploration of the fiqh research model within Islamic law is a vital and pertinent subject when examining the evolution and adaptation of Islamic law within contemporary societal and cultural frameworks. Fiqh, a discipline delving into Islamic jurisprudence, is deeply grounded in the Quran and Hadith. The notion of dynamic fiqh, entailing the adjustment of legal rulings to fit temporal and locational circumstances, underscores the significance of contextual comprehension in the application of Islamic law. This point is underscored by Wimra et al., who assert that "the anatomy, foundations of dynamic fiqh, methodologies, implementation frameworks, and assimilation into diverse practices are all endeavors towards enhancing comprehension in the practical application of fiqh" [1].

Within the sphere of implementing the fiqh research model, it is imperative to examine how Sharia principles can be actualized across various spheres of life, encompassing economic and social realms. Kiranawati et al. remark that "Sharia

principles emanate from Islamic law, which proscribes the giving or receiving of interest (riba) and participation in speculative transactions (gharar)" [2]. This illustrates that in scholarly investigations, especially within the domain of Islamic finance, fiqh muamalah governing financial dealings must be tactfully integrated to align with Sharia standards. Moreover, the article by Jamal and Ahmadi underscores the significance of restructuring the epistemology of fiqh in Islamic jurisprudence, exemplified by figures like Hasbi Ash-Shiddieqy, who concentrated on aligning Islamic law with indigenous wisdom [3]. This holds particular weight in Indonesia, where the interpretation and application of Islamic law are shaped by cultural and social pluralism. Hence, it is imperative for fiqh studies to integrate often disregarded local components in the evolution of contemporary legal systems. Mardian et al. stress the necessity of Sharia adherence in all facets of life, with Islamic scholars playing a pivotal role in defining the compatibility of vaccination practices within the Islamic legal framework [4]. This illustrates that fiqh research not only carries scholarly implications but also directly influences public policy and health matters.

The meticulousness and responsibility in overseeing Islamic financial operations, as highlighted by Tahri et al., attest to the inherent ethical obligations of "Islamic banking" by virtue of its Islamic identity [5]. This underscores the critical role of fiqh tenets in upholding harmony between banking procedures and Islamic moral precepts. Hence, the implementation of a fiqh research paradigm in Islamic law requires a multifaceted approach that encompasses the adaptation of Sharia principles to contemporary circumstances, while considering prevailing social, economic, and cultural dynamics. Researchers must establish an all-encompassing framework and exhibit the capacity to comprehend and implement Islamic law in a manner that is pertinent and attuned to the demands of contemporary society.

The intricate dynamics of contemporary society have led to the emergence of novel legal challenges previously unimagined, such as cryptocurrencies, genetic editing, and artificial intelligence. This development poses significant methodological obstacles for research in the realm of Islamic jurisprudence, where a delicate balance is required between a strict adherence to textual sources and the need for flexible contextualization. On one hand, a rigid Normative-Textual research model may lead to laws that fail to address the core issues of modern times. On the other hand, an excessively loose socio-historical and thematic-contemporary approach risks undermining the authority of sacred texts. The central challenge lies in bridging the gap between classical Islamic jurisprudence theory and the practical application of contemporary Islamic law, as the integration of these three research models is often lacking.

The pressing need for this research stems from the rapid advancements in science, technology, and societal transformations, which demand a nuanced and proportionate legal framework from an Islamic standpoint. Failure to establish an adaptive research methodology in Islamic jurisprudence could diminish the relevance of Islamic law in addressing contemporary societal challenges. Furthermore, the absence of clear guidelines for implementing various fiqh research models may lead to methodological

confusion and inconsistencies in religious rulings, potentially weakening the ethical integrity of Islamic law as a comprehensive system. The urgency of this research endeavor lies in laying a solid methodological groundwork for the evolution of contemporary fiqh while preserving the wisdom of traditional Islamic jurisprudence. This research critically examines the utilization of three distinct research models normative-textual, socio-historical, and thematic-contemporary fiqh for addressing contemporary Islamic legal issues. The study aims to evaluate the strengths and limitations of each model in light of emerging legal challenges and to investigate opportunities for synergy among them. By conducting a thorough analysis, the research endeavors to establish a comprehensive and practical methodological framework that can serve as a blueprint for Islamic jurists in devising legally sound and contextually relevant solutions that address contemporary challenges effectively.

## RESEARCH METHOD

This academic study titled "Analytical Study of the Implementation of the Fiqh Research Model in Islamic Law" is designed methodologically as a library research. This methodological choice stems from the fact that the formal subjects of inquiry in this research are concepts, theories, and methodological models found in academic literature and discourse. The study does not rely on collecting primary empirical data from the field; instead, it is entirely grounded in documented textual sources. The study focuses on exploration, interpretation, and the development of arguments through critical engagement with existing scholarly works to create a synthesis or a new, more systematic model of thought [6].

The data utilized for this study is categorized into primary and secondary sources. Primary data sources act as the foundational material for analysis, consisting of monographs and contemporary books that specifically delve into the methodology of Islamic jurisprudence research, usul al-fiqh, and maqasid al-sharia by renowned experts such as Al-Ghazali, Alim, and Fithrah [7], [8], [9]. On the other hand, secondary data sources serve to enhance perspectives and provide contextual insights, including scientific articles from both national and international reputable journals, seminar proceedings, and previous research reports relevant to the Islamic jurisprudence research model. This classification of data sources is essential for ensuring the precision and depth of analysis: primary sources establish the core argument, while secondary sources contribute by reinforcing, comparing, or critiquing this argument [10].

Content analysis was conducted in a systematic and structured manner. The process initiated with an exploratory reading to map the discourse field and identify key texts. Subsequently, a reexamination of the primary and secondary data sources was undertaken. At this juncture, data was recorded using a data card system or reference management software to reference key concepts, definitions, arguments, and practical applications for each fiqh research model. This method enabled researchers to categorize thematic data according to the research focus, encompassing the characteristics,

implementation, strengths, and weaknesses of each model. Consequently, this process facilitated subsequent analysis [6].

Regarding data analysis techniques, the study utilized a qualitative content analysis method within an interpretive-critical paradigm. The textual data collected was not solely narratively described but also critically scrutinized and interpreted to unearth patterns, relationships, and underlying implications. The analytical procedure commenced with data reduction, streamlining and concentrating on data relevant to the problem formulation. The condensed data was then outlined in a succinct and methodical narrative. The pivotal phase encompassed drawing conclusions and verification, wherein researchers compared the strengths and weaknesses of each model, assessed their points of convergence and divergence, and formulated a proposed complementary framework. Additionally, the analysis was conducted using a hermeneutic approach, entailing the interpretation of methodological texts while considering the context of the author's viewpoints and the contemporary issues at hand [10]. To enhance the academic rigor of the research findings, multiple techniques were employed to assess data validity. Source triangulation was utilized to evaluate data credibility by comparing and cross-referencing information from different sources that address similar topics. For instance, one author's normative-textual model was validated and enriched by consulting the works of other authors. Additionally, research reliability was upheld by creating an audit trail that meticulously documents the entire research process, from data collection and organization to analysis. This meticulous documentation ensures that if other researchers replicate the study, they will obtain consistent results. Finally, confirmability and transferability were secured by clearly and comprehensively presenting arguments and data citations from the original sources, enabling readers to trace the researcher's interpretations and evaluate the applicability of the research findings in various contexts [11].

## RESULTS AND DISCUSSION

### A. Normative-Textual Fiqh Research Model (Al-Bahts al-Fiqhi al-Nashshi)

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## **B. Socio-Historical Jurisprudence Research Model (Al-Bahts al-Fiqhi al-Ijtima'i at-Tarikhi)**

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### **C. Contemporary Thematic Jurisprudence Research Model (Al-Bahts al-Fiqhi al-Mawdu'i al-Mu'ashir)**

The thematic-contemporary research model's implementation represents the most systematic and comprehensive effort in addressing the complexities faced by individuals in the era of globalization. In contrast to the reactive nature of the textual model, the thematic model takes a proactive approach by focusing on a central theme and examining it from various fiqh perspectives in an integrated manner. For instance, research on "Digital Sharia Economy" not only delves into the laws governing cryptocurrency but also considers smart contract agreements, fintech peer-to-peer lending, regulations by financial services authorities, and their implications for zakat and taxes. This approach necessitates researchers to possess broad interdisciplinary insights and often entails collaborative ijтиhad involving experts spanning fields like economics, programming, medicine, and positive law [9].

Additionally, a notable feature of this model is its utilization of fatwas issued by authoritative institutions (such as the DSN-MUI, AAOIFI, or the OIC Fiqh Academy) as subjects of comparative analysis. Researchers scrutinize the istinbath processes employed by these institutions, compare their methodologies and findings, and subsequently provide a synthesis or constructive critique. This model finds particular relevance in discussions pertaining to bioethics (euthanasia, organ transplantation, gene editing), international relations (international humanitarian law in Islam), and climate change (fiqh al-bi'ah). The success of this model heavily relies on the researcher's proficiency not only in Islamic jurisprudence but also in possessing a deep comprehension of the technical intricacies of the issue under scrutiny.

Consequently, the resultant laws are not vague but rather practical, actionable solutions that uphold sharia principles, effectively serving as a guide to confront contemporary challenges [9]. The contemporary thematic approach to Fiqh research, also referred to as Al-Bahts al-Fiqhi al-Mawdu'i al-Mu'ashir, is a methodology in Fiqh studies that aims to analyze current issues through the application of pertinent Fiqh principles. It is crucial within this framework to incorporate key notions related to minority Fiqh, such as Taysir al-Fiqh and Maslaha, which advocate for a more adaptable enforcement of Islamic law that prioritizes the common good. According to Al-Qardawi, cited in

Fishman's work, adapting Fiqh in a more accessible manner is favored in this context, as departing from legal rigidity can benefit the broader Muslim community in the face of contemporary challenges. Financial and economic matters are also underscored in the Fiqh sphere. The concept of Riba, a proscription in Islam analogous to interest, underscores the necessity for a contemporary approach in applying Fiqh precepts. Scholarly consensus stresses the prohibition of usury in financial dealings, a stance reaffirmed in significant conventions like the Mu'tamar al-Fiqh al-Islami in Paris and Cairo [13]. By considering these advancements, contemporary-thematic Fiqh research can explore the practical application of Fiqh law in a modern economic setting while upholding Sharia principles. ### Rewritten Text:

In the domain of Islamic financial institutions, overseeing Sharia compliance necessitates a deep grasp of Islamic jurisprudence (Fiqh al-Mouamalat) and expertise in contemporary finance. A panel of Sharia supervisors, consisting of scholars, is responsible for issuing fatwas and scrutinizing adherence to financial protocols to ensure that economic ventures align with Sharia precepts [14]. This underscores the imperative for modern Fiqh research frameworks to encompass these components to furnish a thorough and pertinent structure that aligns with present economic and societal contexts.

With the evolution of Islamic education in the age of globalization, efforts to blend a robust curriculum with Fiqh content are gaining significance. This method underscores the necessity to fortify students' comprehension not only in Fiqh but also in fundamental sciences, thereby establishing a robust scientific methodology in Islamic education [15]. Consequently, contemporary Fiqh research should identify topics pertinent to current challenges, facilitating the fusion of classical texts with modern issues to yield practical solutions for Muslims navigating intricate global dynamics. Hence, the thematic-contemporary Fiqh research framework aims to bridge the gap between Islamic legal customs and the requisites of contemporary society, generating fatwas and strategies that are not just in line with Islamic principles but also responsive to the present-day challenges encountered by the ummah.

## CONCLUSION

**Fundamental Finding :** Based on an analytical study of the three models of Islamic jurisprudence research, it can be concluded that no single model stands alone perfectly. The Normative-Textual Model serves as a solid foundation for ensuring the validity of arguments and maintaining legal authenticity. However, this model has limitations in responding to complex new issues. The socio-historical model complements it by providing a contextual perspective, which allows for the deconstruction and reinterpretation of law to align with the spirit of justice and contemporary realities. Meanwhile, the Contemporary-Thematic Model serves as an integrative approach specifically designed to address the multidisciplinary challenges of the modern era with holistic and applicable solutions. Thus, the three form a methodological trilogy that complements each other in an effort to revive and develop the dynamics of Islamic law.

**Implication :** The implementation of the findings of this research is by applying a

complementary-integrative approach in every Islamic legal research. A study, for example on cryptocurrencies, should begin with the application of a normative-textual model to explore the basic principles of muamalah, riba, and gharar. Then, a socio-historical model is used to analyze the evolution of the concepts of currency and mal (wealth) and to understand the socio-economic context behind the birth of these digital assets. Finally, a contemporary thematic model is applied to comprehensively analyze blockchain's technical aspects, regulatory implications, and impact on monetary stability, often requiring collective ijтиhad. This implementation will produce legal products that are not only valid in terms of argument and context, but also applicable and responsive. **Limitation :** The main limitation of this study is that while the three models offer complementary insights, they may not always provide a perfect solution for all contemporary challenges, especially those that involve rapid technological advancements or global issues that extend beyond traditional Islamic jurisprudence frameworks. Additionally, the integration of these models requires a balanced approach and may be difficult to apply universally in different Islamic legal contexts. **Future Research :** Future research could explore how these three models can be further refined or adapted to address new issues that emerge from the intersection of Islamic law and rapidly changing fields, such as artificial intelligence, genetic engineering, or environmental sustainability. Research could also investigate the practical application of this complementary-integrative approach in different Islamic legal systems, particularly in regions where socio-political contexts differ, to assess its broader applicability and effectiveness in addressing modern legal dilemmas.

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