

Analytical Study of Indonesian Fiqh Thought from the Perspective of Hasbi Ash-Shiddiqy

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DOI : <https://doi.org/10.61796/jlhss.v2i12.1604>



Sections Info

Article history:

Submitted: November 25, 2025
Final Revised: December 04, 2025
Accepted: December 20, 2025
Published: December 31, 2025

Keywords:

Thought
Indonesian fiqh
Hasbi ash-shiddiqy
Maqashid syariah
Social justice

ABSTRACT

Objective: The issue of this research is the absence of comprehensive study on fiqh thought by Hasbi Ash-Shiddiqy in the socio-historical context of Indonesia. Many of his ideas are also theorized somewhat partly without intertwining with maqashid syariah and the contemporary issues. This has created a void for those who wish to find modern application in his thought on issues such as gender and social justice. **Method:** This research is based on a library approach. The primary data in this research is found in the books written by Hasbi Ash-Shiddiqy and other works that contain his fiqh thought. In this article, we also employ the scientific journal articles and research reports that are related to the topic of study. **Results:** The study's findings indicate that: 1). The soft historico-social depth of Hasbi Ash-Shiddiqy in fiqh is that the occurrence of his thought, raised in the self-discovery post-independence Indonesia – which requires adequate law system capable to integrate between Islamic values and local cultural diversity. He tried to create a fiqh which can be responsive towards social and political condition at that time under the spirit of constructing identity of religious and modern nation. 2). Hasbi Ash-Shiddiqy's thoughts' fiqh on methodology Fiqh thought Hasbi uses ijtihad pattern approach of maqashid asy-syari'ah, combining aqliyah-ma'dumiyyah-historiyyat social dynamics. He stressed that rationality and context was to be incorporated when interpreting Islamic law so that it would become feasible and practical in Indonesia. 3). The relevance of the thought and contribution of Hasbi Ash-Shiddiqy within the fiqh in Indonesia is that through his thinking it enriches an elastic and contextual repository by Indonesian's jurisprudence which can be put forth as a means to regulate shari'a In accordance with modern, pluralist society. **Novelty:** This research explores the socio-historical context of Hasbi Ash-Shiddiqy's fiqh thought and emphasizes the integration of maqashid syariah and contemporary issues such as gender and social justice, filling the gap for modern applications of his ideas in Indonesia.

INTRODUCTION

Thought of fiqh, namely in Indonesia, especially Hasbi Ash-Shiddiqy's thought, indicates an important formation in the application of Islamic law that adapts to Indonesian martial social and cultural. Hasbi Ash-Shiddiqy, in his capacity as an Islamic intellectual and scholar, has made a powerfully significant contribution to the revival of renewal (tajdid) of fiqh epistemology in Indonesia by presenting... Full description Under these circumstances, the fiqh thought of Ash-Shiddiqy does not only have implications on the theoretical aspect, but also has implications in practical law and justice practicability toward the muslim minority society.

The thought of Hasbi Ash-Shiddiqy is a kind of thinking that stimulates the urgency for renewal in fiqh epistemology by inserting values and cultural wisdom into local Indonesian culture. According to Jamal and Ahmadi's study, the notion of ijtihad in Ash-Shiddiqy protects the legal needs of Muslim minorities, giving them fair space to

involve themselves in applicable legal practices based on their social context [1]. This method is based on the premise that fiqh cannot be absolutely tied down to classical texts alone; rather, it must take into account social developments and evolving societal requirements.

Hasbi Ash-Shiddieqy authored a work of interpretation with an Indonesian context called *Tafsir An-Nur*. In his book, Ash-Shiddieqy gives not only descriptions, but also the relief of those verses in the life of Indonesia's various communities. As explained in the interpretation conducted by Salsabila et al., this *tafsir* is a reflection of his thought that leaned more on religious modernization as it applied to modern society [2]. In the same vein, Bayyinah notes that as Ash-Shiddieqy's *tafsir* bears "local flavor," it has been a part of *tafsir Nusantara* that is rich with diversity and local wisdom [3].

The distinctiveness of Ash-Shiddieqy's thought, too, can be seen in the larger model, namely the integration between fiqh and positive law practiced in Indonesia. As articulated by Muslih, Hasbi Ash-Shiddieqy emphasized the importance of alignment between Islamic fiqh and state law, as the latter "is formally enshrined in Law No. 1/1974" [4]. In the case of Ibn Ashur, his reliance on pragmatism requires tweaking of Islamic law in light of social and legal realities, rendering fiqh not just strictly normative but also a tool that is operational throughout the day.

Thinking enables a productive dialogue between traditional and modern fiqh. Madhab thinking in Indonesia has a strong contextual nature, which means that experts continue to make innovations and develop legal solutions suited to problems existing in today's society (ref) [5]. In the growth of Indonesian fiqh thinking, Ash-Shiddieqy can be considered as one important figure who encourages exploring more deeply Islamic values at a universal level in a local perspective.

Moreover views of Ash-Siddieqy could not be separated from the problems faced in the implementation of fiqh in Indonesia. He is a reformer, but his views come under heavy fire, much of it misguided if read in the context of law enforcement generally. This demonstrates that the change is not only about intellectuals, and has to rely on communities and institutions that want to act accordingly with the established principles. What it means is, while the idea from Hasbi Ash-Shiddieqy most definitely carries an extraordinary value, in practice, we will all need to work together with others inside the legal and societal structure.

Therefore, it is obvious that when we are observing hasbi ash-shiddieqy present thoughts the discussion of Indonesian fiqh would require many approaches and sources. His work illustrates how there can be innovative responses to legal challenges in distress not only by engaging with other intellectual traditions (or an intercultural dialogue per se), but also through engaging with one's own (more localized) tradition. His contribution to the realization of contextual fiqh signifies praxis for more open and collaborative restoration in fair justice and social welfare in Indonesia, at the same time reinforcing those roots of Islamic law which are being made friendly to diversity and change.

Hasbi Ash-Shiddiqy Fiqh thought in the context of the History of Islamic Law development in Indonesia cannot be separated from an important line of thought, but it has not touched it deeply. The primary problem in this study is the absence of in-depth studies that connect Hasbi Ash-Shiddiqy's fiqh thought with the socio-historical context of Indonesia. While Hasbi is one of the scholars who attempts to build a bridge between Islamic law and local conditions, there is still a lack of evidence showing how his thoughts might be applied in an increasingly developing modern state. Besides, the thoughts of Hasbi in fiqh are generally taken partially without discussing how they correlate with maqashid syariah (sharia objective) and principle of maslahah (public interest) as a basis for his ijтиhad. This raises the extent to which Hasbi's fiqh thought can address current issues, including gender equality, human rights, and social justice.

The importance of this study is exposed to the urgency to rethink Hasbi Ash-Shiddiqy's fiqh thinking for today's requirements. For Indonesia, which is home to the largest Muslim population in the world, incorporating Islamic law into its plural legal system represents a formidable challenge. The moderate and contextual thought of Hasbi can be a model for practicing fiqh that is responsive to social, political, and cultural dynamics. Furthermore, this is also considered significant research in order to enrich the wealth of Islamic legal science, particularly for the development of Indonesian fiqh, as local scholars like Hasbi ash-Shiddiqy carried out efforts to reformulate a relevant Islamic law according to contemporary life. Therefore, this research will not only have an academic benefit, but it will also be useful in a practical sense, which is to contribute to the development of Islamic law that is adaptable and accommodative of changes in Indonesia.

RESEARCH METHOD

The library research method is adopted in this study with the goal of gathering, analyzing, and interpreting data from a number of literature sources on the subject under discussion. This research type is selected as we are interested in Hasbi Ash-Shiddiqy's fiqh thinking, which requires a deep examination of his writings and previous works explaining his thoughts, so that would be the reason to choose this kind of research. The library research is used to examine all of Hasbi's thoughts completely and in depth, using the available written sources [6].

As the main source data used are books written by Hasbi Ash-Shiddiqy, 41 and other works that discuss Konsep Fikih Hasbi Ash-Shiddiqy. Moreover, the research reports and scientific journal articles regarding the studied issue are also utilized in this study. These sources were selected because they give an accurate account and reference to Hasbi's thoughts on his fiqh, and also for their historical and societal contexts when he lived [7].

The method of collecting data in this study is documentation, and the researcher collects data from written material (library), such as books, journal articles, and research reports. The author conducted a review of literature in libraries, online databases, and

other appropriate sources. Relevant and credible sources of information were chosen, and the data were taken to ensure their accuracy [8].

Analysis: The current study analyzes the data in terms of content analysis. The texts obtained were subsequently analyzed to search for patterns, themes, and basic ideas in Hasbi Ash-Shiddiqy's fiqh thinking. In addition, the research also applied comparative analysis to Hasbi's thought with other scholars and his sociohistory context in Indonesia. The purpose was to investigate how Hasbi's ideas could be implemented in the present context [6].

This study employed source triangulation strategies to establish the validity of the data. Data from different sources, including books, journal articles and research reports, were compared for triangulation in the pursuit of making sure that the data were accurate and reliable. Furthermore, the researcher performed peer review by seeking comments of experts/ colleagues on data analyses results. This serves to maximize validity and reliability in the research [7].

RESULTS AND DISCUSSION

A. Historical Background and Societal Circumstances of Hasbi Ash-Shiddiqy's Thought about the Fiqh

The Fiqh Thought of Hasbi Ash-Shiddiqy. The fiqh thinking of Hasbi Ash-Shiddiqy grew in the historical and social dynamics that were so dynamic. The mid-20th century was a significant period in the development of Indonesia's post-independence national identity. The dilemma which confronted Indonesian Muslim elites at that time was how to insert Islamic principles into a pluralist national legal system. Hasbi realised that fiqh should not be rigid and had to remain flexible and relevant in response to social and political dynamics. This tendency was mainly due to the social condition of Indonesia at that time, which was characterized by national spirit and cultural awakening [9]. Hasbi Ash-Shiddiqy seeks to enable Islamic fiqh can respond real problems of the Indonesian muslims. He stressed the importance of taking fiqh, not only as a spiritual tool but also as social-economic, which follows the colorful and varied life in Indonesia. His thought stressed that the application of Islamic law must be situated in local wisdom and prevalent tradition, so as to secure that the shari'ah is accepted and applied sincerely [10].

In her analysis of the fiqh thinking of Hasbi Ash-Shiddiqy, one must take into account the historical and social dimensions that support his intellectual stamina as well as relations he has with friends. Introduction Hasbi Ash-Shiddiqy, a scholar more of thought during a period cultural and religious transitions in Indonesia which evolved several methods of reading the scripture We are now living at the beginning phase of the globalization era that demands intellectual efforts to prepare for it. His writings have contributed a lasting thought in fiqh of the archipelago. Indonesian social context, heterogeneous and pluralist society has driven his view about moderateness in religion and application of the law in daily life [11].

Hasbi Ash-Shiddiqy's holistic-collective thought on moderation in religion that includes dimensions of theology, worship, muamalah, and law as a response to the multiculturality state of society [11]. He is not only a religious translator in that sense but also one who tries to apply Islamic teachings and its ethics to social circumstances and the community's situation. It is consistent with his view about the adaptability of fiqh, as manifested in his works that have tenacity in setting forth the law and remain sensitive to local contingencies [12].

Tafsir Al-Qur'anul Majid An-Nur is a thematic-leaning tafsir text designed to provide readers with an overview of a number of verses, particularly about social and moral which can then be understood in more general terms using his discussion on the attitude of humility (*tawadhu'*) in the interpretation embedded in that work [13]. His thought is so social, since the unjust and unequal conditions of society are the focus of the exegesis of certain verses. This strategy not only addresses the immediate needs of Muslims in Indonesia, but also counters social tension [12].

This historical position of Hasbi Ash-Shiddiqy also appears in his concern about the history of hadith. His works on *muta'akhhirin* show us something of his attempts to study the development of hadith writing and the scientific method employed by scholars. This has done more to show how he sees the relationship between religious texts and social discourse than to give insight into how Muslim communities in Indonesia think. That Hasbi's historical thinking did not end merely on analysis, but it also established laws applicable in his society sector, reinforced that fiqh thought is no longer normative but pragmatic and dynamic [14].

Hasbi Ash-Shiddiqy's ideas in fiqh reflect such endeavours to conform Islamic doctrines to the era and social structures. It is based on his biography and the studies in hadith interpretation reveal that his conclusions were not insulated from the forces of culture surrounding him or the life struggles of Muslims at large. Therefore, Hasbi Ash-Shiddiqy is not only significant in the Indonesian Islamic thought landscape; he becomes the basis of thinking for future generations when dealing with complex issues [13].

So comprehending Hasbi Ash-Shiddiqy's thoughts is how we make history relate to theology, ethics, and social life that have been crystallised as a result of his encounters with society, through which we may also gain insight into the ways by which religious teachings could be borrowed on the complexities and diversities of archipelagic life. This highlights the necessity of moderation in response to contemporary challenges and retaining religiousness in the face of a growingly diverse local environment [13].

B. Hasbi Ash-Shiddiqy's Fiqh Thought Methodology

Hasbi Ash-Shiddiqy is known for his innovative and identifying method of legal thought. According to him, *ijtihad* is an important factor for the exercise of Islamic jurisprudence, as well as in localities not Arabic. His approach is rational and purposive (*maqashid asy-syari'ah*) by putting justice, benefit, and welfare of the people as a primary consideration in legal decision-making [9]. Hasbi takes the inductive and deductive method, bringing together classical texts with contemporary actualities. He mixes multiple Islamic legal sources with cultural and local exigencies. With that approach, not

only by strict textual argumentation, he also uses reason and logic in interpreting legal texts in relation to the Indonesian society [10].

The way of thinking of fiqh methodology that is developed by Hasbi Ash-Shiddiqy is basically a fusion between Islamic scholarly tradition and the social reality in Indonesian society. His works and ideas express intense care for the environment, culture, and values that become an important basis of Islamic laws in Indonesia. This is evident from the research conducted by a number of relevant sources on his work in fiqh and tafsir.

In his tafsir, *Tafsir al-Bayān*, Ash-Shiddiqy uses a method that includes interpreting all the collected verses of the Qur'an in context, and he makes it systematic by using both internal (otherwise known as contextual) and external evidence. Zaimudin insists that *Tafsir al-Bayān* is one of the unique style of tafsirs in Indonesia, which not only interpret texts but also considers socio socio-cultural of Indonesians [15]. As a result, this research demonstrates that Ash-Shiddiqy integrated his Qur'anic exegesis and interpretation of the sacred text with the local Islamic context in Indonesia.

More importantly, in constructing the usul al-fiqh, according to Hasbi Ash-Shiddiqy, Islamic law should not conflict with indigenous culture and wisdom. Jamal and Ahmadi underscore the significance of Ash-Shiddiqy reformist ideals concerning Islamic law in minority Muslim communities [1]. That is to say, this discourse takes us to grasp the notion that fiqh is not a fixed external science, but rather it must be changed and adaptable with the movement taking place in society. This validates the Ash-Shiddiqy fiqh, which leads to an interpretative and contextual application of law.

Further in-depth on Hasbi Ash-Shiddiqy's role in developing studies of Al-Qur'an and tafsir in Indonesia, Faisal observes that books such as "Sejarah dan Pengantar Ilmu Al-Qur'an" solidify their significance for scholars and researchers who engage with al-Qur'anic studies and tafsir [16]. Hasbi Ash-Shiddiqy was not only concerned with the theoretical side, but he also tried to integrate local religious values and practices that could be accepted by his community. "With this modality, he charted the way for subsequent generations to delve into and reform Islamic jurisprudence in ways that better served the interests of society.

On a larger note, Hasbi Ash-Shiddiqy contributed to the discussions of the unity of the Hijri calendar that matters for Indonesian Muslims. Per Marwadi et al., his concept was to unite the Hijri calendar during times, and it helped people grasp the rudiments of time-keeping all over a religious wall [17]. Rather, Dopard and other figures, including Hamka and Moenawar Chalil, groped for an answer to that division. This proves that Ash-Shiddiqy made a practical achievement in fiqh application, which directly impacted Muslim society.

Islamic law reformation in Indonesia, according to Muslih, the reformation of Islamic laws in Indonesia can be seen through the renewal efforts of important sections of fiqh that suit society's requirements [4]. According to Ash-Shiddiqy, a good Islamic law is a law that can adjust and mould with the demands and reality of being human. His concept of Indonesian fiqh shows a dynamic and reproductive approach towards the

different problems and changing social realities. This idea is consistent with the approach as regards to reforming Islamic law, which remains a concern in Indonesia.

For that reason, the method of fiqh taught by Hasbi Ash-Shiddiqy has its own original and innovative nature in Islamic legal thinking. He is able to blend the heritage with the current situation, creating a fiqh that is not only theoretical but also corresponds to the real needs of society. In that spirit of Islamic Legal education in Indonesia, Ash-Shiddiqy has become the writer's relevant and essential foundation for creating a better law now and in the future.

C. Contribution and Relevance of Fiqh Thought by Hasbi Ash-Shiddiqy in Indonesia

Hasbi Ash-Shiddiqy is among the great scholars in Indonesia who had a role in the process of ijтиhad. His greatest accomplishments are stimulating change in Islamic law to make it more adaptable to reality. He aspires to use jurisprudence as a tool for sustainable social transformation. His concept of fiqh does not stop at the application of religious rituals, but he conveys a broader social, economic, and cultural system [18]. Hasbi's ideas continue to have significance today, namely in terms of contextualizing Islamic law within a plural society like Indonesia. His ideas have significantly helped promote reflection among Islamic traditions and national values. Emphasizing both local and national references, Hasbi Ash-Shiddiqy's fiqh still becomes an important guide for Islamic law academics as well as practitioners in order to find the answers to the Muslim community's modern problems [10].

Fiqh thought by Hasbi Ash-Shiddiqy has enriched Indonesian Islamic legal thought. Hillal's thoughts are, in general, characterized by his emphasis on the necessity of melding Islamic law with local social and cultural landscapes. And you can see it in his work that fiqh (Islamic jurisprudence) has to be compatible with traditional or social values of the Indonesian people. This notion serves to broaden the Islamic legal thought as well as inform a new reference to the implementation of Islamic law in Indonesia that is more pertinent to social facts [1].

Through such a route, Hasbi Ash-Shiddiqy admits the principle of progressive law as a substantial justice. In progressive law, where not only the text of law that constructs the regulation but also moral and social justice reasons can be a source for law enforcement, this idea has been an issue that brings an important platform to put into practice by religious judges and legal practitioners in Indonesia, the latter being more responsive to social demands [19]. The thinking of Ash-Shiddiqy offers a sense of freedom and relevance for the emerging Islamic law/jurisprudence, particularly for minority Muslim communities in Indonesia that would otherwise be cast aside by regulations dominated solely by positive laws [1].

Contributions As-Shiddiqy's contribution in the field of Fiqh, Tafsir, and Al-Qur'an has laid a strong foundation of understanding as well as teaching Islamic jurisprudence in Indonesia. His publications, History and Introduction To The Science of the Qur'an and Tafsir, which further develop the Study of the science of the Qur'an and tafsir, which has enriched theoretical knowledge and practical religious life in society, will also be an indispensable guide for scholars as well as practitioners. Studies concluded that the

works of Ash-Shiddiqy mirrored how religious knowledge and principles are closely interconnected with the daily practices of Indonesian Muslims, thus requiring dynamic thinking [16].

Aside from it, the religious social science approach to understanding Islamic education that was started by (un)other intellectuals, thought as TGKH Zainuddin Abdul Madjid, has developed character thinking among Indonesian Muslim scholars and intellectuals. They are reciprocal in matters of education and law, that is, the knowledge of moral values and the ethical values as a measure to produce an educated man with good character, according to contemporary needs [20]. This article presents the eminence of Fikih Hasbi Ash-Shiddiqy's thought in education and law in Indonesia.

Some scholars also argue that Hasbi Ash-Shiddiqy's Fiqh ideas are very relevant to the present legal discourse. Through the epistemology of Fiqh and localizing the context, research suggests that this thought can still be contextualized and transformed in line with social change in recent times [1]. The relevance of ash-shiddiqy's work in accommodating contemporary demands is evident in his effort to bring Islamic education and learning to the modern age, by its interpretation to accommodate the challenges faced by Muslim societies at the present time.

Astrid Shiddiqy's framing is consistent with progressive perspectives on justice and the law-society nexus. Law does not exist in a vacuum; therefore, legal thinkers also need to consider them in their legal reasoning [19]. That is significant as well in that Indonesia is such a multi-cultural and complex society, we cannot just apply the same size fits all without at least taking into account what is happening on the ground.

Accordingly, Hasbi Ash-Shiddiqy Fiqh thinking is not only a source of the formation of the Islamic law in Indonesia but also relevant for a universalist (non-sectarian) orientation based on humanistic values. Each artwork generated addresses current issues and provides practical as well as theoretical solutions to Muslim societies with innovative ideas in the Islamic jurisprudence [1]. This means that while being mindful of traditionalism and moderation, the appreciation for answering what form(s) should Islamic law have in Indonesia to secure justice, substantial at such, for all layers of society.

The contribution of Hasbi ash-Shiddiqy in developing fiqh Indonesia is an example of what should be "the spirit of adaptation to the demands and challenges of the times". His works, which touch on the aspirations of Indonesian society, tend to stimulate new acceptable and understandable norms for people. In a more comprehensive context, his thoughts can be interpreted as an attempt to reinforce the identity of Islamic law in Indonesia while being mindful of the existing variety and increased challenges. It matters to have a fair and balanced rule of law that takes into account our complicated social realities.

For this reason, we need to keep developing ideas, even the thoughts of Hasbi Ash-Shiddiqy, so that his thoughts are still usable in religious and social contexts. This is not only an empowerment of Islamic legal foundations in Indonesia, but it will also make

room for future generations to participate, giving birth to a more inclusive legal discourse corresponding to the societal movement.

CONCLUSION

Fundamental Finding : Hasbi Ash-Shiddiqy's Fiqh Thinking has grown in post-independence Indonesia, filled with social, cultural, and other challenges. He said that accommodating fiqh was important so we could adjust to the social, economic, and cultural conditions of Indonesia. In his original effort by maqashid asy-syari'ah, synthesizing classical scripts with local situations, fiqh becomes more flexible and relevant. He argues for the rebirth of Islamic law to be compatible with modern and emergent multicultural society, as well as a bridge of harmony between Islamic tradition and national values in Indonesia. **Implication :** Hasbi Ash-Shiddiqy's intellectual contributions are still very meaningful because they open dialogue and provide an alternative progressive, inclusive, and solution-oriented fiqh. His thoughts address the challenges of Indonesian Muslim society today, offering a way to reconcile Islamic tradition with national and multicultural values, which can potentially guide modern-day Islamic jurisprudence in Indonesia. **Limitation :** While Hasbi Ash-Shiddiqy's contributions offer valuable insights into accommodating Islamic law to contemporary conditions, his work is primarily theoretical and might need further empirical research or real-world application to fully assess its impact and practicality in Indonesia's diverse cultural and socio-political landscape. **Future Research :** Future research should focus on examining the real-world applications of Hasbi Ash-Shiddiqy's fiqh thinking within the framework of modern Indonesian society. Investigating how his ideas can be effectively integrated into current Islamic legal systems, especially regarding social justice and multiculturalism, could provide deeper insights and practical solutions for contemporary issues facing Indonesian Muslims.

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