



Ushul Fiqih in Era of The Prophet and Companions: A Comperative Historical Analysis

Sahbi Diti¹, Agung Nasir¹, Jufri Yusuf¹

¹Institut Agama Islam Negeri Ternate, Indonesia

✉ sahbyditi@gmail.com*

Abstract

Studies on *ijtihad* in addressing contemporary issues have become increasingly important as modern life grows more complex a complexity not fully addressed in classical normative texts. This study aims to analyze the concept and development of *ijtihad* from classical and contemporary perspectives, examine its relevance in addressing various modern issues, and formulate a more integrative and practical approach to *ijtihad* in the development of Islamic law. This study employs a qualitative method using a content analysis approach. Data sources were drawn from various primary and secondary literature, including works by classical scholars and contemporary thinkers, scientific journal articles, and relevant academic documents, selected using purposive sampling. Data were analyzed thematically through the stages of reduction, categorization, interpretation, and critical conclusion-drawing. The results of the study indicate that *ijtihad* plays a strategic role as an epistemological instrument that enables Islamic law to remain dynamic, adaptive, and contextual in facing the challenges of the times. Furthermore, there has been a paradigm shift from a textual approach toward a contextual approach based on *maqashid al-shari'ah*, which places greater emphasis on the aspect of public interest. This study also found that contemporary *ijtihad* requires a multidisciplinary approach as well as collaboration between scholars and various academic disciplines. These findings reinforce the role of *ijtihad* not only as a theoretical concept but also as an operational framework for comprehensively resolving contemporary issues.

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INTRODUCTION

Discussions regarding *ijtihad* in relation to solving contemporary problems are a key issue in the study of Islamic law, which continues to evolve with the changing times (Anggraini, 2025; Manik et al., 2024). The dynamics of modern life, characterized by advances in science and technology as well as social complexity, present a variety of new issues that has not yet been fully addressed in classical normative texts. In this context, *ijtihad* serves as an intellectual tool that enables Islamic law to remain vibrant, relevant, and capable of providing solutions to these various challenges. As explained by Zuhayli (1986); Qaradawi (1995), *ijtihad* plays a strategic role in maintaining the flexibility of Islamic law so that it remains in harmony with the needs of the Muslim community across different times and places.

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Conceptually, *ijtihad* is a sincere effort made by a mujtahid to derive and establish legal rulings from general sharia principles (Ayu et al., 2024). Historically, the practice of *ijtihad* has evolved since the classical period and has given rise to various schools of legal thought, as seen in the works of Imam al-Shafi'i, Abu Hanifah, Malik ibn Anas, and Ahmad ibn Hanbal (Anshori & Abdurrahman, 2025). Their thought serves as a crucial foundation in the development of Islamic legal methodology. However, as noted, the classical approach to *ijtihad* needs to be reconstructed to effectively address the increasingly complex realities of the contemporary world, including issues such as bioethics, the digital economy, and globalization (Zuhdi, 2017).

A number of previous studies have examined *ijtihad* from various perspectives, focusing on historical, methodological, or the thought of specific figures (Herdiansyah et al., 2022). These studies place greater emphasis on the theoretical and normative aspects of *ijtihad* within the framework of classical *usul al-fiqh*. Meanwhile, contemporary studies, such as those conducted by (Zuhdi, 2017), have begun to adopt a systems approach and *maqashid al-shari'ah* as the basis for renewing *ijtihad*. Nevertheless, there remain limitations in integrating the concept of *ijtihad* in an applied manner to address modern, multidisciplinary issues. Therefore, this study differs fundamentally from previous research in that it positions *ijtihad* as an operational framework that is not merely theoretical but also practical in comprehensively and contextually resolving contemporary problems (Mufadhol & Nuraeni, 2025).

Thus, this study is expected to contribute to strengthening the theory of *ijtihad* as a dynamic and adaptive methodology, as well as to broadening our understanding of its application in modern life. Furthermore, this research is also expected to make a scholarly contribution to the development of Islamic law that is more responsive to the changing times, thereby ensuring its continued relevance both in the present and in the future.

The objective of this study is to analyze the concept and development of *ijtihad* from classical and contemporary perspectives, examine its relevance in addressing various modern issues, and formulate a more integrative and practical approach to *ijtihad* as a foundation for the development of contextual Islamic law that is oriented toward the welfare of the Muslim community (Jaafar et al., 2025).

Discussions regarding *ijtihad* in relation to solving contemporary problems are a key issue in the study of Islamic law, which continues to evolve with the changing times. The dynamics of modern life marked by advances in science, technology, and social complexity present various new issues that have not yet been fully addressed in classical normative texts (Fitria, 2024). In this context, *ijtihad* functions as an intellectual instrument that enables Islamic law to remain alive, relevant, and capable of providing solutions to these various challenges. As explained, *ijtihad* plays a strategic role in maintaining the flexibility of Islamic law so that it remains in harmony with the needs of the ummah across various spaces and times (Taufiq & Syarkawi, 2022).

Conceptually, *ijtihad* is a sincere effort made by a mujtahid to derive and establish legal rulings from general Islamic legal principles (Has, 2013). Historically, the practice of *ijtihad* has evolved since the classical period and has given rise to various schools of legal thought, as seen in the works of Imam al-Shafi'i, Abu Hanifah, Malik ibn Anas, and Ahmad ibn Hanbal. Their thought serves as a crucial foundation in the development of Islamic legal methodology. However, the classical approach to *ijtihad* needs to be reconstructed to effectively address increasingly complex contemporary realities, including issues such as bioethics, the digital economy, and globalization (Gofar et al., 2025).

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perspectives, including those focusing on historical and methodological aspects, as well as the thought of specific figures (Liputo, 2024). These studies have examined the theoretical and normative aspects of *ijtihad* within the framework of classical *usul al-fiqh*. Meanwhile, contemporary studies, such as those conducted recently, have begun to shift toward a systems approach and *maqashid al-shari'ah* as the basis for renewing *ijtihad* (Muhaki & Aziz, 2024). Nevertheless, there remain limitations in integrating the concept of *ijtihad* in an applied manner to address modern, multidisciplinary issues. Therefore, this study differs fundamentally from previous research by positioning *ijtihad* as an operational framework that is not merely theoretical but also applied in comprehensively and contextually resolving contemporary problems.

Thus, this study is expected to contribute to strengthening the theory of *ijtihad* as a dynamic and adaptive methodology, as well as to broadening our understanding of its application in modern life. Furthermore, this research is also expected to make a scholarly contribution to the development of Islamic law that is more responsive to changing times, ensuring its continued relevance both in the present and in the future.

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METHODS

This study employs a qualitative method using a content analysis approach. This approach was chosen because studies on *ijtihad* and contemporary problem-solving require an in-depth examination of various classical and contemporary literature related to Islamic legal methodology. Qualitative research aims to understand phenomena in depth through the exploration of meanings, concepts, and interpretations of the data obtained (Muis, 2025). In the context of this study, the qualitative approach is used to comprehensively examine the concept of *ijtihad*, analyze its relevance to contemporary issues, and formulate a framework of thought that is adaptable to the changing times (Akbar, 2024).

The content analysis approach is used to examine scholarly texts, books on the principles of Islamic jurisprudence, journal articles, previous research findings, and various academic documents related to the concept of *ijtihad* and its application in addressing modern issues (Surahman & Lirboyo, 2025). Content analysis allows researchers to systematically identify patterns of meaning, themes, and specific trends within a document. Through this approach, the study seeks to critically interpret the ideas of both classical scholars and contemporary thinkers to identify formulations of *ijtihad* relevant to the current context (Aryani & Hafidzi, 2026).

The data sources in this study consist of primary and secondary data. Primary data were obtained from the major works of scholars of *usul al-fiqh* and Islamic thinkers, such as the works of Imam al-Shafi'i, Abdul Wahhab Khallaf, Wahbah al-Zuhayli, Yusuf al-Qaradawi, and Jasser Auda, which directly discuss the concept of *ijtihad*. Meanwhile, secondary data was obtained from national and international journal articles, seminar proceedings, theses, dissertations, and other scientific publications relevant to the research theme. The selection of sources was conducted using purposive sampling, namely by establishing specific criteria such as substantive relevance, academic credibility, and the contribution of ideas to the development of contemporary *ijtihad* studies (Engkizar, Jaafar, et al., 2025; Nurhidayati et al., 2025).

The primary instrument in this study is the researcher themselves (human instrument), who plays a role in the processes of data collection, selection,

interpretation, and analysis. To support the research process, documentation sheets and data classification matrices were used as tools to group information based on specific themes, such as the basic concepts of *ijtihad*, classical methodology, contemporary reconstructions, and the application of *ijtihad* in solving modern problems. The use of these instruments aims to maintain the systematic nature of the analysis and facilitate the data categorization process.

Data collection was conducted through a literature review by systematically reviewing various relevant references (Rusli et al., 2025). The collected data were then analyzed using thematic analysis as developed by (Engkizar et al., 2023; Nieman, 2023). The analysis stages ranged from data reduction, theme categorization, and interpretation of meaning to the critical drawing of conclusions. To ensure data validity, this study employed source triangulation by comparing perspectives from different literature and verifying the consistency of arguments across sources (Hariawan et al., 2025).

Through this methodology, the study is expected to produce an in-depth and objective analysis of the role of *ijtihad* in addressing contemporary issues, while also offering a conceptual framework that can serve as a foundation for the development of Islamic law that is more contextual, adaptive, and responsive to current and future challenges (Engkizar et al., 2026).

RESULT AND DISCUSSION

The results of this study indicate that *ijtihad* plays a highly strategic role in addressing various contemporary issues that are not explicitly addressed in classical normative sources. Based on an analysis of classical and contemporary literature, it was found that *ijtihad* functions not only as a method of legal determination but also as an epistemological framework that enables Islamic law to be dynamic, adaptive, and contextual. In the modern context, *ijtihad* has evolved from an individual to a collective model (*ijtihad jama'i*) that involves various disciplines, thereby enabling it to address complex issues such as the digital economy, bioethics, and global social issues.

The research findings also reveal a paradigm shift in the practice of *ijtihad*, from a textual approach toward a contextual and *maqashid*-oriented approach. This aligns with the thinking of Aktepe, (2024), who emphasizes the importance of a systemic approach in understanding *maqashid al-shari'ah* as the foundation for developing Islamic law that is more relevant to the needs of the times. This approach allows *ijtihad* to be oriented not only toward legal-formal aspects but also to consider the public interest, justice, and universal values that are the primary objectives of *sharia*. Thus, *ijtihad* is no longer understood as a static activity but rather as a dynamic process that continues to evolve in response to social change.

Furthermore, the study's findings indicate that the limitations of the classical approach in addressing contemporary issues are a key factor in the need for a methodological reconstruction of *ijtihad*. Garcia et al (2024) concept of the "double movement" which involves critically linking the interpretation of past texts with present-day realities is particularly relevant in this context. This approach allows for the reinterpretation of Islamic teachings without losing their normative essence. In other words, contemporary *ijtihad* relies not only on the text but also on the surrounding social context.

From a practical perspective, this study finds that the application of *ijtihad* in solving contemporary problems requires the integration of religious scholarship and modern science. This is evident in the need for collaboration among religious scholars, academics, and practitioners in various fields. For example, in the issue of the digital economy, *ijtihad* cannot be separated from an understanding of modern financial systems, information technology, and global regulations. This reinforces

Qaradawi (1995) view that *ijtihad* in the modern era must be collective and take into account the evolving empirical realities in society.

In relation to the research objectives, these findings indicate that *ijtihad* remains relevant as a tool for addressing various modern issues and even holds great potential to be developed into a more integrative and practical approach. This finding also reinforces the theory that Islamic law possesses a flexible (*murunah*) character that allows for adaptation to changing times without losing its fundamental principles. This aligns with the view of Zuhayli (1986), who asserts that the flexibility of Islamic law is one of its primary strengths in addressing the needs of the Muslim community in various contexts.

Furthermore, this study contributes to the development of Islamic legal scholarship by offering the perspective that *ijtihad* should be viewed as an operational framework for resolving contemporary issues, rather than merely a theoretical concept. This approach differs from some previous studies, which have placed greater emphasis on historical and normative aspects. Thus, the results of this study not only reinforce existing theories but also expand the scope of *ijtihad* studies within a more applied and multidisciplinary context (Engkizar et al., 2025).

Overall, the findings of this study confirm that the success of *ijtihad* in addressing contemporary challenges depends heavily on the ability to integrate the text, context, and objectives of Sharia. Therefore, the development of an adaptive and collaborative methodology for *ijtihad* is an urgent necessity in order to maintain the relevance of Islamic law amid increasingly rapid and complex global changes.

CONCLUSION

This study confirms that *ijtihad* plays a fundamental role as a tool for addressing various evolving contemporary issues. *Ijtihad* can no longer be understood merely as a normative method of legal determination; rather, it has evolved into a dynamic, adaptive, and contextual epistemological framework. The paradigm shift from a textual approach to a contextual approach based on *maqashid al-shari'ah* demonstrates that Islamic law possesses flexibility (*murunah*) that enables it to remain relevant in the face of changing times. Furthermore, this study also found that contemporary *ijtihad* requires a collective and multidisciplinary approach, involving collaboration among scholars, academics, and practitioners across various fields of knowledge.

This finding further reinforces the notion that the success of *ijtihad* in resolving modern problems depends heavily on the ability to integrate the text, context, and objectives of Sharia in a balanced manner. Thus, *ijtihad* serves not only as a theoretical concept but also as a practical operational framework for formulating solutions to various contemporary issues, such as the digital economy, bioethics, and other global social issues.

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