

BUKTI KORESPONDENSI

Karya Ilmiah: “Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the Maqāṣid and Hermeneutic Approaches”

Husnul Fatarib, Zezen Zainul Ali, Nur Aziz Arifin, Abdul Najib, Muhammad Nur Fathoni

Isi Lampiran:

- A. Tampilan abstract pada website jurnal
- B. Korespondensi via e-mail yang mencakup:
 - 1) Submission,
 - 2) Review (3 kali),
 - 3) Revision (3 kali), dan
 - 4) Acceptance.
- C. Summary OJS (tambahan surat keterangan dari pengelola jurnal proses naskah berjalan via email karena OJS sedang bermasalah/migrasi)
- D. Naskah karil dengan catatan reviewer (3 kali review)

The screenshot displays the JURIS journal website interface. The header features the journal's logo, ISSN information (e-ISSN: 2580-6190, p-ISSN: 1412-6190), and logos for Scopus, SINTA, and Open Access. The main content area shows the article title, authors (Husnul Fatarib, Zezen Zainul Ali, Nur Aziz Arifin, Abdul Najib, Muhammad Nur Fathoni), their affiliations, the DOI (https://doi.org/10.31958/juris.v24i2.16123), and keywords. A 'PDF' button is available for downloading the article. The right sidebar contains an 'ADDITIONAL MENU' with links to Focus and Scope, Reviewers, Author Guidelines, Peer Review Process, Publication Ethics, Publication Fee, Publication Frequency, Copyright Notice, Plagiarism Policy, Open Access Policy, Archiving, and Generative AI Policies.

JURIS
Jurnal Ilmiah Syari'ah

MAHMUD YUNUS
e-ISSN: 2580-6190 p-ISSN: 1412-6190

Scopus SINTA OPEN ACCESS

Home Current Archives Announcements About ▾

Home / Archives / Vol. 24 No. 2 (2025) / Articles

Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the Maqāṣid and Hermeneutic Approaches

Husnul Fatarib
Universitas Islam Negeri Jurai Siwo Lampung

Zezen Zainul Ali
Universitas Islam Negeri Sunan Kalijaga Yogyakarta

Nur Aziz Arifin
Universitas Islam Negeri Sunan Kalijaga Yogyakarta

Abdul Najib
STAI Al-Anwar Sarang Rembang

Muhammad Nur Fathoni
Universitas Islam Negeri Jurai Siwo Lampung

DOI: <https://doi.org/10.31958/juris.v24i2.16123>

Keywords: Contextual Ijtihad, Hermeneutic, Islamic Legal Reform, Maqāṣid, Progressive Legal Reasoning

PDF

Published
2025-12-17

How to Cite
Fatarib, H., Ali, Z. Z., Arifin, N. A., Najib, A., & Fathoni, M. N. (2025). Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the Maqāṣid and Hermeneutic Approaches. *JURIS (Jurnal Ilmiah Syari'ah)*, 24(2), 277–294.
<https://doi.org/10.31958/juris.v24i2.16123>

More Citation Formats ▾

ADDITIONAL MENU

- Focus and Scope
- Reviewers
- Author Guidelines
- Peer Review Process
- Publication Ethics
- Publication Fee
- Publication Frequency
- Copyright Notice
- Plagiarism Policy
- Open Access Policy
- Archiving
- Generative AI Policies



Husnul Fatarib <husnulfatarib@metrouniv.ac.id>

[JURIS] Submission Acknowledgement

1 message

Arifki Budia Warman <arifkibudiawarman@uinmybatusangkar.ac.id>

Sun, Jul 13, at 11:53 PM

To: Husnul Fatarib <husnulfatarib@metrouniv.ac.id>

Husnul Fatarib:

Thank you for submitting the manuscript, "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the Maqāṣid and Hermeneutic Approaches" to JURIS (Jurnal Ilmiah Syariah). With the online journal management system that we are using, you will be able to track its progress through the editorial process by logging in to the journal web site:

Submission URL: <https://ejournal.uinmybatusangkar.ac.id/ojs/index.php/Juris/authorDashboard/submission/15952>

Username: husnul

If you have any questions, please contact me. Thank you for considering this journal as a venue for your work.

Arifki Budia Warman





Husnul Fatarib <husnulfatarib@metrouniv.ac.id>

[JURIS] Editor Decision

2 messages

JURNAL Juris <juris@uinmybatusangkar.ac.id>

Wed, Oct 15, 2025 at 9:22 AM

To: husnulfatarib@metrouniv.ac.id, zezen.uje@gmail.com, nurazizarifin@gmail.com, abdulnajib@staialanwar.ac.id, untalas@gmail.com

Dear Author,

We have reached a decision regarding your submission to JURIS (Jurnal Ilmiah Syariah), "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: A Comparative Study of Maqāṣid and Hermeneutic Legal Reasoning".

Our decision is: Revisions Required

Arifki Budia Warman
(Scopus ID: 58082351200), UIN Mahmud Yunus Batusangkar
Phone 085274203609
arifkibudiawarman@uinmybatusangkar.ac.id

**A. Husnul Fatarib.docx**

816K

Husnul Fatarib <husnulfatarib@metrouniv.ac.id>

Fri, Nov 7, 2025 at 9:33 PM

To: JURNAL Juris <juris@uinmybatusangkar.ac.id>

Dear Editor, Arifki Budia Warman

Thank you for reviewing our research manuscript, which has been very helpful in improving the quality of our research.

We have adjusted and confirmed several notes provided by the reviewer.

Please find attached the revised manuscript. We hope that it can be processed and published to add to the body of knowledge, particularly related to Islamic Legal Thought and Reform.

Best regards,

Husnul Fatarib

[Quoted text hidden]



REVISION_Progressive Legal Reasoning in Contemporary Islamic Legal Reform.docx

824K



Husnul Fatarib <husnulfatarib@metrouniv.ac.id>

[JURIS] Editor Decision

2 messages

JURNAL Juris <juris@uinmybatusangkar.ac.id>

Tue, Dec 2, 2025 at 11:36 AM

To: husnulfatarib@metrouniv.ac.id, zezen.uje@gmail.com, nurazizarifin@gmail.com, abdulnajib@staialanwar.ac.id, untalas@gmail.com

Dear Author,

We have reached a decision regarding your submission to JURIS (Jurnal Ilmiah Syariah), "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: A Comparative Study of Maqāṣid and Hermeneutic Legal Reasoning".

Our decision is: Revisions Required

Arifki Budia Warman
(Scopus ID: 58082351200), UIN Mahmud Yunus Batusangkar
Phone 085274203609
arifkibudiawarman@uinmybatusangkar.ac.id

2 attachments **B. Husnul.docx**
816K **B. Husnul.docx**
816K

Husnul Fatarib <husnulfatarib@metrouniv.ac.id>

Tue, Dec 9, 2025 at 7:19 PM

To: JURNAL Juris <juris@uinmybatusangkar.ac.id>

Dear Editor, Arifki Budia Warman

Thank you for reviewing our research manuscript, which has been very helpful in improving the quality of our research.

We have completed this second round of revisions by adjusting and confirming several points raised by the reviewers.

Please find the revised manuscript attached below. We hope that this manuscript can be processed and published to contribute to the wealth of knowledge, especially related to Islamic Legal Thought and Reform.

Best regards,

Husnul Fatarib

[Quoted text hidden]



B. Husnul (1) REVISION 2.docx

849K



Husnul Fatarib <husnulfatarib@metrouniv.ac.id>

[JURIS] Editor Decision

2 messages

JURNAL Juris <juris@uinmybatusangkar.ac.id>

Thu, Dec 11, 2025 at 4:42 AM

To: husnulfatarib@metrouniv.ac.id, zezen.uje@gmail.com, nurazizarifin@gmail.com, abdulnajib@staialanwar.ac.id

Dear Author,

We have reached a decision regarding your submission to JURIS (Jurnal Ilmiah Syariah), "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: A Comparative Study of Maqāṣid and Hermeneutic Legal Reasoning".

Our decision is: Revisions Required

1. The English language needs to be proofread.
2. Please revise the manuscript in accordance with the reviewer's notes.

Arifki Budia Warman
(Scopus ID: 58082351200), UIN Mahmud Yunus Batusangkar
Phone 085274203609
arifkibudiawarman@uinmybatusangkar.ac.id

 **C. Husnul F.docx**
848K**Husnul Fatarib** <husnulfatarib@metrouniv.ac.id>

Sat, Dec 13, 2025 at 8:36 PM

To: JURNAL Juris <juris@uinmybatusangkar.ac.id>

Dear Editor, Arifki Budia Warman

Thank you for reviewing our manuscript. We believe that your suggestions and feedback will greatly help us improve the quality of our manuscript.

We have studied the comments, suggestions, and feedback provided, and we have also adjusted some of the feedback and retained some arguments that we consider important. We have completed the third revision of the manuscript to the best of our ability so that it contributes both theoretically and practically.

Please find the revised manuscript attached to this email.

For additional information, we have also had the language proofread by an expert, as evidenced by the letter that we have also attached.

We hope that this manuscript can be processed and published to contribute to the wealth of knowledge, especially related to Islamic Legal Thought and Reform.

Best regards,

Husnul Fatarib

[Quoted text hidden]

4 attachments



Statement Letter_Progressive Legal Reasoning in Contemporary Islamic Legal Reform.pdf

398K



PROOFRED_Track Change_Progressive Legal Reasoning in Contemporary Islamic Legal Reform.docx

851K



Certificate of Proofreading_Progressive Legal Reasoning in Contemporary Islamic Legal Reform.pdf

268K



REVISION FIKS & PROOFRED_Progressive Legal Reasoning in Contemporary Islamic Legal Reform.docx

843K



Husnul Fatarib <husnulfatarib@metrouniv.ac.id>

[JURIS] Editor Decision

1 message

JURNAL Juris <juris@uinmybatusangkar.ac.id>

Mon, Dec 15, 2025 at 8:24 AM

To: husnulfatarib@metrouniv.ac.id, zezen.uje@gmail.com, nurazizarifin@gmail.com, abdulnajib@staialanwar.ac.id

Husnul Fatarib, Zezen Zainul Ali, Nur Aziz Arifin, Abdul Najib, Muhammad Nur Fathoni:

We have reached a decision regarding your submission to JURIS (Jurnal Ilmiah Syariah), "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the Maqāṣid and Hermeneutic Approaches".

Our decision is to: Accept Submission


#15952 SUMMARY

SUMMARY

REVIEW

EDITING

SUBMISSION

Authors	Husnul Fatarib, Zezen Zainul Ali, Nur Aziz Arifin, Abdul Najib, Muhammad Nur Fathoni
Title	Progressive Legal Reasoning in Contemporary Islamic Legal Reform: A Comparative Study of Maqāṣid and Hermeneutic Legal Reasoning
Original file	None
Supp. files	None ADD A SUPPLEMENTARY FILE
Submitter	Husnul Fatarib 
Date submitted	July 13, 2025 - 11:53 PM
Section	Articles
Editor	None assigned
Author comments	<p>Dear Editor-in-Chief, JURIS (Jurnal Ilmiah Syariah)</p> <p>On behalf of my co-authors, I am pleased to submit our manuscript entitled "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: A Comparative Study of Maqāṣid and Hermeneutic Legal Reasoning" for consideration for publication in JURIS (Jurnal Ilmiah Syariah).</p> <p>This study offers a comparative analysis of two influential paradigms in contemporary Islamic legal reform, namely the maqāṣid-based institutional reasoning developed by Asrorun Ni'am Sholeh and the contextual hermeneutic framework advanced by Abdullah Saeed. By examining the epistemological foundations, methodological approaches, and models of authority adopted by both figures, this research contributes to the growing discourse on progressive Islamic legal reasoning.</p>

INDEXED BY:



MENU

EDITORIAL TEAM

FOCUS AND SCOPE

AUTHOR GUIDELINES

PUBLICATION ETHIC

REVIEWERS

PEER REVIEW PROCESS

OPEN ACCES POLICY

COPYRIGHT NOTICE

CITEDNESS IN SCOPUS

CREATION IN GOOGLE



SURAT PEMBERITAHUAN

Nomor : 08/JURIS/8/2025

Hal : Pengalihan Proses Editorial dan Korespondensi via Email

Yth. Bapak/Ibu Penulis (Author) dan Mitra Bestari,

Salam hangat dari Redaksi JURIS.

Kami menginformasikan bahwa saat ini sistem Open Journal System (OJS) JURIS sedang mengalami kendala teknis (gangguan keamanan/retas) yang menyebabkan akses ke sistem terganggu. Saat ini, tim teknis kami tengah bekerja keras melakukan pemulihan sekaligus proses migrasi sistem ke OJS versi 3 untuk meningkatkan keamanan dan kenyamanan layanan di masa mendatang.

Agar proses publikasi, peninjauan (review), dan korespondensi tetap berjalan tepat waktu, maka tim editorial menetapkan kebijakan sementara sebagai berikut:

1. Korespondensi Manual: Seluruh komunikasi terkait status naskah, revisi, dan pengiriman naskah baru akan dialihkan sepenuhnya melalui email resmi: juris@uinmybatusangkar.ac.id.
2. Pengiriman Naskah (Submission): Bagi penulis yang ingin mengirimkan naskah baru, mohon mengirimkan file artikel (format .doc/.docx) beserta surat pernyataan orisinalitas langsung ke email di atas dengan subjek: [SUBMISSION] - Judul Artikel - Nama Penulis.
3. Proses Review: Penulis yang naskahnya sedang dalam tahap review akan dihubungi oleh editor melalui email untuk kelanjutan proses revisi.
4. Informasi Pemulihan: Kami akan memberikan informasi lebih lanjut segera setelah proses migrasi ke OJS 3 selesai dan sistem siap digunakan kembali.

Kami memohon maaf yang sebesar-besarnya atas ketidaknyamanan ini. Langkah ini kami ambil demi menjaga integritas data dan memastikan karya ilmiah Bapak/Ibu tetap terproses dengan baik.

Atas perhatian dan kerja samanya, kami ucapkan terima kasih.

Batusangkar, 10 Agustus 2025

Editor in Chief

JURIS (Jurnal Ilmiah Syariah)



Prof. Dr. H. Zainuddin, MA.

JURIS (Jurnal Ilmiah Syariah)

Faculty of Sharia, UIN Mahmud Yunus Batusangkar

Jl. Sudirman No. 137 Lima Kaum Batusangkar Telp. (0752) 71150





JURIS (Jurnal Ilmiah Syariah)
Vol. 21 No. 2, 2022: 133-146
ISSN: 1412-6109; E-ISSN: 2580-2763
DOI:

Progressive Legal Reasoning in Contemporary Islamic Legal Reform: A Comparative Study of *Maqāṣid* and Hermeneutic Legal Reasoning

Husnul Fatarib^{1*}, Zezen Zainul Ali², Nur Aziz Arifin³, Abdul Najib⁴, Muhammad Nur Fathoni⁵

¹ Universitas Islam Negeri (UIN) Jura Siwo Lampung, Indonesia
e-mail: husnulfatarib@metrouniv.ac.id

² Universitas Islam Negeri (UIN) Sunan Kalijaga Yogyakarta, Indonesia
e-mail: zezen.uje@gmail.com

³ Universitas Islam Negeri (UIN) Sunan Kalijaga Yogyakarta, Indonesia
e-mail: nurazizarifin@gmail.com

⁴ STAI Al-Anwar Sarang Rembang, Indonesia
e-mail: abdulnajib@staialanwar.ac.id

⁵ Universitas Islam Negeri (UIN) Jura Siwo Lampung, Indonesia
e-mail: untalas@gmail.com

*Corresponding Author

| Received: 13-07-2022

| Revised: 15-09-2022

| Accepted: 12-10-2022

Abstract: This study aims to analyze and compare two progressive legal reasoning paradigms from Asrorun Ni'am Sholeh and Abdullah Saeed, who represent two poles of thought in contemporary Islamic legal reform. Both emphasize the urgency of Islamic law's responsiveness to the dynamics of the times, but they depart from different epistemological frameworks. The main objective of this study is to identify the fundamental similarities and differences in methodology, sources of legitimacy, and how each figure understands the relationship between text, context, and authority. This study employs a qualitative method through literature review and critical discourse analysis of Asrorun's legal framework through his works and influence on the Fatwa Commission of the Indonesian Ulema Council (MUI), as well as Saeed's academic works on contextual hermeneutics. The analysis shows that Asrorun developed a legal framework based on *maqāṣid al-shari'ah* through a collective institutional authority framework and emphasized reform from within the MUI through the recontextualization of the classical *fiqh* normative framework, while remaining open to social change. Meanwhile, Saeed promotes epistemological reform through a contextual hermeneutic approach that challenges traditional epistemological structures (literal authority over texts) and provides ample space for ethical rationality for universal ethical values in *ijtihad*. The implications of this comparison reveal both tensions and opportunities for dialogue between the internal reform model (insider reform) and more radical methodological transformation. These findings suggest that, despite their epistemological differences, both contribute to expanding the space for progressive legal reasoning in the face of modern-day complexities. This research contributes to the study of contemporary legal thought and the discourse on Islamic legal reform, particularly in articulating the relationship between text, context, and religious authority.

Keywords: Progressive Fatwa, Asrorun Ni'am Sholeh, Abdullah Saeed, Contextual Ijtihad, Islamic Law Reform

Commented [s1]: This title is quite interesting editorially because it raises contemporary issues in Islamic legal reform. At first glance, this title describes efforts to develop progressive Islamic law through legal reasoning. However, the subsequent subtitle still seems ordinary, and only intends to compare; it would be better to dialogue or negotiate between the two concepts of legal reasoning. In general, this title also illustrates academic contributions. Suggested title: "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating *Maqāṣid* and Hermeneutics Legal Reasoning."

Commented [s2]: The abstract is well-written because it is structured and clear. However, the initial narrative presented only analyzes and compares, which would be very simplistic if the purpose of the article was only to compare. It would be better to analyze the legal reasoning between the two schools of thought. The significance of the two figures' thoughts is not yet strong, nor are the reasons for them. The wording of the two schools of thought is unclear and vague; an explanation of the meaning of the wording is needed. The explanation of the research method is also not detailed, especially in terms of data collection. The findings are still at the stage of explanation and have not yet been critically analyzed. In addition, there needs to be a presentation of the results of the negotiation or dialogue between the two schools of thought, as well as their implications for Islamic legal reform, such as proposed models for reform.



Introduction

Over time, with globalization and increasingly complex contemporary realities, classical *fiqh* is often considered insufficiently responsive in addressing new issues. Many modern social problems do not have a direct intersection in classical Islamic legal literature, so there is a need for a more contextual and progressive approach in legal thinking/reasoning, as an effort to bridge the gap between the text and the new realities faced by Muslims (Kamali, 2008). Progressive legal reasoning aims to respond to contemporary issues by integrating modernity with traditional Islamic principles (Rusli, 2014).

One of the products of progressive legal reasoning can also be referred to as a fatwa, fatwas are generally Islamic legal opinions issued by a mufti (fatwa issuer) or a group of muftis or scholars at the request of an individual or group known as *mustafti* (fatwa seeker) (Suaedy et al., 2023), with the primary purpose of providing definitive answers to questions of Islamic law (Ibrahim et al., 2015).

However, instead of providing answers, these fatwas sometimes give rise to new controversies (Sirry, 2013), such as the authoritarian and gender-biased Fatwa Council for Scientific Research and Legal Opinions (CRLO), which was criticized by Khaled Abou El Fadl (El-Fadl, 2001). Additionally, the Indonesian Ulema Council (MUI) fatwa on Christmas celebrations (Hasyim, 2020), religious pluralism, liberalism, secularism (Ichwan, 2011), and the fatwa on *Ahmadiyah* have also been subject to criticism (Alnizar, 2025). Such criticism indicates that fatwas hold significant societal influence, despite not being legally binding (Ibrahim et al., 2015; Khairuldin et al., 2018).

Progressive legal reasoning do not seek to abandon classical traditions but rather represent an effort to reinterpret normative texts and consider them in light of contextual social aspects (El Fadl, 2001). This idea is relevant to the ummah (Muslim community) seeking Islamic and functional answers to complex contemporary realities (Azra, 2013). Two figures who have emerged in this idea are Asrorun Ni'am Sholeh in Indonesia and Abdullah Saeed in Australia.

Both represent two different but complementary approaches to issuing fatwas. The internal reformist approach originates from religious institutions and the transnational epistemological approach based on contextual hermeneutics (M. A. N. Sholeh, 2024). Asrorun, as part of the MUI Fatwa Commission, conducts Institutional Legal Reasoning by combining classical-traditional and responsive-progressive approaches based on *maqāṣid al-shari'ah* to contemporary realities through the LIVING approach. Additionally, Abdullah Saeed does independent legal reasoning by coming up with a contextual hermeneutics and human rights framework to interpret the Quran through a socio-historical and moral lens (Saeed, 2005).

Therefore, these two approaches need to be examined comparatively and comprehensively, as they reflect the tension between two poles and the potential for epistemic dialogue within the discourse on global Islamic legal reform. Asrorun, on one hand, offers an approach rooted in institutional frameworks and strong legitimacy, while Saeed, on the other hand, proposes an approach grounded in individual thought and a broad ethical scope. Both represent two different but relevant epistemic models in responding to the challenges of the times.

Previous studies have highlighted the dynamics of progressive reasoning and the roles of its actors. For example, Hosen's (2004) study discusses fatwa authority and the reconstruction of Islamic law in Indonesia, focusing on the Indonesian Ulema Council (1975–1998) as an agent of normative change (Hosen, 2004). Meanwhile, the work by Saeed and Hasan (2006) elaborates on contextual

Commented [s3]: The introduction discusses a highly relevant and important issue, namely progressive legal reasoning as proposed by two prominent Islamic legal scholars. However, in terms of structure and academic writing quality, this introduction still has several weaknesses that need to be addressed. First, the opening argument tends to be value-laden and assumptive, such as the statement that "classical fiqh is often considered unresponsive in dealing with issues," which is not supported by data or a more objective perspective. The use of such language reduces the scientific tone and can lead to generalization. Second, the line of thought is not systematic. The transition from global phenomena to Islamic legal reasoning and then to the thoughts of the two figures should be organized more systematically so that readers can follow easily. Although the reasons for choosing the two thinkers, Asrorun Niam and Abudal Saeed, have been explained, the explanation is still lacking in academic rigor. In addition, it is important to explain unfamiliar foreign terms so that readers unfamiliar with this topic can understand.

hermeneutics in Qur'anic studies, which forms the primary foundation of Saeed's approach to Islamic law (Saeed, 2005). Additionally, several studies on progressive fatwas have explored aspects such as integrating modernity and tradition (Duderija & Zonneveld, 2021), moderation (Rusli, 2014), contextualism (Whyte, 2023), and value-based approaches (Ismail et al., 2021).

However, no comparative-comprehensive study has explicitly brought together the ideas of progressive fatwas with the epistemological approaches of Asrorun and Saeed. Therefore, this study aims to fill this gap by exploring methodological intersections, epistemological positions, and their contributions to the renewal of Islamic law. At least, this study will answer four questions: 1) How is the progressive legal reasoning model developed by Asrorun Ni'am Sholeh and Abdullah Saeed constructed? 2) What are the differences in the epistemological and methodological bases between their approaches, 3) How do their approaches position the relationship between text, context, and religious authority, and 4) What are the contributions of each approach to contemporary Islamic legal reform. Thus, theoretically, this study is expected to enrich the study of fatwa epistemology and provide new insights into contemporary Islamic legal reform dynamics.

Progressive legal reasoning in contemporary Islamic legal reform involves a multifaceted approach that encompasses historicism, hermeneutics, *maqāṣid al-sharī'ah*, and integration with modern legal systems. These steps simultaneously aim to adapt Islamic law to be relevant to the realities of contemporary society.

Literature Review

1. Progressive Legal Reasoning in Islamic Legal Reform

Literature on progressive legal thinking in contemporary Islamic legal reform shows a methodological spectrum that combines traditional approaches and interpretive innovations to respond to modern social dynamics. Historicism, both in the form of progressive historical theory and the use of history as a reference for text interpretation, serves as the initial foundation for framing legal change (Fadel, 2011). In line with this, Ibn Qayyim al-Jawziyyah's theory asserts that Islamic law is adaptive to variations in space, time, conditions, motives, and customs, which is relevant for the renewal of Islamic family law to remain in harmony with contemporary realities (Ningsih, 2025). At the institutional level, collective *ijtihād (al-ijtihād al-jamā'ī)*, which developed in the 20th century, strengthened cooperation among scholars in formulating a methodological framework responsive to modern challenges (Makhlouf, 2020).

The framework of *maqāṣid al-sharī'ah* is an important pillar in linking Islamic legal reform with the principles of human rights and ethical objectivism, while bridging the differences between conservative and progressive groups (Johnston, 2007). In Indonesia, the rationality of *maqāṣid* has been widely implemented in accommodating social change without neglecting the five principles of protection of five basic things (Yusuf et al., 2024; Zaim & Eldeen, 2024). Nevertheless, significant challenges remain, such as in Malaysia, where the gap between popular legal awareness and core epistemological commitments in Islamic legal theory hinders reform, exacerbated by the perception that Islamic law is absolute and singular, which in turn reinforces conservative resistance (Moustafa, 2013).

2. *Maqāṣid* and Hermeneutic Legal Reasoning

The relationship between *maqāṣid al-sharī'ah* and hermeneutic legal reasoning shows significant conceptual synergy in efforts to reform Islamic law so that it remains relevant to social developments. *Maqāṣid al-sharī'ah*, which aims to protect religion, life, intellect, lineage, and property, has evolved from classical formulations to modern approaches (El-Mesawi, 2012; Nur et al., 2020; Takim, 2014; Yusuf et al., 2024). This framework has become an important instrument

Commented [s4]: The literature review section is too long, repetitive, and not critically synthesized. Although previous research has been presented, the knowledge gaps are not clearly identified, making the justification for this research less convincing. Overall, this section contains important elements, but with improvements in structure, simplification of language, clearer definitions, and stronger research gaps, the introduction will be more focused, interesting, and effective in attracting the reader's attention.

in adapting Islamic legal norms to the needs of society without compromising its fundamental principles (Helmy, 2022; Zaim & Eldeen, 2024).

Hermeneutic legal reasoning, on the other hand, focuses on the process of interpreting the texts of the Qur'an and Sunnah thematically and contextually, resulting in legal decisions that take into account the unity of meaning and social reality (Belhaj, 2013). Although there is debate regarding the limits of restructuring Islamic legal hermeneutics—between maintaining classical methodology and opening space for a more progressive collective approach (Hefni et al., 2025).

From a methodological perspective, research in this field generally adopts a qualitative and normative approach, combining empirical analysis with a philosophical-interpretive framework to examine the basic principles of Islamic law (Fauziah, 2023). The role of *ijtihad* becomes crucial, especially in responding to new complex issues to ensure that legal decisions remain aligned with the objectives of sharia (Fahrudin, 2021; Kamali, 2021). The contemporary *ijtihad* framework integrates the principles of *ushūl al-fiqh* and *qawā'id fiqhiyyah*, thereby strengthening the methodological basis for reform (Zahari & Safiai, 2025).

Method

This study is a comparative approach through literature review and critical discourse analysis to examine two models of progressive legal reasoning developed by Asrorun Ni'am Sholeh and Abdullah Saeed. The main data were obtained from books and academic works by Asrorun Ni'am Sholeh and Abdullah Saeed, official fatwa documents from the Indonesian Ulema Council (MUI), particularly those directly influenced by Asrorun, as well as Abdullah Saeed's academic works focusing on contextual hermeneutics and Islamic legal reform. Through a literature review, this study traces the methodological approaches, authoritative legitimacy, and principles of *maqāshid* and hermeneutics used in both approaches.

Critical discourse analysis is used to reveal the power structures, ideological positions, and socio-political dynamics that shape and influence the production of legal reasoning. This method enables a deep reading of how a method of legal reasoning is formulated and accepted in the public sphere, while also opening up space for reflection on the tensions and potential for integration between the Institutional Legal Reasoning (Asrorun) model and the Independent Legal Reasoning (Saeed) model. With this approach, the research aims to identify the epistemological contributions of both models to the renewal of Islamic law, both in the national context and in the global discourse that demands justice, ethics, and openness to social change.

Results and Discussion

1. The Paradigm of Legal Reasoning in *Maqāshid* Asrorun Ni'am Sholeh

Strategies for Islamic Law Reform: Integrating Maqāshid al-Shari'ah and Normative Fiqh

Asrorun Ni'am Sholeh is one of the leading figures in developing contemporary Islamic law in Indonesia, particularly in reforming fatwas through religious authority institutions. He was born on August 20, 1977, in Rembang, Central Java, and raised in an Islamic boarding school environment steeped in Islamic tradition. This background served as the foundational basis for his religious thought (Niam, 2023).

Fusing the depth of boarding school tradition and academic experience on campus has shaped Asrorun's distinctive approach to Islamic law. He is not solely bound by the literalism of the text, nor does he detach himself from the traditional roots that shaped him. This integration is evident in his perspective, which emphasizes the paradigm of *maqāshid al-shari'ah*, focusing on justice, the common good, and the protection of fundamental human rights (Auda, 2007). Asrorun's *maqāshid*-based orientation makes his ideas more adaptive to ever-changing social dynamics. He believes that

Commented [s5]: The methodology section should describe the general framework of the research, but it needs some improvements to enhance academic rigor and clarity. Although it is claimed to be a comparative study, the design is not specific enough. Although it mentions critical discourse analysis, it needs to explain what will be criticized in the research. The model of negotiation between the two figures' thoughts has not been explained and operationalized properly; this needs to be clarified. The selection of the two figures, Asrorun and Abdullah Saed, also raises concerns; there needs to be confirmation of why these figures represent their respective groups of thinkers. For example, Jasser Auda in Masqashid and Fazlur Rahman/Nasr Hamid Abu Zayd. The data collection method is mentioned briefly, but without essential procedural details. The data analysis section mentions the use of critical discourse analysis, but it would be better if the stages were explained with clearer examples to give readers a better understanding of the analytical process. Overall, the METHOD section is comprehensive and well-designed, but could be improved in terms of clarity and depth of explanation.

Commented [s6]: The Results and Discussion section attempts to present an important exploration of the legal reasoning paradigms of two Islamic figures, organized into two sub-discussions: *Maqāshid* Asrorun Ni'am Sholeh's Legal Reasoning Paradigm and Abdullah Saeed's Hermeneutic Legal Reasoning Paradigm. Although this dual framework is a useful starting point, this section has several critical weaknesses that limit its analytical sharpness and clarity of presentation. Structurally, this section is too long and fragmented, not to the point. It often mixes descriptions with arguments without clear transitions or thematic cohesion. Although the titles provide a systematic flow of discussion, the content is not systematically organized and correlated, resulting in redundancy and loss of focus. Similarly, in each sub-section on *maqashid* law and hermeneutics, although valuable, they remain underdeveloped and do not focus on the main concepts of the figures' thoughts.

religious texts cannot be fully understood without considering the social context and moral objectives behind them (A. N. Sholeh, 2024, p. 55).

Since 2015, Asrorun Ni'am Sholeh has served as Secretary of the Fatwa Commission of the Indonesian Ulema Council (MUI) and was later entrusted to lead the commission as Chairman for the following term. This position has been an important stepping stone in making significant contributions to the direction and substance of MUI fatwas.

Asrorun continues to use classical *fiqh* as a fundamental normative reference in carrying out his functions in the Fatwa Commission. However, he strives for a method of *istinbāt* (derivation of law) that is adaptive to the dynamics of social change, for example, in several fatwas on current issues, such as vaccination, the use of genetic engineering technology, and the halal status of rapidly developing digital products (MUI, 2023).

One of the striking aspects of Asrorun's approach is his commitment to not bringing about Islamic legal reform in a personal or individualistic manner. Instead, he prioritizes collective institutional mechanisms, which align with the Indonesian ulama's traditional character. This approach shows an affinity with the thinking of figures such as Yusuf al-Qaradawi, but the difference lies in Asrorun's emphasis on systematic institutional work, rather than merely the articulation of personal thoughts (Qardhawi, 2001).

The reform paradigm proposed by Asrorun Ni'am Sholeh is an effort to formulate a harmonious synthesis while maintaining the classical *fiqh* framework and intellectual courage to open up a more responsive contextual approach. Additionally, the importance of *maqāṣid al-sharī'ah* as the primary foundation for formulating fatwas, replacing the dominance of literal *fiqh* principles that are sometimes less adaptive to changes in times (M. A. N. Sholeh, 2016).

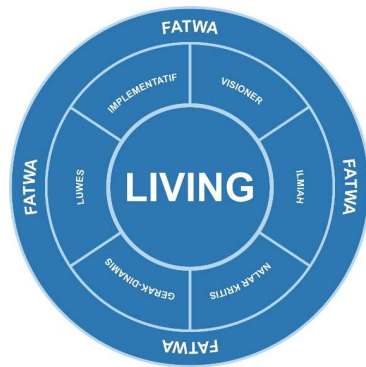
One strategic step taken is to reconstruct the method of *istinbāt al-hukm*, considering universal values in Islam and the actual needs of contemporary society. Asrorun integrates three epistemological approaches simultaneously: *bayānī* (textual), *burhānī* (rational), and *'irfānī* (intuitive), a formulation that philosophically aligns with the thought of Muhammad 'Abid al-Jābirī (Al-Jabiri, 1990).

A concrete example of applying this approach can be seen in issuing a fatwa on COVID-19 vaccination. The MUI Fatwa Commission stated that vaccination is an obligation, even though some elements technically doubt its permissibility. Asrorun emphasized that the principles of *dar'ul mafṣadah* (avoiding harm) and *jalb al-maṣlaḥah* (seeking benefit) must be the primary considerations, with *maṣlaḥah* as the dominant principle in the collective *ijtihad* process.

Asrorun Ni'am Sholeh and the Insider Reform Model

The approach to Islamic legal reform proposed by Asrorun Ni'am Sholeh can be categorized as insider reform, namely renewal from within the established religious structure through the Indonesian Ulema Council (MUI). Asrorun developed a principle for issuing fatwas called the LIVING approach, an acronym for *Luwes* (flexible), *Implementatif* (implementable), *Visioner* (visionary), *Ilmiah* (scientific), *Nalar-kritis* (critical thinking), and *Gerak Dinamis* (dynamic movement) (A. N. Sholeh, 2024, p. 55).

Picture 1: LIVING Approach Model: The Principle of Progressive Fatwa Asrorun



The explanation is as follows:

- a. Flexibility (*Murūnah*). One of the main principles in this approach is Flexibility (*Murūnah*) (A. N. Sholeh, 2024, p. 57). According to Asrorun, fatwas must be flexible and adaptable in responding to the realities of people's lives. This flexibility is a manifestation of the principle of *al-yusr* (ease), one of Islamic law's main spirits (Mubarrak et al., 2022, p. 167). However, this flexibility should not be misinterpreted as a form of *tasāhul* (facilitation without basis) or *tahakkum* (issuing fatwas without knowledge). Fatwas remain products of Sharia law that must be supported by methodological *ijtihad* and established legal principles (al-Jauziyah, 2022, p. 337).
- b. Implementative (*'Amaly, Taṭbīqī*). The implementative principle (*'amaly, taṭbīqī*) emphasizes that fatwas issued must be able to be implemented in real life within society (A. N. Sholeh, 2024, p. 64). Fatwas are not merely normative products based solely on texts, but must respond to the real needs of the people by considering the social, cultural, and individual contexts of the *mustafti* (those seeking fatwas). In Asrorun's view, before a fatwa is issued, a mufti must thoroughly understand the concrete conditions of the person or group seeking the fatwa, including the social consequences of implementing the fatwa.
- c. Visionary (*Mustaqbaliah*). The visionary principle requires that fatwas be issued not only to resolve current issues, but also to consider the future implications of those fatwas. This means that fatwas must be able to answer what is happening now and what may happen in the future. In classical *fiqh* terminology, this is known as the concept of *nazar fī mā ālāt al-af'āl*, which means considering the legal consequences of an action that is subject to a fatwa (A. N. Sholeh, 2024, p. 72).
- d. Scientific (*Manhajī*). A scientific fatwa adheres to the principles of valid *ijtihad* and is based on recognized methods of legal reasoning in Islamic scholarship. This means that fatwas must not be issued based on unlimited free will (*bilā ḥudūd wa lā dawābiṭ*), but must follow the *manhaj* (method) that has been developed by scholars through disciplines such as *tafsir*, *hadith*, *ushul fiqh*, and *qawā'id fiqhiyyah* (A. N. Sholeh, 2024, p. 83). In this regard, Asrorun emphasizes that scientific integrity is the main foundation for ensuring that fatwas are not merely spontaneous responses but legitimate, valid, and scientifically and religiously accountable legal products.

This scientific principle is embodied in a highly methodical and collegial scientific system for issuing fatwas. Every fatwa issued must go through several stages, depending on the complexity and category of the legal issue at hand (A. N. Sholeh, 2024, p. 84); 1) Issues

whose legal ruling is clear (*ma'lūm min al-dīn bi al-qar'rah*): For cases that already have established legal rulings and definitive evidence, fatwas are issued following the established law as it stands, without the need for debate or reconstruction. 2) Controversial issues (disputed among schools of thought): In this case, Asrorun uses two main approaches: a) *al-jam' wa al-tawfiq* (combining and reconciling differing opinions to find common ground) (Oktiviana, 2023); b) If no common ground is reached, the *tarjih* method (selection of the strongest opinion) is used through the *muqāranah* approach (comparison of evidence) based on the principles of *uṣūl al-fiqh muqāran*. 3) New issues (not found in the *madhhab* or *mu'tabar* books): For contemporary issues, Asrorun conducts *ijihad jama'i* (collective) with a *bayāni* (textual) and *ta'lili* (rational) approach, using the methods of *qiyās*, *istihsān*, *ilhāq*, *sad al-zarā'i*, and other principles derived from the *manhaj* of the *mu'tabar* scholars.

- e. Critical Thinking (*Tafkīr-Naqdī*). Asrorun emphasizes the importance of critical thinking (*tafkīr-naqdī*) in *ijihad* and fatwa determination. In the LIVING approach, this principle occupies a crucial position because it ensures that fatwas are not the result of spontaneous reactions to religious questions, but rather the fruit of an analytical, multidisciplinary thinking process based on scientific critical methods. Critical thinking in Asrorun's framework stems from the need to obtain a complete *tashawwur* of the issue- a comprehensive understanding of the case or problem at hand.
- f. Dynamic Movement (*Ḥarakah-Taḥawwuriyyah*). Asrorun Ni'am Sholeh's reformist approach ensures that fatwas are dynamic (*ḥarakah-taḥawwuriyyah*) (A. N. Sholeh, 2024, p. 99). In this context, fatwas are not understood as static, definitive legal decisions, but rather as an ongoing process of *ijihad* that evolves, develops, and responds to the dynamics of the times and the emergence of new issues (*masā'il jadidah au mustajaddah*). Dynamic movement also implies that the role of a mufti does not end with the issuance of fatwas, but also includes socialization, advocacy, and *taqnīn* (regulation) (A. N. Sholeh, 2024, p. 101).

Characteristics of Institutional Fatwas: Authoritative Collectivity in the Influence of Asrorun's Legal Reasoning

One of the most distinctive characteristics of Asrorun Ni'am Sholeh's paradigm of thought is his emphasis on the importance of fatwas originating from institutions and prioritizing authoritative collectivity. He believes that issuing fatwas should not depend solely on the personal authority of a single scholar, but rather should emerge from a consultative forum that reflects the diversity of perspectives across schools of thought and fields of expertise. This principle is evident in the collegial working mechanism of the Indonesian Ulema Council (MUI), where the fatwa-issuing process involves experts from various disciplines, including Islamic jurisprudence, medicine, economics, and sociology.

For Asrorun, collective fatwas are not only a form of articulation of *maqāṣid al-shari'ah* in legal substance, but also a manifestation of *maqāṣid* in the decision-making process itself. He emphasizes the value of *syūra* (consultation) and the integration of a multidisciplinary approach as part of the ethical principles of issuing fatwas (Keputusan Ijtima' Ulama Komisi Fatwa Se-Indonesia VII Tentang Hukum Cryptocurrency [Decision of the Seventh Indonesian Ulema Council on the Law of Cryptocurrency], n.d.).

In a global context, Asrorun's approach is similar to the institutional fatwa model developed by religious institutions such as Dar al-Ifta' in Egypt and the mufti institution in Jordan, which both emphasize the importance of *ijihad jama'i* or collective *ijihad*. However, Indonesia's pluralistic context regarding madhhabs and its inclusive society make this approach unique. Interestingly, several studies have noted that the institutional approach to fatwa issuance influenced by Asrorun's

thinking has not only had an impact at the national level but has also attracted attention among Muslim minorities abroad (Tayeb, 2020).

Several fatwas issued by the Indonesian Ulema Council under Asrorun Ni'am Sholeh's methodological approach reflect a responsive, contextual, and *maqāṣid al-sharī'ah*-based orientation. Some of these fatwas serve as concrete examples of the integration between Islamic normative values and the demands of contemporary reality, such as the fatwa on COVID-19 vaccination (M. A. N. Sholeh, 2020), the fatwa on reproductive technology, the fatwa on cryptocurrency transactions, and the fatwa on digital halal. These fatwas illustrate how the *maqāṣid*-based, collective, and multidisciplinary approach is not merely theoretical but is also practically implemented in formulating adaptive religious laws tailored to the needs of the times.

Meanwhile, research conducted by Syafiq Hasyim shows a similar trend. He notes that over the past two decades, fatwas issued by the MUI have transformed toward a more rational, inclusive approach emphasizing public interest (Hasyim, 2015). However, this approach is not without criticism. Some researchers, including Robin Bush, question the clarity of the MUI's position within the ambiguous institutional structure of the state, which straddles religious authority and proximity to the state, potentially blurring the independence of fatwas from political influence (Bush, 2009).

2. The Hermeneutic Legal Reasoning Paradigm of Abdullah Saeed

Epistemic Reform Through Contextual Hermeneutics

Abdullah Saeed is widely recognized for his significant contributions in developing a contextual hermeneutic approach to the Qur'an and Islamic law. As one of the leading contemporary Islamic intellectuals, he was born in the Maldives in 1960, completed his early education there, and later pursued further studies in Saudi Arabia. (Saeed, 2006).

Although Abdullah Saeed's early thinking was influenced by conservative views, his intellectual direction underwent a significant shift during his postgraduate studies in Australia. At the University of Melbourne, he earned both his master's and doctoral degrees, focusing on Islamic studies and linguistics. This academic phase marked a crucial turning point in the development of his thought. Immersed in a multicultural environment and engaged in open academic discourse in Australia, he was encouraged to reconsider the relationship between sacred texts and their historical and social contexts. (Saeed, 2006). At the University of Melbourne, Abdullah Saeed held the position of Chair of Islamic Studies as well as Director of the National Centre of Excellence for Islamic Studies (NCEIS).

One of Abdullah Saeed's most significant contributions to Islamic legal reform lies in his sharp critique of the literalist approach to interpreting the Qur'an. He argues that the tendency to interpret the text without considering the historical and social contexts in which the verses were revealed has led to stagnation in the development of Islamic law (Saeed, 2005).

In his work *Interpreting the Qur'an: Towards a Contemporary Approach*, Saeed emphasizes that an interpretation solely focused on the literal meaning of the Qur'anic text is insufficient to address the complexities of modern life. He critiques traditional mufasssirin who, in his view, often neglect the socio-historical context of the revelation and fail to adequately distinguish between the realities of past societies and the evolving demands of the contemporary world. (Saeed, 2005).

Saeed proposes an idea he calls the contextualist approach, a method that emphasizes the importance of understanding the Qur'an comprehensively by taking into account its historical aspects, universal moral values, and the ethical orientation of Islamic teachings. (Saeed, 2005). With this approach, his contributions are not only relevant at the theoretical level but also have practical applications in addressing the challenges faced by Islam in the modern era.

Abdullah Saeed has consistently led an epistemological reform in Islamic legal thought through the contextual hermeneutic approach he developed. He proposes a layered method of

reading the Qur'an that includes: (1) the historical context of the revelation, (2) the context of classical tafsir or interpretive tradition, and (3) the contemporary context or modern application. This approach aims to reconstruct the epistemological framework of Islam to be more open, adaptive, and socially responsible. (Saeed, 2005).

According to Saeed, contextual hermeneutics is not merely a methodological technique but an important intellectual project aimed at affirming that Islam is a religion compatible with the values of democracy, pluralism, and social justice (Arkoun, 2002; Zayd et al., 2006). Saeed argues that fatwas should be contextual, flexible, and open to social change through this framework. He firmly rejects the view that positions Islamic law as a sacred and unshakable normative system, and calls for the process of *ijtihad* to be understood as a creative and dynamic intellectual activity, always bound to the ever-changing social reality.

According to Saeed, the textual approach has limited the meaning of the verses of the Qur'an, especially the ethical-legal verses, to the understanding of the early generations, thus closing the space for new interpretations following the socio-cultural context of Muslims today.

- a. Complexity of Meaning (*Ta'addud Al-Ma'na*). One of the essential foundations of this approach is the principle of complexity of meaning. For Saeed, meaning is not singular, static, and absolute, but rather complex, dynamic, and contextual (Fina, 2011). He identifies several reasons why meaning in the Qur'anic text must be understood as open and evolving.
- b. Socio-Historical Context. Within the framework of epistemological reform proposed by Abdullah Saeed, understanding the socio-historical context is essential to interpreting the Qur'an contextually (Fina, 2011, p. 154). Saeed rejects the notion that the Qur'an was revealed in a vacuum because, in reality, revelation was sent down to an Arab society with complex social, cultural, and political structures influenced by surrounding civilizations.
- c. Hierarchy of Values in Ethic-Legal Texts. Within the framework of Abdullah Saeed's contextual hermeneutics, the principle of value hierarchy in ethical-legal verses (law and ethics) is a crucial pillar in reinterpreting religious texts to remain relevant to contemporary developments (Wahidi, 2016, p. 22). This approach challenges the literal authority of the text and opens up a broader space for *ijtihad* through the hierarchical arrangement of values within the text. For Saeed, not all verses of the Qur'an carry the same normative weight; therefore, categorization is necessary to distinguish between those that are fixed and those that are flexible in context.

First, obligatory values are universal and principled values that remain unchanged across time (Asroni, 2021, p. 120). These include theological aspects such as the pillars of faith, the main practices of worship commanded in the Qur'an, and explicit prohibitions and commands regarding what is *halal* and *haram*. Second, fundamental values are ethical values repeatedly emphasized in the Qur'an and considered the basic principles of Islamic teachings (Zaini, 2014). Third, protective values function as guardians and protectors of fundamental values. Fourth, implementational values are specific actions to carry out protective values. An example is the punishment of cutting off the hand of a thief as stated in the Qur'an. And fifth, instructional values are policies or legal decisions issued following the specific situation when the verse was revealed.

Individual-Based Fatwa Character: Abdullah Saeed and Practical Contributions

Unlike figures such as Asrorun Ni'am Sholeh, who plays a role in official institutional structures such as the Indonesian Ulema Council (MUI), Abdullah Saeed presents himself as a public intellectual who expresses his views in academic circles and international discourse. He does not issue fatwas in a formal institutional format, but instead conveys normative opinions through scientific writings and academic forums, which are often referenced in international discourse.

Some of his views on Islamic legal reasoning represent a progressive and contextual approach to responding to contemporary issues. First, on the issue of religious freedom, Saeed openly rejects the legitimacy of the death penalty for apostates (Saeed, 2017). Secondly, regarding women's inheritance rights, he proposes a reinterpretation of the inheritance distribution ratio of two to one between males and females, taking into account the changing social and economic roles of women in the modern era (Zayd et al., 2006). Thirdly, on the issue of LGBT, Saeed adopts a cautious yet progressive stance. He does not explicitly legitimize homosexual behavior but calls for a more empathetic, ethical, and non-discriminatory approach towards Muslim LGBT individuals. (Saeed, 2018).

Although not legally binding, Saeed's views have made a significant contribution to shaping progressive Islamic discourse on the global stage. Abdullah Saeed believes that one of the fundamental errors in contemporary Islamic legal practice lies in the neglect of ethical rationality and universal values, which are the core of Islamic teachings. In his various scholarly works, he emphasizes that the process of *ijtihad* should not rely solely on textual structures such as *nash* and *qiyās*, but must also be rooted in ethical principles that uphold public interest and justice as normative goals (Saeed, 2005). Saeed's commitment to these ethical values is also evident in his views on legal issues concerning women and family. He advocates for the reinterpretation of certain verses related to polygamy, inheritance systems, and women's testimony, encouraging a renewed understanding grounded in justice and gender equality (Saeed, 2018).

3. Epistemological Similarities and Differences between Asrorun Ni'am Sholeh and Abdullah Saeed

After thoroughly examining Asrorun Ni'am Sholeh's progressive fatwa model and Abdullah Saeed's contextual approach, both appear to be essential representations of contemporary efforts to reform Islamic law.

Multidimensional Approach within the Framework of Legal Reasoning: Text, Context, and Methodology

Although they come from different geographical, institutional, and cultural backgrounds, both have developed Islamic legal epistemologies that emphasize responsiveness to the dynamics of the times. However, there are important differences in their epistemological perspectives.

a. Approach to Text

Asrorun Ni'am Sholeh, in his legal reasoning, continues to regard the text as the primary source of law. He uses the traditional *bayānī* (textual) method combined with the *maqāṣid* approach to provide breadth in interpretation. For Asrorun, the text cannot be understood separately from the tradition and discipline of *fiqh*, especially those developed in *pesantren* (Islamic boarding schools) and religious institutions such as the MUI. Therefore, his approach to the text greatly respects the authority of *turāts* (classical heritage), while opening up contextual space.

In Addition, for Asrorun understanding the text cannot be separated from the established tradition of *fiqh* scholarship, especially one that has grown and developed in *Pesantren* (Islamic boarding school) environments and authoritative institutions such as the Indonesian Ulema Council (MUI) (M. A. N. Sholeh, 2018). In contrast, Abdullah Saeed views the text of the Qur'an as a product of historical communication between God and humanity in the context of the 7th century. Therefore, his understanding emphasizes the contextual layers of revelation (*asbāb al-nuzūl*), and he deconstructs the boundaries between text and context more openly (Saeed, 2005).

b. Position on Social Context

Asrorun Ni'am Sholeh believes that Islamic legal products must be formulated through collective institutional mechanisms and under the authority of religious scholars.

He emphasizes that contextual considerations must not be separated from the discipline of *fiqh* and formal institutional procedures. Although responsive to change, Asrorun's *ijtihad* remains within the framework of collective deliberation and established traditional discipline.

In contrast, Abdullah Saeed views context not merely as the background of the text but as an integral part of meaning-making. In his perspective, the legal norms in the Qur'an are contextual and cannot be fully understood without considering the social and historical dimensions of the circumstances in which the text was revealed (Saeed, 2017).

Thus, the fundamental difference between the two lies in their views on authority and flexibility in *ijtihad*. Asrorun places greater emphasis on collective methodological caution and maintaining continuity with the scholarly tradition. At the same time, Saeed places greater emphasis on epistemological courage, openness to global values, and the reinterpretation of Islamic law within the framework of universal justice.

c. Ethics in Legal Reasoning Methodology

Asrorun Ni'am Sholeh remains grounded in classical Islamic legal ethics, enriched through the framework of *maqāṣid al-sharī'ah* to expand the scope of *ijtihad* to contemporary realities. While opening space for contextual interpretation, he remains committed to the methodological boundaries and *fiqh* norms firmly established in the Islamic scholarly tradition. On the other hand, Abdullah Saeed focuses on universal ethical values as the foundation for forming Islamic law. Principles such as justice, religious freedom, gender equality, and respect for human dignity are the main framework for reconstructing Islamic legal thought (Saeed, 2018).

Thus, the fundamental difference between the two lies in their epistemological emphasis: Asrorun builds reform from within the traditional *fiqh* framework by incorporating *maqāṣid* to expand the law. At the same time, Saeed starts from global ethical values to reinterpret Islamic law to be more responsive to the demands of modern times.

Sources of Epistemic Legitimacy and Models of Authority

Asrorun Ni'am Sholeh gained religious legitimacy through three pillars that reinforce each other. First, the authority of classical Islamic tradition and intellectual heritage (*turāts*). Second, he was in major religious institutions such as the Indonesian Ulema Council (MUI) and Nahdlatul Ulama (NU). Third, his involvement in state structures (M. A. N. Sholeh, 2020). On the other hand, Abdullah Saeed builds his legitimacy through a different path: academic excellence, consistency in formulating arguments, and global influence gained through scientific publications and participation in international intellectual forums (Duderija, 2014).

The model of authority promoted by Asrorun Ni'am Sholeh is rooted in institutional structures and the principle of collectivity. He positions himself as part of a line of scholars working within the formal framework of religious institutions, such as the MUI and NU, with full awareness of the social, political, and moral responsibilities accompanying this role (A. N. Sholeh, 2024). In contrast, Abdullah Saeed develops an authority model that is individual, academically based, and grounded in moral credibility as a public intellectual. He rejects forms of religious authority that are exclusive and rigid, closing the door to innovation and legal reform (Saeed, 2005).

Thus, Asrorun represents a typology of Islamic authority rooted in structural and communal legitimacy. In contrast, Saeed represents a model of authority derived from individual intellectual capacity and moral courage to offer alternative interpretations of Islamic heritage in an ever-changing global landscape.

Table 1: Substantive Similarities and Differences in Thought

Aspects	Asrorun Ni'am Sholeh	Abdullah Saeed	Similarities
Social Background	Islamic boarding schools & national institutions (NU, MUI)	Global & transnational academia (Australia)	Both have a background in Islamic higher education
Textual Approach	Traditional-reconstructive (<i>bayānī + maqāṣid</i>)	Contextual hermeneutics	Both use <i>maqāṣid al-sharī'ah</i>
Social Context	Processed through institutionalization and collective <i>ijtihād</i>	Treated as an integral part of the meaning of the text	Both respond to contemporary realities
Fatwa Authority	Institutions (fatwa commissions) and deliberative councils	Individuals and academics	Both have public influence
Sources of Legitimacy	MUI, NU, state law	Academic, human rights, <i>maqāṣid</i>	Both reject textual legalism alone
Legal Ethics	Protection of interests within the framework of <i>fiqh</i>	Rights, freedom, and social justice are key ethical values	Islamic ethics as the basis for <i>ijtihād</i>
Fatwa Products	Formal, collective, legal, and social	Individual, academic, and moral opinions	Equally responsive to modern issues
Type of Reform	Normative reform based on <i>maqāṣid</i> within the framework of <i>turāts</i>	Epistemological and hermeneutical reform	Avoiding textual extremism

4. Tensions and Opportunities for Dialogue between Two Models of Reform

Although both promote an agenda of reforming Islamic thought, the approaches of Asrorun Ni'am Sholeh and Abdullah Saeed represent two different models of reform, both in terms of epistemology and implementation strategy. Asrorun positions himself within the framework of reform from within (insider reform) of the MUI. Abdullah Saeed proposes a more radical epistemological reform by re-examining the methods of Qur'anic interpretation through contextual hermeneutics. He challenges the literal authority of the text and opens space for flexible interpretation, especially regarding ethical and legal verses. According to Duderija (2014), Saeed's approach is often viewed as an "external reform" that threatens traditional religious authority. (Duderija, 2014).

The tension between the two primarily arises from differences in authority and methodology. Asrorun values continuity with classical tradition and institutional authority in maintaining community cohesion. Saeed emphasizes the importance of epistemological deconstruction of that legacy in order to address the challenges of modernity in a more ethical and contextual manner.

Commented [s7]: The comparison section is good in that it not only compares the facts but also does so philosophically and in detail. However, instead of critically analyzing this comparison, the narrative often simply reiterates what has already been said, which risks overlooking the substance of the arguments and perhaps the critical analysis of both ideas.

Integrating these two approaches complementarily, rather than rejecting one another, would enrich the contemporary Islamic legal reform movement.

Thus, the tension between the two is not merely a matter of strategy or methodology but also reflects fundamental differences in their epistemological and socio-political orientations. Asrorun adopts a moderate and gradual approach from within the existing system, while Saeed calls for a radical transformation that challenges traditional boundaries based on ethics and universal values. This tension highlights the ongoing dynamic within contemporary Islamic legal discourse between the need for normative stability and the demand for reform that is responsive to global realities.

5. Role in Developing the Discourse on Fatwa and Contemporary Islamic Legal Reform

Both figures, Asrorun Ni'am Sholeh and Abdullah Saeed, have made significant contributions to the development of contemporary Islamic legal thought and reform, albeit through different approaches. Although their approaches differ methodologically, both Asrorun and Saeed have expanded the horizons of Islamic legal discourse in a more contextual and progressive direction. Asrorun emphasizes the importance of the *maqāṣid al-sharī'ah* approach through institutional strategies, while Saeed highlights the urgency of renewing the methodology of interpretation to dismantle legalistic rigidity in Islamic tradition. Both reject the stagnation of Islamic law and advocate for renewal that is not merely symbolic but substantive.

Asrorun Ni'am Sholeh, who operates within powerful institutions such as the MUI and NU, has strong social legitimacy, making his legal ideas relatively easy to implement thanks to the support of the state and society. Conversely, Abdullah Saeed faces obstacles in reaching conservative Muslims because his approach is not rooted in traditional authority. However, respected in the global academic world, his views are often considered too liberal in Muslim communities that uphold classical sharia structures.

There is a great opportunity to integrate the legal reasoning approaches of Asrorun Ni'am Sholeh and Abdullah Saeed in reforming contemporary Islamic law to be more responsive, ethical, and contextual. Asrorun provides a stable foundation through classical *fiqh* methodology and institutional social support, while Saeed contributes moral renewal based on universal values and global sensitivity.

This integrative model can be realized through collective *ijtihād* that remains grounded in *maqāṣid* and Islamic scholarly tradition, yet is open to contemporary hermeneutical and ethical approaches. A concrete example of such efforts was undertaken by Malaysia's Islamic Renaissance Front (IRF) in its "Islamic Jurisprudence and Ethics" project, which combined *maqāṣid* with human rights values and pluralism within the sharia framework (Bakar, 2016).

The legal reasoning of Asrorun Ni'am Sholeh and Abdullah Saeed in the global context offers complementary relevance in the contemporary Islamic legal landscape. Asrorun's model, with its institutional approach and formal legitimacy, is highly suitable as a reference for Muslim countries with official fatwa structures. Saeed's thought plays a vital role in the international discourse on Islam, human rights, pluralism, and interfaith dialogue. Both show that Islamic law is not a static system, but rather a construct that can be reformulated epistemically and institutionally while responding to global issues related to ethics, justice, and diversity.

An epistemological comparison between Asrorun and Saeed's legal reasoning confirms that Islamic legal reform does not need to be standardized, but can be creatively integrated. The tension between the conservative, institution-based approach and the reformist, individual-based approach should be positioned as an opportunity for dialogue. The Islamic world needs ethical, inclusive *ijtihād* that remains connected to tradition—a synthesis between methodological stability and epistemological openness as the foundation for moral and socially relevant fatwas.

Conclusion

Commented [s8]: The sub-final section attempts to explain the tensions and opportunities for dialogue between the two models of reform by looking at their contributions to the development of fatwa discourse and Islamic legal reform. However, this process is not sufficiently developed. Although key references have been used, the discussion does not critically explore how these two approaches can be negotiated or collaborated to produce new concepts or models in Islamic legal reform. In addition, although academic references are sometimes cited, they are not sufficiently integrated into the discussion to build a solid academic dialogue. The literature is often used only to support points that have already been made, rather than to challenge, refine, or deepen the analysis.

Commented [s9]: This conclusion effectively summarizes the main findings by clearly identifying two approaches to Islamic legal reasoning through the epistemological dynamics in Islamic legal reform by comparing two key figures: Asrorun Ni'am Sholeh and Abdullah Saeed. This conclusion accurately highlights the negotiation between the two approaches while acknowledging the potential for negotiation and contribution, which adds nuance to the discourse. The conclusion also successfully places the analysis not only in terms of explaining similarities and differences, but also in terms of critical reflection that can contribute to the development of Islamic legal reform, which is a valuable contribution to contemporary discourse. Finally, the conclusion could be enriched by suggesting concrete steps for research or practical application.

This comparative study reveals the epistemological dynamics in the renewal of Islamic law by comparing two key figures: Asrorun Ni'am Sholeh and Abdullah Saeed. Asrorun develops a progressive legal reasoning based on *maqāṣid al-sharī'ah* through a structured collective and institutional approach within the Indonesian Ulama Council (MUI) to integrate *maqāṣid al-sharī'ah* into the classical *fiqh* structure to address contemporary issues. This model is referred to as reform from within, emphasizing methodological stability and socio-political legitimacy through the authority of ulama and the state. On the other hand, Abdullah Saeed advocates epistemological reform through a contextual hermeneutic approach that challenges literal authority and opens space for ethical interpretation based on universal values such as justice, freedom, and equality. He represents the voice of progressive Islam in international forums, despite facing challenges in social acceptance among conservative Muslims.

This comparison highlights the epistemological tension between internal reform models and radical methodological transformation, while also offering opportunities for constructive dialogue. Both contribute to broadening the horizons of progressive legal thinking to be more inclusive, contextual, and oriented toward public ethics. Therefore, creative integration between institutional stability and epistemological courage is crucial in formulating a relevant and meaningful legal framework within the global social order. These findings enrich the study of contemporary Islamic legal thought and significantly contribute to the discourse on Islamic legal reform, particularly in understanding the relationship between text, context, and religious authority in the modern era.

Acknowledgement

The authors would like to thank the Education Fund Management Institution (LPDP) of the Republic of Indonesia for its support in publishing this scholarship recipient's work. In addition, we would like to thank the authors' respective institutions for their support of this research. We would also like to thank all those involved in this research for their contributions.

Conflict of Interest

All authors of this manuscript declare that they have no conflicts of interest.

References

- al-Jauziyah, I. Q. (2022). *I'lam al-Muwaqqi'in 'an Rabb alAlamin* (Juz 4). Dar Ibnu al-Jauziyyah.
- Al-Jabiri, M. (1990). *Bunyah al-'Aql al-'Arabi*. Center for Arab Unity Studies.
- Alnizar, F. (2025). The Language of Exclusion: Ideology and Power in the Fatwa of the Majelis Ulama Indonesia on Ahmadiah. *Journal of Islamic Law*, 6(1), 67–88. <https://doi.org/10.24260/jil.v6i1.3338>
- Asroni, A. (2021). Penafsiran Kontekstual Al-Qur'an: Telaah atas Pemikiran Abdullah Saeed. *Living Islam: Journal of Islamic Discourses*, 4(1). <https://doi.org/10.14421/lijid.v4i1.2782>
- Auda, J. (2007). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The International Institut of Islamic Thought.
- Azra, A. (2013). Contemporary Islamic Law in Indonesia: Shari'a, Legal Pluralism, and National Law. *Studia Islamika*, 20(1).
- Bakar, M. D. (2016). *Shariah Minds in Islamic Finance*. Amanie Media.
- Belhaj, A. (2013). The reform debate: Al-Marzūqī and al-Būti on the Renewal of Usūl al-fiqh. *Ilahiyat Studies*, 4(1), 9–24. <https://doi.org/10.12730/13091719.2013.41.68>
- Bush, R. (2009). *Nahdlatul Ulama and the Struggle for Power within Islam and Politics in Indonesia*. ISEAS Publishing. <https://doi.org/10.1355/9789812308795>
- Duderija, A. (2014). *Constructing a Religiously Ideal Believer and Woman in Islam*. Palgrave Macmillan. <https://doi.org/10.1057/9780>

Commented [s10]: This manuscript would greatly benefit from the addition of more references from leading international journals. To meet the standards of high-quality scientific publications, the authors are advised to conduct a more in-depth review of the latest peer-reviewed works from recognized international journals. These references are important for placing this study within the global academic conversation and strengthening the theoretical and methodological claims made throughout the article. Strengthening the international scope of references will enhance the credibility and visibility of the research.

- Duderija, A., & Zonneveld, A. O. (2021). Transnational Progressive Islam: Theory, Networks, and Lived Experience. In *Handbook of Contemporary Islam and Muslim Lives* (Vol. 2, pp. 1189–1210). Scopus. https://doi.org/10.1007/978-3-030-32626-5_100
- El Fadl, K. A. (2001). *Speaking in God's Name: Islamic Law, Authority, and Women*. Oneworld Publications.
- El-Fadl, K. A. (2001). *Speaking of God's Name; Islamic Law, Authority and Women*. Oneworld Publications.
- El-Mesawi, M. E.-T. (2012). From al-Shatibi's legal hermeneutics to thematic exegesis of the Quran. *Intellectual Discourse*, 20(2), 189–214.
- Fadel, M. (2011). Is historicism a viable strategy for Islamic law reform? The case of "never shall a folk prosper who have appointed a woman to rule them." *Islamic Law and Society*, 18(2), 131–176. <https://doi.org/10.1163/156851910X537793>
- Fahrudin. (2021). Nalar Konstruktif Maqashid Syariah Dalam Studi Hukum Islam (Sebuah Studi Pengantar dalam Ilmu Maqashid Syariah). *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 6(1), 35–52. <https://doi.org/10.22515/alakhkam.v6i1.3744>
- Fauziah, N. (2023). The Evaluation of Maqāsid Asy-Syari'ah on Discourses of the Islamic Family Law. *El-Ussrah*, 6(1), 81–90. <https://doi.org/10.22373/ujhk.v6i1.13035>
- Fina, L. I. N. (2011). Interpretasi Kontekstual: Studi Pemikiran Hermeneutika Al-Qur'an Abdullah Saeed. *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 12(1), 159–180. <https://doi.org/10.14421/esensia.v12i1.707>
- Hasyim, S. (2015). Majelis Ulama Indonesia and pluralism in Indonesia. *Philosophy & Social Criticism*, 41(4–5), 487–495. <https://doi.org/10.1177/0191453714566547>
- Hasyim, S. (2020). Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulema Council) and Rising Conservatism in Indonesian Islam. *TRaNS: Trans -Regional and -National Studies of Southeast Asia*, 8(1), 21–35. <https://doi.org/10.1017/trn.2019.13>
- Hefni, W., Mustofa, I., & Ahmadi, R. (2025). Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law. *Al-Istinbath: Jurnal Hukum Islam*, 10(1), 30–57. <https://doi.org/10.29240/jhi.v10i1.10694>
- Helmy, Y. (2022). From Islamic Modernism to Theorizing Authoritarianism: Bin Bayyah and the Politicization of the Maqāsid Discourse. *American Journal of Islam and Society*, 38(3–4), 36–70. <https://doi.org/10.35632/ajis.v38i3-4.2934>
- Hosen, N. (2004). Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975-1998). *Journal of Islamic Studies*, 15(2), 147–179. <https://doi.org/10.1093/jis/15.2.147>
- Ibrahim, B., Arifin, M., & Abd Rashid, S. Z. (2015). The role of fatwa and mufti in contemporary muslim society. *Pertanika Journal of Social Sciences and Humanities*, 23(SpecialIssue11), 315–326. Scopus.
- Ichwan, M. N. (2011). Official Ulema and the Politics of Re-Islamization: The Majelis Permusyawaratan Ulama, Sharilhringatzation and Contested Authority in Post-New Order Aceh. *Journal of Islamic Studies*, 22(2), 183–214. <https://doi.org/10.1093/jis/etr026>
- Ismail, I., Salleh, N., & Nawawi, S. N. A. M. (2021). Sa'diyya Shaikh's progressive Islamic thought and the Islamic perspective. In *Gender Equality: Past, Present and Future Perspectives* (pp. 103–129). Scopus. <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85125022443&partnerID=40&md5=d30ba3dfc2f09e9135441cf236a50cd5>
- Johnston, D. L. (2007). Maqāscombining dot belowid al-sharī'a: Epistemology and hermeneutics of Muslim theologies of human rights. *Welt Des Islams*, 47(2), 149–187. <https://doi.org/10.1163/157006007781569936>
- Kamali, M. H. (2008). *Shari'ah Law: An Introduction*. Oneworld Publications.
- Kamali, M. H. (2021). History and Jurisprudence of the Maqāsid: A Critical Appraisal. *American Journal of Islam and Society*, 38(3–4), 8–34. <https://doi.org/10.35632/ajis.v38i3-4.3110>

- Keputusan Ijtima' Ulama Komisi Fatwa Se-Indonesia VII Tentang Hukum Cryptocurrency [Decision of the Seventh Indonesian Ulema Council on the Law of Cryptocurrency].
- Khairuldin, W. M. K. F. W., Embong, A. H., Anas, W. N. I. W. N., Mohd, H., & Ismail, D. (2018). The application of technology in the dissemination of fatwas: A study on religious institutions in Malaysia. *International Journal of Civil Engineering and Technology*, 9(7), 1590-1596. Scopus.
- Makhlouf, A. G. (2020). Evolution of islamic law in the 20th century: The conception of collective ijthid in the debate between muslim scholars. *Oxford Journal of Law and Religion*, 9(1), 157-178. Scopus. <https://doi.org/10.1093/ojlr/rwaa019>
- Moustafa, T. (2013). Islamic Law, Women's Rights, and Popular Legal Consciousness in Malaysia. *Law and Social Inquiry*, 38(1), 168-188. <https://doi.org/10.1111/j.1747-4469.2012.01298.x>
- Mubarrak, H., Munir, B., & Achyar, G. (2022). Kemudahan untuk Kemaslahatan: Metode Al-Taysir Al-Manhajiy dalam Fatwa DSN-MUI. Sekretariat Komisi Fatwa.
- MUI. (2023). *Kompilasi Fatwa Majelis Ulama Indonesia*. Sekretariat MUI. <https://fatwamui.com/data-fatwa>
- Niam, A. (2023, February 22). *Living Fatwa: Transformasi Fatwa dalam Perilaku dan Kebijakan Publik di Era Milenial* [Online post]. Pidato Ilmiah Pengukuhan Guru Besar UIN Syarif Hidayatullah Jakarta.
- Ningsih, A. S. (2025). Reforming Islamic Family Law: The Relevance of Ibn Qayyim al-Jawziyyah's Concept of Legal Change. *Jurnal Ilmiah Mizani*, 12(1), 114-127. <https://doi.org/10.29300/mzn.v12i1.7087>
- Nur, I., Wakhid, A. A., & Handayani, L. (2020). A Genealogical Analysis of the Concept and Development of Maqashid Syari'ah. *Al-'Adalah*, 17(1), 1-30. <https://doi.org/10.24042/adalah.v17i1.6211>
- Oktiviana, N. (2023). Al-Jam'u Wa Al-Taufiq dan Naskh dalam Penyelesaian Kontradiksi Hukum Islam. *JURNAL PAI: Jurnal Kajian Pendidikan Agama Islam*, 2(1), 73-91. <https://doi.org/10.33507/pai.v2i1.1074>
- Qardhawi, Y. (2001). *Fiqh al-Maqasid*. Dar al-Shuruq.
- Rusli, R. (2014). Progressive salafism in online fatwa. *Al-Jami'ah*, 52(1), 205-229. Scopus. <https://doi.org/10.14421/ajis.2014.521.205-229>
- Saeed, A. (2005). *Interpreting the Qur'an: Towards a Contemporary Approach*. Routledge.
- Saeed, A. (2006). *Islamic Thought: An Introduction*. Routledge.
- Saeed, A. (2017). *Freedom of Religion, Apostasy and Islam* (0 ed.). Routledge. <https://doi.org/10.4324/9781315255002>
- Saeed, A. (2018). *Human Rights and Islam*. Edward Elgar Publishing. <https://doi.org/10.4337/9781784716585>
- Sholeh, A. N. (2024). *Menghidupkan Fatwa Dinamisasi Fatwa untuk Kemaslahatan Bangsa* (1st ed.). Sekretariat Komisi Fatwa.
- Sholeh, M. A. N. (2016). *Metodologi Penetapan Fatwa Majelis Ulama Indonesia*. Erlangga.
- Sholeh, M. A. N. (Ed.). (2018). *Peran fatwa MUI dalam berbangsa dan bernegara: Pandangan akademisi terhadap fatwa MUI*. Komisi Fatwa Majelis Ulama Indonesia (MUI). <https://repository.uinjkt.ac.id/dspace/handle/123456789/55534>
- Sholeh, M. A. N. (2020). Towards a Progressive Fatwa: MUI's Response to the COVID-19 Pandemic. *AHKAM: Jurnal Ilmu Syariah*, 20(2). <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/17391>
- Sholeh, M. A. N. (2024). *Menghidupkan Fatwa Dinamisasi Fatwa Untuk Kemaslahatan Bangsa*. Sekretariat Komisi Fatwa.
- Sirry, M. (2013). Fatwas and their controversy: The case of the Council of Indonesian Ulama (MUI). *Journal of Southeast Asian Studies*, 44(1), 100-117. <https://doi.org/10.1017/s0022463412000641>

- Suaedy, A., Alnizar, F., Ardiantoro, J., & Siroj, S. A. (2023). Language, Authority, and Digital Media: The Impact on the Legitimacy of Fatwas. *Ahkam: Jurnal Ilmu Syariah*, 23(1). <http://dx.doi.org/10.15408/ajis.v23i1.28875>
- Takim, L. (2014). Maqāṣid al-sharī'a in contemporary Shī'ī jurisprudence. In *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination* (pp. 101–125). https://doi.org/10.1057/9781137319418_5
- Tayeb, A. (2020). *Islamic Education in Indonesia and Malaysia: Shaping Minds, Saving Souls*. Routledge.
- Wahidi, R. (2016). Aplikasi Hermeneutika Kontekstual Al-Qur'an Abdullah Saeed. *AL ITQAN: Jurnal Studi Al-Qur'an*, 2(1), 19–36. <https://doi.org/10.47454/itqan.v2i1.17>
- Whyte, S. (2023). Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia. *Oxford Journal of Law and Religion*, 11(2–3), 314–342. Scopus. <https://doi.org/10.1093/ojlr/rwac015>
- Yusuf, N., Harun, N., & Mursyid, S. (2024). EXAMINING THE BASIS OF MAQASHID SHARIA IN RENEWAL OF ISLAMIC LAW IN INDONESIA. *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 9(1), 357–375. <https://doi.org/10.22373/petita.v9i1.258>
- Zahari, N. A. M., & Safiai, M. H. (2025). Maqasid Sharia and the Biomedical Ethics of E-Cigarettes: A Contemporary Islamic Legal Assessment. *MILRev: Metro Islamic Law Review*, 4(1), 295–318. <https://doi.org/10.32332/milrev.v4i1.10398>
- Zaim, M. A., & Eldeen, A. B. (2024). Maqashid Sharia and Harmonizing Law in Indonesia: Impact for SDGs Global Context. In *Studies in Systems, Decision and Control* (Vol. 517, pp. 745–759). https://doi.org/10.1007/978-3-031-50939-1_60
- Zaini, A. (2014). Model Interpretasi al-Qur'an Abdullah Saeed. *ISLAMICA: Jurnal Studi Keislaman*, 6(1), 25. <https://doi.org/10.15642/islamica.2011.6.1.25-36>



JURIS (Jurnal Ilmiah Syariah)
Vol. 21 No. 2, 2022: 133-146
ISSN: 1412-6109; E-ISSN: 2580-2763
DOI:

Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating *Maqāṣid* and Hermeneutic Legal Reasoning

Abstract: This study aims to negotiate and integrate two schools of progressive legal thought in Islamic legal reform: the *maqāṣid al-shari'ah*-institutional model proposed by Asrorun Niam Sholeh, and the hermeneutic-individual model developed by Abdullah Saeed. Both emphasize the urgency of Islamic law's responsiveness to the dynamics of the times, but they depart from different epistemological frameworks. In addition, this study aims to identify the fundamental similarities and differences between the two, as well as their integration. This study employs a qualitative method through literature review and critical discourse analysis of Asrorun's legal framework through his works and influence on the Fatwa Commission of the Indonesian Ulema Council (MUI), as well as Saeed's academic works on contextual hermeneutics. The analysis shows that Asrorun developed a legal framework based on *maqāṣid al-shari'ah* through a collective institutional authority framework and emphasized reform from within the MUI through the recontextualization of the classical *fiqh* normative framework, while remaining open to social change. Meanwhile, Saeed promotes epistemological reform through a contextual hermeneutic approach that challenges traditional epistemological structures (literal authority over texts) and provides ample space for ethical rationality for universal ethical values in *ijtihad*. The integration of these two approaches results in an epistemological negotiation model that connects institutional structures and hermeneutic interpretive dynamics in the process of Islamic legal renewal. The implications of this comparison reveal both tensions and opportunities for dialogue between the internal reform model (insider reform) and more radical methodological transformation. These findings suggest that, despite their epistemological differences, both contribute to expanding the space for progressive legal reasoning in the face of modern-day complexities. This research contributes to the study of contemporary legal thought and the discourse on Islamic legal reform, particularly in articulating the relationship between text, context, and religious authority.

Keywords: Progressive Fatwa, Asrorun Ni'am Sholeh, Abdullah Saeed, Contextual Ijtihad, Islamic Law Reform

Introduction

Over time, with globalization and increasingly complex contemporary realities, classical *fiqh* is often considered insufficiently responsive in addressing new issues (Abdullah et al., 2013). Many modern social problems do not have a direct intersection in classical Islamic legal literature, so there is a need for a more contextual and progressive approach in legal thinking/reasoning, as an effort to bridge the gap between the text and the new realities faced by Muslims (Kamali, 2008). Progressive legal reasoning aims to respond to contemporary issues by integrating modernity with traditional Islamic principles (Rusli, 2014).

One of the products of progressive legal reasoning can also be referred to as a fatwa, fatwas are generally Islamic legal opinions issued by a mufti (fatwa issuer) or a group of muftis or scholars

Commented [A1]: There is a repetition of the word "legal reasoning" in the title, it should be replaced with another word

Commented [A2]: limit abstract to 200-250 words

Commented [A3]: replace all the words "Study" with "research"

Commented [A4]: The introduction is condensed into just four points (possibly four paragraphs).
1. Social facts (issues and problems)
2. Literature facts (emphasizing research gaps)
3. Research objectives
4. Research urgency and arguments (assumptions)

at the request of an individual or group known as *mustafti* (fatwa seeker) (Suaedy et al., 2023), with the primary purpose of providing definitive answers to questions of Islamic law (Ibrahim et al., 2015).

However, instead of providing answers, these fatwas sometimes give rise to new controversies (Sirry, 2013), such as the authoritarian and gender-biased Fatwa Council for Scientific Research and Legal Opinions (CRLO), which was criticized by Khaled Abou El Fadl (El-Fadl, 2001). Additionally, the Indonesian Ulema Council (MUI) fatwa on Christmas celebrations (Hasyim, 2020), religious pluralism, liberalism, secularism (Ichwan, 2011), and the fatwa on *Ahmadiyah* have also been subject to criticism (Alnizar, 2025). Such criticism indicates that fatwas hold significant societal influence, despite not being legally binding (Ibrahim et al., 2015; Khairuldin et al., 2018).

Progressive legal reasoning do not seek to abandon classical traditions but rather represent an effort to reinterpret normative texts and consider them in light of contextual social aspects (El Fadl, 2001). This idea is relevant to the ummah (Muslim community) seeking Islamic and functional answers to complex contemporary realities (Azra, 2013). Two figures who have emerged in this idea are Asrorun Ni'am Sholeh in Indonesia and Abdullah Saeed in Australia.

Both represent two different but complementary approaches to issuing fatwas. The internal reformist approach originates from religious institutions and the transnational epistemological approach based on contextual hermeneutics (M. A. N. Sholeh, 2024). Asrorun, as part of the MUI Fatwa Commission, conducts Institutional Legal Reasoning by combining classical-traditional and responsive-progressive approaches based on *maqāṣid al-sharī'ah* to contemporary realities through the LIVING approach. Additionally, Abdullah Saeed does independent legal reasoning by coming up with a contextual hermeneutics and human rights framework to interpret the Quran through a socio-historical and moral lens (Saeed, 2005).

Therefore, these two approaches need to be examined comparatively and comprehensively, as they reflect the tension between two poles and the potential for epistemic dialogue within the discourse on global Islamic legal reform. Asrorun, on one hand, offers an approach rooted in institutional frameworks and strong legitimacy, while Saeed, on the other hand, proposes an approach grounded in individual thought and a broad ethical scope. Both represent two different but relevant epistemic models in responding to the challenges of the times. Therefore, dialogue between these two approaches is essential because many studies have used both approaches. Several Indonesian scholars have used hermeneutic theory in examining social issues both in the context of *muamalah* and other fields, even though it was originally used in interpreting the Qur'an. Meanwhile, the *maqāṣid al-sharī'ah* approach has also been widely used.

Previous studies have highlighted the dynamics of progressive reasoning and the roles of its actors. For example, Hosen's (2004) study discusses fatwa authority and the reconstruction of Islamic law in Indonesia, focusing on the Indonesian Ulema Council (1975–1998) as an agent of normative change (Hosen, 2004). Meanwhile, the work by Saeed and Hasan (2006) elaborates on contextual hermeneutics in Qur'anic studies, which forms the primary foundation of Saeed's approach to Islamic law (Saeed, 2005). Additionally, several studies on progressive fatwas have explored aspects such as integrating modernity and tradition (Duderija & Zonneveld, 2021), moderation (Rusli, 2014), contextualism (Whyte, 2023), and value-based approaches (Ismail et al., 2021).

However, no comparative-comprehensive study has explicitly brought together the ideas of progressive fatwas with the epistemological approaches of Asrorun and Saeed. Therefore, this study aims to fill this gap by exploring methodological intersections, epistemological positions, and their contributions to the renewal of Islamic law. At least, this study will answer four questions: 1) How is the progressive legal reasoning model developed by Asrorun Ni'am Sholeh and Abdullah Saeed constructed? 2) What are the differences in the epistemological and methodological bases between their approaches, 3) How do their approaches position the relationship between text, context, and religious authority, and 4) What are the contributions of each approach to contemporary Islamic

Commented [A5]: Many paragraphs do not meet paragraph standards. Paragraphs must consist of several sentences, at least 4 sentences. Improve all paragraphs that must meet paragraph elements, namely main sentences (ideas), supporting sentences.

legal reform. Thus, theoretically, this study is expected to enrich the study of fatwa epistemology and provide new insights into contemporary Islamic legal reform dynamics.

Progressive legal reasoning in contemporary Islamic legal reform involves a multifaceted approach that encompasses historicism, hermeneutics, *maqāṣid al-sharī'ah*, and integration with modern legal systems. These steps simultaneously aim to adapt Islamic law to be relevant to the realities of contemporary society.

Commented [A6]: Many paragraphs do not meet paragraph standards. Paragraphs must consist of several sentences, at least 4 sentences. Improve all paragraphs that must meet paragraph elements, namely main sentences (ideas), supporting sentences.

Literature Review

1. Progressive Legal Reasoning in Islamic Legal Reform

Literature on progressive legal thinking in contemporary Islamic legal reform shows a methodological spectrum that combines traditional approaches and interpretive innovations to respond to modern social dynamics. Historicism, both in the form of progressive historical theory and the use of history as a reference for text interpretation, serves as the initial foundation for framing legal change (Fadel, 2011). In line with this, Ibn Qayyim al-Jawziyyah's theory asserts that Islamic law is adaptive to variations in space, time, conditions, motives, and customs, which is relevant for the renewal of Islamic family law to remain in harmony with contemporary realities (Ningsih, 2025). At the institutional level, collective *ijtihad* (*al-ijtihād al-jamā'ī*), which developed in the 20th century, strengthened cooperation among scholars in formulating a methodological framework responsive to modern challenges (Makhlouf, 2020).

The framework of *maqāṣid al-sharī'ah* is an important pillar in linking Islamic legal reform with the principles of human rights and ethical objectivism, while bridging the differences between conservative and progressive groups (Johnston, 2007). In Indonesia, the rationality of *maqāṣid* has been widely implemented in accommodating social change without neglecting the five principles of protection of five basic things (Yusuf et al., 2024; Zaim & Eldeen, 2024). Nevertheless, significant challenges remain, such as in Malaysia, where the gap between popular legal awareness and core epistemological commitments in Islamic legal theory hinders reform, exacerbated by the perception that Islamic law is absolute and singular, which in turn reinforces conservative resistance (Moustafa, 2013).

2. *Maqāṣid* and Hermeneutic Legal Reasoning

The relationship between *maqāṣid al-sharī'ah* and hermeneutic legal reasoning shows significant conceptual synergy in efforts to reform Islamic law so that it remains relevant to social developments. *Maqāṣid al-sharī'ah*, which aims to protect religion, life, intellect, lineage, and property, has evolved from classical formulations to modern approaches (El-Mesawi, 2012; Nur et al., 2020; Takim, 2014; Yusuf et al., 2024). This framework has become an important instrument in adapting Islamic legal norms to the needs of society without compromising its fundamental principles (Helmy, 2022; Zaim & Eldeen, 2024).

Hermeneutic legal reasoning, on the other hand, focuses on the process of interpreting the texts of the Qur'an and Sunnah thematically and contextually, resulting in legal decisions that take into account the unity of meaning and social reality (Belhaj, 2013). Although there is debate regarding the limits of restructuring Islamic legal hermeneutics—between maintaining classical methodology and opening space for a more progressive collective approach (Hefni et al., 2025).

From a methodological perspective, research in this field generally adopts a qualitative and normative approach, combining empirical analysis with a philosophical-interpretive framework to examine the basic principles of Islamic law (Fauziah, 2023). The role of *ijtihad* becomes crucial, especially in responding to new complex issues to ensure that legal decisions remain aligned with the objectives of sharia (Fahrudin, 2021; Kamali, 2021). The contemporary *ijtihad* framework

integrates the principles of *ushūl al-fiqh* and *qawā'id fihiyyah*, thereby strengthening the methodological basis for reform (Zahari & Safiai, 2025).

Method

This study is a qualitative study with a comparative approach. This approach is used to explore two models of progressive legal reasoning developed by Asrorun Ni'am Sholeh and Abdullah Saeed. The selection of these two figures is based on representative considerations: Asrorun reflects the institutional legal reasoning model rooted in fatwa authority and religious institutional structures in Indonesia, while Abdullah Saeed represents the independent legal reasoning model that has developed in the global academic sphere with a contextual hermeneutic style. Thus, this comparative study is not intended to assess the superiority of either approach, but rather to integrate them in order to find a form of epistemological negotiation that contributes to the reform of Islamic law.

Although this research is literature-based, data collection was carried out systematically by selecting works that describe the methodological construction, authoritative legitimacy, and social context that influence the legal reasoning of each figure. Data analysis was conducted using Norman Fairclough's Critical Discourse Analysis (CDA) approach, which includes three main stages. First, the text analysis stage, which involves an in-depth reading of the language structure, terminology, and legal arguments to identify the ideological principles underlying progressive legal ideas. Second, the discourse practice analysis stage, which examines how these legal ideas are produced and accepted in specific social and institutional spaces, including how Asrorun negotiates religious authority with the need for legal reform, and how Saeed articulates hermeneutics as a strategy for Islamic renewal in the global academic context. Third, the stage of social practice analysis, which seeks to reveal the power structures, ideological positions, and socio-political dynamics that shape and are influenced by the two models of legal reasoning.

This approach allows the study to not only compare theoretical frameworks, but also to critique the power relations and ideologies underlying the construction of progressive legal reasoning. Through reflective discourse analysis, this study seeks to identify the epistemological commonalities and tensions between Asrorun's institutional legal reasoning model and Saeed's independent legal reasoning model, in order to formulate a possible model of integration between institutional authority and intellectual freedom in the renewal of Islamic law that is ethical, inclusive, and adaptive to social change.

Results and Discussion

1. The Paradigm of Legal Reasoning in *Maqāṣid* Asrorun Ni'am Sholeh

Strategies for Islamic Law Reform: Integrating Maqāṣid al-Sharī'ah and Normative Fiqh

Asrorun Ni'am Sholeh is one of the leading figures in developing contemporary Islamic law in Indonesia, particularly in reforming fatwas through religious authority institutions. His background in Islamic boarding schools and academic experience on campus have shaped his unique approach to Islamic law. He is not merely bound by the literal meaning of the text, but also does not detach himself from the roots of the tradition. This integration is clearly seen in his view which prioritizes the *maqāṣid al-sharī'ah* paradigm, which emphasizes justice, public interest, and the protection of fundamental human rights. (Auda, 2007). Asrorun's *maqāṣid*-based orientation makes his ideas more adaptive to ever-changing social dynamics. He believes that religious texts cannot be fully understood without considering the social context and moral objectives behind them (A. N. Sholeh, 2024, p. 55).

Commented [A7]: If using AI, explain in the method, what part of the AI works in this research.

Commented [A8]: Has this CDA been carried out in the results and discussion sections?

Commented [A9]: Many have discussed this idea in the works of previous authors, and it has probably been repeated thousands of times. If it is only a descriptive explanation, there is no need to read your article, just read the book or work of this thinker. So, it would be better to re-emphasize the presentation of the data so that it does not seem like a repetition of previous studies.

Since 2015, Asrorun Ni'am Sholeh has been the Chairman of the Fatwa Commission of the Indonesian Ulema Council (MUI). Through this position, he has played an important role in contributing significantly to the direction and substance of MUI fatwas. He carries out his duties by continuing to use classical *fiqh* as a fundamental normative reference. However, he also strives to develop an adaptive method of legal deduction (*istinbāt*) that responds to the dynamic social changes occurring in society. For example, in several fatwas addressing current issues, such as vaccination, the use of genetic engineering technology, and the halal status of rapidly developing digital products. (MUI, 2023).

One of the striking aspects of Asrorun's approach is his commitment to not bringing about Islamic legal reform in a personal or individualistic manner. Instead, he prioritizes collective institutional mechanisms, which align with the Indonesian ulama's traditional character. This approach shows an affinity with the thinking of figures such as Yusuf al-Qaradawi, but the difference lies in Asrorun's emphasis on systematic institutional work, rather than merely the articulation of personal thoughts (Qardhawi, 2001).

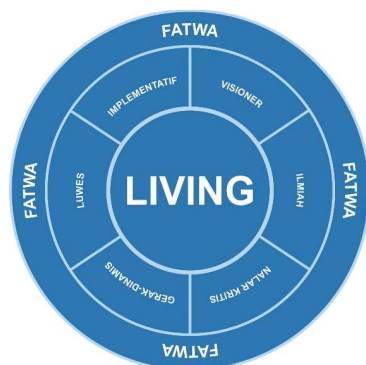
The reform paradigm proposed by Asrorun Ni'am Sholeh is an effort to formulate a harmonious synthesis while maintaining the classical *fiqh* framework and intellectual courage to open up a more responsive contextual approach. One strategic step taken is to reconstruct the method of *istinbāt al-hukm*, considering universal values in Islam and the actual needs of contemporary society. Asrorun integrates three epistemological approaches simultaneously: *bayānī* (textual), *burhānī* (rational), and *'irfānī* (intuitive), a formulation that philosophically aligns with the thought of Muhammad 'Ābid al-Jābirī (Al-Jabiri, 1990).

A concrete example of applying this approach can be seen in issuing a fatwa on COVID-19 vaccination. The MUI Fatwa Commission stated that vaccination is an obligation, even though some elements technically doubt its permissibility. Asrorun emphasized that the principles of *dar'ul mafṣadah* (avoiding harm) and *jalb al-maṣlaḥah* (seeking benefit) must be the primary considerations, with *maṣlaḥah* as the dominant principle in the collective *ijtihād* process.

Asrorun Ni'am Sholeh and the Insider Reform Model

The approach to Islamic legal reform proposed by Asrorun Ni'am Sholeh can be categorized as insider reform, namely renewal from within the established religious structure through the Indonesian Ulema Council (MUI). Asrorun developed a principle for issuing fatwas called the LIVING approach, an acronym for *Luwes* (flexible), *Implementatif* (implementable), *Visioner* (visionary), *Ilmiah* (scientific), *Nalar-kritis* (critical thinking), and *Gerak Dinamis* (dynamic movement) (A. N. Sholeh, 2024, p. 55).

Picture 1: LIVING Approach Model: The Principle of Progressive Fatwa Asrorun



The explanation is as follows:

- a. Flexibility (*Murūnah*). One of the main principles in this approach is Flexibility (*Murūnah*) (A. N. Sholeh, 2024, p. 57). According to Asrorun, fatwas must be flexible and adaptable in responding to the realities of people's lives. This flexibility is a manifestation of the principle of *al-yusr* (ease), one of Islamic law's main spirits (Mubarrak et al., 2022, p. 167). However, this flexibility should not be misinterpreted as a form of *tasāhul* (facilitation without basis) or *tahakkum* (issuing fatwas without knowledge) (al-Jauziyah, 2022, p. 337).
- b. Implementative (*ʿAmaly, Taṭbīqī*). The implementative principle (*ʿamaly, taṭbīqī*) emphasizes that fatwas issued must be able to be implemented in real life within society (A. N. Sholeh, 2024, p. 64). In Asrorun's view, before a fatwa is issued, a mufti must thoroughly understand the concrete conditions of the person or group seeking the fatwa, including the social consequences of implementing the fatwa.
- c. Visionary (*Mustaqbaliah*). The visionary principle requires that fatwas be issued not only to resolve current issues, but also to consider the future implications of those fatwas. This means that fatwas must be able to answer what is happening now and what may happen in the future. In classical *fiqh* terminology, this is known as the concept of *nazar fī mā ālāt al-aʿāl*, which means considering the legal consequences of an action that is subject to a fatwa (A. N. Sholeh, 2024, p. 72).
- d. Scientific (*Manhajī*). A scientific fatwa adheres to the principles of valid *ijtihad* and is based on recognized methods of legal reasoning in Islamic scholarship. This means that fatwas must not be issued based on unlimited free will (*bilā ḥudūd wa lā dawābiṭ*), but must follow the *manhaj* (method) that has been developed by scholars through disciplines such as *tafsir*, *hadith*, *ushul fiqh*, and *qawāʿid fiqhiyyah* (A. N. Sholeh, 2024, p. 83). In this regard, Asrorun emphasizes that scientific integrity is the main foundation for ensuring that fatwas are not merely spontaneous responses but legitimate, valid, and scientifically and religiously accountable legal products.

This scientific principle is embodied in a highly methodical and collegial scientific system for issuing fatwas. Every fatwa issued must go through several stages, depending on the complexity and category of the legal issue at hand (A. N. Sholeh, 2024, p. 84); 1) Issues whose legal ruling is clear (*maʿlūm min al-dīn bi al-darūrah*): For cases that already have established legal rulings and definitive evidence, fatwas are issued following the established law as it stands, without the need for debate or reconstruction. 2) Controversial issues (disputed among schools of thought): In this case, Asrorun uses two main

approaches: a) *al-jam' wa al-tawfiq* (combining and reconciling differing opinions to find common ground) (Oktiviana, 2023); b) If no common ground is reached, the *tarjih* method (selection of the strongest opinion) is used through the *muqāranah* approach (comparison of evidence) based on the principles of *uṣūl al-fiqh muqāran*. 3) New issues (not found in the *madhhab* or *mu'tabar* books): For contemporary issues, Asrorun conducts *ijtihad jama'i* (collective) with a *bayānī* (textual) and *ta'lili* (rational) approach, using the methods of *qiyās*, *istihsān*, *ilhāq*, *sad al-zarā'i*, and other principles derived from the *manhaj* of the *mu'tabar* scholars.

- e. Critical Thinking (*Tafkīr-Naqdī*). Asrorun emphasizes the importance of critical thinking (*tafkīr-naqdī*) in *ijtihad* and fatwa determination. Critical thinking in Asrorun's framework stems from the need to obtain a complete *tashawwur* of the issue- a comprehensive understanding of the case or problem at hand.
- f. Dynamic Movement (*Ḥarakah-Taḥawwuriyyah*). Asrorun Ni'am Sholeh's reformist approach ensures that fatwas are dynamic (*ḥarakah-taḥawwuriyyah*) (A. N. Sholeh, 2024, p. 99). In this context, fatwas are not understood as static, definitive legal decisions, but rather as an ongoing process of *ijtihad* that evolves, develops, and responds to the dynamics of the times and the emergence of new issues (*masā'il jadīdah au mustajaddah*). Dynamic movement also implies that the role of a mufti does not end with the issuance of fatwas, but also includes socialization, advocacy, and *taqnīn* (regulation) (A. N. Sholeh, 2024, p. 101).

Characteristics of Institutional Fatwas: Authoritative Collectivity in the Influence of Asrorun's Legal Reasoning

One of the most distinctive characteristics of Asrorun Ni'am Sholeh's paradigm of thought is his emphasis on the importance of fatwas originating from institutions and prioritizing authoritative collectivity. He believes that issuing fatwas should not depend solely on the personal authority of a single scholar, but rather should emerge from a consultative forum that reflects the diversity of perspectives across schools of thought and fields of expertise. This principle is evident in the collegial working mechanism of the Indonesian Ulema Council (MUI), where the fatwa-issuing process involves experts from various disciplines, including Islamic jurisprudence, medicine, economics, and sociology.

For Asrorun, collective fatwas are not only a form of articulation of *maqāṣid al-sharī'ah* in legal substance, but also a manifestation of *maqāṣid* in the decision-making process itself. He emphasizes the value of *syūra* (consultation) and the integration of a multidisciplinary approach as part of the ethical principles of issuing fatwas (Keputusan Ijtima' Ulama Komisi Fatwa Se-Indonesia VII Tentang Hukum Cryptocurrency [Decision of the Seventh Indonesian Ulema Council on the Law of Cryptocurrency], n.d.).

In a global context, Asrorun's approach is similar to the institutional fatwa model developed by religious institutions such as Dar al-Ifta' in Egypt and the mufti institution in Jordan, which both emphasize the importance of *ijtihad jama'i* or collective *ijtihad*. However, Indonesia's pluralistic context regarding madhhabs and its inclusive society make this approach unique. Interestingly, several studies have noted that the institutional approach to fatwa issuance influenced by Asrorun's thinking has not only had an impact at the national level but has also attracted attention among Muslim minorities abroad (Tayeb, 2020).

Several fatwas issued by the Indonesian Ulema Council under Asrorun Ni'am Sholeh's methodological approach reflect a responsive, contextual, and *maqāṣid al-sharī'ah*-based orientation. Some of these fatwas serve as concrete examples of the integration between Islamic normative values and the demands of contemporary reality, such as the fatwa on COVID-19 vaccination (M. A. N. Sholeh, 2020), the fatwa on reproductive technology, the fatwa on cryptocurrency transactions, and

the fatwa on digital halal. These fatwas illustrate how the *maqāṣid*-based, collective, and multidisciplinary approach is not merely theoretical but is also practically implemented in formulating adaptive religious laws tailored to the needs of the times.

Meanwhile, research conducted by Syafiq Hasyim shows a similar trend. He notes that over the past two decades, fatwas issued by the MUI have transformed toward a more rational, inclusive approach emphasizing public interest (Hasyim, 2015). However, this approach is not without criticism. Some researchers, including Robin Bush, question the clarity of the MUI's position within the ambiguous institutional structure of the state, which straddles religious authority and proximity to the state, potentially blurring the independence of fatwas from political influence (Bush, 2009).

2. The Hermeneutic Legal Reasoning Paradigm of Abdullah Saeed

Epistemic Reform Through Contextual Hermeneutics

Abdullah Saeed is widely recognized for his significant contributions in developing a contextual hermeneutic approach to the Qur'an and Islamic law. Although Abdullah Saeed's early thinking was influenced by conservative views, his intellectual direction underwent a significant shift during his postgraduate studies in Australia. This academic phase marked a crucial turning point in the development of his thought. Immersed in a multicultural environment and engaged in open academic discourse in Australia, he was encouraged to reconsider the relationship between sacred texts and their historical and social contexts (Saeed, 2006). At the University of Melbourne, Abdullah Saeed held the position of Chair of Islamic Studies as well as Director of the National Centre of Excellence for Islamic Studies (NCEIS).

One of Abdullah Saeed's most significant contributions to Islamic legal reform lies in his sharp critique of the literalist approach to interpreting the Qur'an. He argues that the tendency to interpret the text without considering the historical and social contexts in which the verses were revealed has led to stagnation in the development of Islamic law (Saeed, 2005).

In his work *Interpreting the Qur'an: Towards a Contemporary Approach*, Saeed emphasizes that an interpretation solely focused on the literal meaning of the Qur'anic text is insufficient to address the complexities of modern life. He critiques traditional *mufasssirin* who, in his view, often neglect the socio-historical context of the revelation and fail to adequately distinguish between the realities of past societies and the evolving demands of the contemporary world (Saeed, 2005).

Saeed proposes an idea he calls the contextualist approach, a method that emphasizes the importance of understanding the Qur'an comprehensively by taking into account its historical aspects, universal moral values, and the ethical orientation of Islamic teachings. (Saeed, 2005). With this approach, his contributions are not only relevant at the theoretical level but also have practical applications in addressing the challenges faced by Islam in the modern era.

Abdullah Saeed has consistently led an epistemological reform in Islamic legal thought through the contextual hermeneutic approach he developed. He proposes a layered method of reading the Qur'an that includes: (1) the historical context of the revelation, (2) the context of classical tafsir or interpretive tradition, and (3) the contemporary context or modern application. This approach aims to reconstruct the epistemological framework of Islam to be more open, adaptive, and socially responsible (Saeed, 2005).

According to Saeed, contextual hermeneutics is not merely a methodological technique but an important intellectual project aimed at affirming that Islam is a religion compatible with the values of democracy, pluralism, and social justice (Arkoun, 2002; Zayd et al., 2006). Saeed argues that fatwas should be contextual, flexible, and open to social change through this framework. He firmly rejects the view that positions Islamic law as a sacred and unshakable normative system, and calls for the process of *ijtihad* to be understood as a creative and dynamic intellectual activity, always bound to the ever-changing social reality.

Commented [A10]: Many have discussed this idea in the works of previous authors, and it has probably been repeated thousands of times. If it is only a descriptive explanation, there is no need to read your article, just read the book or work of this thinker. So, it would be better to re-emphasize the presentation of the data so that it does not seem like a repetition of previous studies.

According to Saeed, the textual approach has limited the meaning of the verses of the Qur'an, especially the ethical-legal verses, to the understanding of the early generations, thus closing the space for new interpretations following the socio-cultural context of Muslims today.

- a. Complexity of Meaning (*Ta'addud Al-Ma'na*). One of the essential foundations of this approach is the principle of complexity of meaning. For Saeed, meaning is not singular, static, and absolute, but rather complex, dynamic, and contextual (Fina, 2011). He identifies several reasons why meaning in the Qur'anic text must be understood as open and evolving.
- b. Socio-Historical Context. Within the framework of epistemological reform proposed by Abdullah Saeed, understanding the socio-historical context is essential to interpreting the Qur'an contextually (Fina, 2011, p. 154). Saeed rejects the notion that the Qur'an was revealed in a vacuum because, in reality, revelation was sent down to an Arab society with complex social, cultural, and political structures influenced by surrounding civilizations.
- c. Hierarchy of Values in Ethic-Legal Texts. Within the framework of Abdullah Saeed's contextual hermeneutics, the principle of value hierarchy in ethical-legal verses (law and ethics) is a crucial pillar in reinterpreting religious texts to remain relevant to contemporary developments (Wahidi, 2016, p. 22). For Saeed, not all verses of the Qur'an carry the same normative weight; therefore, categorization is necessary to distinguish between those that are fixed and those that are flexible in context.

First, obligatory values are universal and principled values that remain unchanged across time (Asroni, 2021, p. 120). These include theological aspects such as the pillars of faith, the main practices of worship commanded in the Qur'an, and explicit prohibitions and commands regarding what is halal and haram. Second, fundamental values are ethical values repeatedly emphasized in the Qur'an and considered the basic principles of Islamic teachings (Zaini, 2014). Third, protective values function as guardians and protectors of fundamental values. Fourth, implementational values are specific actions to carry out protective values. An example is the punishment of cutting off the hand of a thief as stated in the Qur'an. And fifth, instructional values are policies or legal decisions issued following the specific situation when the verse was revealed.

Individual-Based Fatwa Character: Abdullah Saeed and Practical Contributions

Unlike figures such as Asrorun Ni'am Sholeh, who plays a role in official institutional structures such as the Indonesian Ulema Council (MUI), Abdullah Saeed presents himself as a public intellectual who expresses his views in academic circles and international discourse. He does not issue fatwas in a formal institutional format, but instead conveys normative opinions through scientific writings and academic forums, which are often referenced in international discourse.

Some of his views on Islamic legal reasoning represent a progressive and contextual approach to responding to contemporary issues. First, on the issue of religious freedom, Saeed openly rejects the legitimacy of the death penalty for apostates (Saeed, 2017). Secondly, regarding women's inheritance rights, he proposes a reinterpretation of the inheritance distribution ratio of two to one between males and females, taking into account the changing social and economic roles of women in the modern era (Zayd et al., 2006). Thirdly, on the issue of LGBT, Saeed adopts a cautious yet progressive stance. He does not explicitly legitimize homosexual behavior but calls for a more empathetic, ethical, and non-discriminatory approach towards Muslim LGBT individuals. (Saeed, 2018).

Although not legally binding, Saeed's views have made a significant contribution to shaping progressive Islamic discourse on the global stage. Abdullah Saeed believes that one of the fundamental errors in contemporary Islamic legal practice lies in the neglect of ethical rationality and universal values, which are the core of Islamic teachings. In his various scholarly works, he

emphasizes that the process of *ijtihād* should not rely solely on textual structures such as *nash* and *qiyās*, but must also be rooted in ethical principles that uphold public interest and justice as normative goals (Saeed, 2005). Saeed's commitment to these ethical values is also evident in his views on legal issues concerning women and family. He advocates for the reinterpretation of certain verses related to polygamy, inheritance systems, and women's testimony, encouraging a renewed understanding grounded in justice and gender equality (Saeed, 2018).

3. Epistemological Similarities and Differences between Asrorun Ni'am Sholeh and Abdullah Saeed

After thoroughly examining Asrorun Ni'am Sholeh's progressive fatwa model and Abdullah Saeed's contextual approach, both appear to be essential representations of contemporary efforts to reform Islamic law.

Multidimensional Approach within the Framework of Legal Reasoning: Text, Context, and Methodology

Although they come from different geographical, institutional, and cultural backgrounds, both have developed Islamic legal epistemologies that emphasize responsiveness to the dynamics of the times. However, there are important differences in their epistemological perspectives.

a. Approach to Text

Asrorun Ni'am Sholeh, in his legal reasoning, continues to regard the text as the primary source of law. He uses the traditional *bayānī* (textual) method combined with the *maqāṣid* approach to provide breadth in interpretation. For Asrorun, the text cannot be understood separately from the tradition and discipline of *fiqh*, especially those developed in *pesantren* (Islamic boarding schools) and religious institutions such as the MUI. Therefore, his approach to the text greatly respects the authority of *turāts* (classical heritage), while opening up contextual space.

In Addition, for Asrorun understanding the text cannot be separated from the established tradition of *fiqh* scholarship, especially one that has grown and developed in *Pesantren* (Islamic boarding school) environments and authoritative institutions such as the Indonesian Ulema Council (MUI) (M. A. N. Sholeh, 2018). In contrast, Abdullah Saeed views the text of the Qur'an as a product of historical communication between God and humanity in the context of the 7th century. Therefore, his understanding emphasizes the contextual layers of revelation (*asbāb al-nuzūl*), and he deconstructs the boundaries between text and context more openly (Saeed, 2005).

b. Position on Social Context

Asrorun Ni'am Sholeh believes that Islamic legal products must be formulated through collective institutional mechanisms and under the authority of religious scholars. He emphasizes that contextual considerations must not be separated from the discipline of *fiqh* and formal institutional procedures. Although responsive to change, Asrorun's *ijtihād* remains within the framework of collective deliberation and established traditional discipline.

In contrast, Abdullah Saeed views context not merely as the background of the text but as an integral part of meaning-making. In his perspective, the legal norms in the Qur'an are contextual and cannot be fully understood without considering the social and historical dimensions of the circumstances in which the text was revealed (Saeed, 2017).

Thus, the fundamental difference between the two lies in their views on authority and flexibility in *ijtihād*. Asrorun places greater emphasis on collective methodological caution and maintaining continuity with the scholarly tradition. At the same time, Saeed places greater emphasis on epistemological courage, openness to global values, and the reinterpretation of Islamic law within the framework of universal justice.

Commented [A11]: Don't use the pointer, just narrate it, like first, second, third, and so on.

c. Ethics in Legal Reasoning Methodology

Asrorun Ni'am Sholeh remains grounded in classical Islamic legal ethics, enriched through the framework of *maqāṣid al-sharī'ah* to expand the scope of ijtihad to contemporary realities. While opening space for contextual interpretation, he remains committed to the methodological boundaries and fiqh norms firmly established in the Islamic scholarly tradition. On the other hand, Abdullah Saeed focuses on universal ethical values as the foundation for forming Islamic law. Principles such as justice, religious freedom, gender equality, and respect for human dignity are the main framework for reconstructing Islamic legal thought (Saeed, 2018).

Thus, the fundamental difference between the two lies in their epistemological emphasis: Asrorun builds reform from within the traditional *fiqh* framework by incorporating *maqāṣid* to expand the law. At the same time, Saeed starts from global ethical values to reinterpret Islamic law to be more responsive to the demands of modern times.

Sources of Epistemic Legitimacy and Models of Authority

Asrorun Ni'am Sholeh gained religious legitimacy through three pillars that reinforce each other. First, the authority of classical Islamic tradition and intellectual heritage (*turāts*). Second, he was in major religious institutions such as the Indonesian Ulema Council (MUI) and Nahdlatul Ulama (NU). Third, his involvement in state structures (M. A. N. Sholeh, 2020). On the other hand, Abdullah Saeed builds his legitimacy through a different path: academic excellence, consistency in formulating arguments, and global influence gained through scientific publications and participation in international intellectual forums (Duderija, 2014).

The model of authority promoted by Asrorun Ni'am Sholeh is rooted in institutional structures and the principle of collectivity. He positions himself as part of a line of scholars working within the formal framework of religious institutions, such as the MUI and NU, with full awareness of the social, political, and moral responsibilities accompanying this role (A. N. Sholeh, 2024). In contrast, Abdullah Saeed develops an authority model that is individual, academically based, and grounded in moral credibility as a public intellectual. He rejects forms of religious authority that are exclusive and rigid, closing the door to innovation and legal reform (Saeed, 2005).

Thus, Asrorun represents a typology of Islamic authority rooted in structural and communal legitimacy. In contrast, Saeed represents a model of authority derived from individual intellectual capacity and moral courage to offer alternative interpretations of Islamic heritage in an ever-changing global landscape.

Table 1: Substantive Similarities and Differences in Thought

Aspects	Asrorun Ni'am Sholeh	Abdullah Saeed	Similarities
Social Background	Islamic boarding schools & national institutions (NU, MUI)	Global & transnational academia (Australia)	Both have a background in Islamic higher education
Textual Approach	Traditional-reconstructive (<i>bayānī + maqāṣid</i>)	Contextual hermeneutics	Both use <i>maqāṣid al-sharī'ah</i>
Social Context	Processed through institutionalization and collective ijtihad	Treated as an integral part of the meaning of the text	Both respond to contemporary realities

Fatwa Authority	Institutions (fatwa commissions) and deliberative councils	Individuals and academics	Both have public influence
Sources of Legitimacy	MUI, NU, state law	Academic, human rights, <i>maqāṣid</i>	Both reject textual legalism alone
Legal Ethics	Protection of interests within the framework of <i>fiqh</i>	Rights, freedom, and social justice are key ethical values	Islamic ethics as the basis for <i>ijtihad</i>
Fatwa Products	Formal, collective, legal, and social	Individual, academic, and moral opinions	Equally responsive to modern issues
Type of Reform	Normative reform based on <i>maqāṣid</i> within the framework of <i>turāts</i>	Epistemological and hermeneutical reform	Avoiding textual extremism

4. Contribution to Islamic Legal Reform: The Epistemological Negotiation Model of Islamic Legal Reasoning

Contemporary Islamic legal reform faces epistemological tensions between institutional religious authority and academic intellectual freedom. This tension is evident in two main approaches: the institutional legal reasoning model represented by Asrorun Ni'am Sholeh, and the independent legal reasoning model based on contextual hermeneutics developed by Abdullah Saeed. Both depart from the same concern about the stagnation of Islamic law, but take different paths in responding to the challenges of modernity and pluralism in Muslim societies.

Contemporary Islamic legal reform essentially faces an epistemological dialectic between institutional authority and intellectual freedom of thought. This dialectic is evident in two main approaches, namely: legal reasoning based on *maqāṣid al-sharī'ah* by Asrorun Ni'am Sholeh and legal reasoning based on contextual hermeneutics developed by Abdullah Saeed. Both depart from concerns about the stagnation of Islamic law, albeit through different legal paths and approaches in responding to the challenges of modernity.

Asrorun Ni'am Sholeh seeks to develop institutional *ijtihad* through the Indonesian Ulema Council (MUI) based on *maqāṣid al-sharī'ah* in order to strengthen social legitimacy, remain relevant to the times, and adapt to contemporary issues. Meanwhile, Saeed is attempting to reform Islamic law through a contextual hermeneutic approach using the methodology of *tafsir*, which is a re-reading of the text of the Qur'an.

These two approaches often run parallel to each other and are even separate in Islamic legal studies. There has been no attempt to integrate the two in the effort to reform Islamic law. However, as mentioned by Hallaq (2009) and Kamali (2008), Islamic legal reform will be successful if it can integrate multidimensional epistemology. Therefore, there needs to be an epistemological negotiation model, namely an approach that can bridge institutional structures and hermeneutic interpretation dynamics in the process of Islamic legal reform.

This model is based on the belief that Islamic legal reform cannot proceed effectively if it is based solely on formal authority, but must also have epistemological, moral, ethical, and adaptive depth in response to social change. Jasser Auda (2007) argues that Islamic legal reform must shift to a systemic approach that takes social dimensions into account.

The epistemological negotiation model is based on three interrelated conceptual models. First, a normative-theological foundation based on the *maqāṣid al-sharī'ah* approach as the main principle of sharia objectives, as developed by earlier scholars and institutionally applied by Asrorun. Second, a hermeneutic foundation based on the reinterpretation of Qur'anic texts in light of social, political, and cultural conditions, as proposed by Saeed (2005) and previously by Nasr Abu Zayd (2006). Third, a sociological-institutional foundation, namely the existence of social legitimacy through institutional roles in the application of Islamic law, as analyzed by Bowen (2003) and Hallaq (2009).

In practice, this model can operate through a multi-level and continuous dialogue process between the conceptual-normative stage, contextual interpretation, and implementation. In the initial stage, scholars examine normative aspects using the *maqāṣid* approach. Next, they perform contextual interpretation through a hermeneutic approach, reinterpreting Islamic legal texts in the context of society. Then, the results of this reading are tested and institutionalized through formal legitimization by institutions such as fatwa-issuing bodies or similar entities in order to give them force.

Thus, this model can contribute to three main areas, namely: epistemically, this model can serve as a bridge between ethical and institutional *ijtihad* by rejecting the liberal-conservative dichotomy that is often debated in Islamic law. Methodologically, this model can provide a framework for dialogue, discussion, and even integration between *maqāṣid*, hermeneutics, and institutionalism. Socially, this model can provide a model of *ijtihad* that is responsive to contemporary issues such as gender, human rights, and pluralism. Thus, it can be said that this model is not only conceptual but also applicable and operational, encouraging collective *ijtihad* in Islamic legal reform.

Thus, this model is also in line with the arguments of Rahman (1982) and Kamali (2003), that Islamic legal reform must go through a dialectic between normativity towards the text and openness to context. Thus, there is a balance between methodological stability and epistemological openness, showing that the epistemological negotiation model provides a new paradigm in Islamic legal reform that is adaptive, transformative, and inclusive. Ultimately, the dialectic between these two approaches does not serve to reinforce the dualism of Islamic legal thought, but rather as a creative dialectic that opens up new approaches to Islamic legal reform.

Conclusion

This comparative study reveals the epistemological dynamics in the renewal of Islamic law by comparing two key figures: Asrorun Ni'am Sholeh and Abdullah Saeed. Asrorun develops a progressive legal reasoning based on *maqāṣid al-sharī'ah* through a structured collective and institutional approach within the Indonesian Ulema Council (MUI) to integrate *maqāṣid al-sharī'ah* into the classical *fiqh* structure to address contemporary issues. This model is referred to as reform from within, emphasizing methodological stability and socio-political legitimacy through the authority of ulama and the state. On the other hand, Abdullah Saeed advocates epistemological reform through a contextual hermeneutic approach that challenges literal authority and opens space for ethical interpretation based on universal values such as justice, freedom, and equality. He represents the voice of progressive Islam in international forums, despite facing challenges in social acceptance among conservative Muslims.

The integration of these two approaches results in an epistemological negotiation model that connects institutional structures and hermeneutic interpretive dynamics in the process of Islamic law reform. This comparison highlights the epistemological tension between internal reform models

and radical methodological transformation, while also offering opportunities for constructive dialogue. Both contribute to broadening the horizons of progressive legal thinking to be more inclusive, contextual, and oriented toward public ethics. Therefore, creative integration between institutional stability and epistemological courage is crucial in formulating a relevant and meaningful legal framework within the global social order. These findings enrich the study of contemporary Islamic legal thought and significantly contribute to the discourse on Islamic legal reform, particularly in understanding the relationship between text, context, and religious authority in the modern era.

Acknowledgement

The authors would like to thank the Education Fund Management Institution (LPDP) of the Republic of Indonesia for its support in publishing this scholarship recipient's work. In addition, we would like to thank the authors' respective institutions for their support of this research. We would also like to thank all those involved in this research for their contributions.

Conflict of Interest

All authors of this manuscript declare that they have no conflicts of interest.

References

- Abdullah, A. B., Ramli, M. A., Jamaludin, M. A., & Marinsah, S. A. (2013). Postmodernism Approach in Islamic Jurisprudence (Fiqh). *Middle-East Journal of Scientific Research*, 13(1), 33–40. <https://doi.org/10.5829/idosi.mejsr.2013.13.1.1756>
- al-Jauziyah, I. Q. (2022). *I'lam al-Muwaqqi'in 'an Rabb alAlamin* (Juz 4). Dar Ibnu al-Jauziyyah.
- Al-Jabiri, M. (1990). *Bunyah al-'Aql al-'Arabi*. Center for Arab Unity Studies.
- Alnizar, F. (2025). The Language of Exclusion: Ideology and Power in the Fatwa of the Majelis Ulama Indonesia on Ahmadiyah. *Journal of Islamic Law*, 6(1), 67–88. <https://doi.org/10.24260/jil.v6i1.3338>
- Asroni, A. (2021). Penafsiran Kontekstual Al-Qur'an: Telaah atas Pemikiran Abdullah Saeed. *Living Islam: Journal of Islamic Discourses*, 4(1). <https://doi.org/10.14421/lijd.v4i1.2782>
- Auda, J. (2007). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The International Institut of Islamic Thought.
- Azra, A. (2013). Contemporary Islamic Law in Indonesia: Shari'a, Legal Pluralism, and National Law. *Studia Islamika*, 20(1).
- Belhaj, A. (2013). The reform debate: Al-Marzūqī and al-Būti on the Renewal of Usūl al-fiqh. *Ilahiyat Studies*, 4(1), 9–24. <https://doi.org/10.12730/13091719.2013.41.68>
- Bowen, J. R. (2003). *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (1st ed.). Cambridge University Press. <https://doi.org/10.1017/CBO9780511615122>
- Bush, R. (2009). *Nahdlatul Ulama and the Struggle for Power within Islam and Politics in Indonesia*. ISEAS Publishing. <https://doi.org/10.1355/9789812308795>
- Duderija, A. (2014). *Constructing a Religiously Ideal Believer and Woman in Islam*. Palgrave Macmillan. <https://doi.org/10.1057/9780>
- Duderija, A., & Zonneveld, A. O. (2021). Transnational Progressive Islam: Theory, Networks, and Lived Experience. In *Handbook of Contemporary Islam and Muslim Lives* (Vol. 2, pp. 1189–1210). Scopus. https://doi.org/10.1007/978-3-030-32626-5_100
- El Fadl, K. A. (2001). *Speaking in God's Name: Islamic Law, Authority, and Women*. Oneworld Publications.
- El-Fadl, K. A. (2001). *Speaking of God's Name; Islamic Law, Authority and Women*. Oneworld Publications.

Commented [A12]: Add references to each of the following journals. Minimum 2 citations for each

1. Samarah: Jurnal Hukum Keluarga dan Hukum Islam [UIN Ar-Raniry Aceh]
2. Ahkam: Jurnal Ilmu Syariah [UIN Syarif Hidayatullah Jakarta]
3. Al-Ihkam: Jurnal Hukum dan Pranata Sosial [IAIN Madura]
4. JURIS (Jurnal Ilmiah Syariah) [IAIN Batusangkar]
5. Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan [UIN Salatiga]
6. Mazahib: Jurnal Pemikiran Hukum Islam [UINSI Samarinda]
7. Al-Istinbath: Jurnal Hukum Islam [IAIN Curup]
8. Al-Manahij: Jurnal Kajian Hukum Islam [UIN SAIZU Purwokerto]
9. Volksgeist: Jurnal Ilmu Hukum dan Konstitusi [UIN SAIZU Purwokerto]
10. Al-Ahwal: Jurnal Hukum Keluarga Islam [UIN Yogyakarta]
11. El-Mashlahah [IAIN Palangkaraya]
12. Syariah: Jurnal Hukum dan Pemikiran [UIN Antasari]
13. El-Ushrah: Jurnal Hukum Keluarga [UIN Ar-Raniry Aceh]
14. De Jure: Jurnal Hukum dan Syariah [UIN Malang]
15. Journal of Islamic Law [IAIN Pontianak]
16. Al-Ahkam [UIN Walisongo Semarang]
17. Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan [UIN Jambi]
18. Khazanah Hukum [UIN Bandung]
19. Petita: Jurnal Kajian Ilmu Hukum dan Syariah [UIN Ar-Raniry Aceh]
20. Al-Adalah [UIN Raden Intan Lampung]
21. Journal of Human Rights, Culture and Legal System, Contrarius Indonesia
22. Legality: Jurnal Ilmiah Hukum, Universitas Muhammadiyah Malang
23. Bestuur, Universitas Sebelas Maret
24. Jurnal Islam Futura [UIN Ar-Raniry Aceh]
25. Ulumuna [UIN Mataram]
26. Millah: Journal of Religious Studies [Universitas Islam Indonesia]
27. Jurnal Ilmiah Peuradeun
28. Jurnal Ilmiah Asy-Syir'ah [IAIN Manado]
29. Milrev [UIN Sujiwo Lampung]

- El-Mesawi, M. E.-T. (2012). From al-Shatibi's legal hermeneutics to thematic exegesis of the Quran. *Intellectual Discourse*, 20(2), 189–214.
- Fadel, M. (2011). Is historicism a viable strategy for Islamic law reform? The case of "never shall a folk prosper who have appointed a woman to rule them." *Islamic Law and Society*, 18(2), 131–176. <https://doi.org/10.1163/156851910X537793>
- Fahrudin. (2021). Nalar Konstruktif Maqashid Syariah Dalam Studi Hukum Islam (Sebuah Studi Pengantar dalam Ilmu Maqashid Syariah). *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 6(1), 35–52. <https://doi.org/10.22515/alahkam.v6i1.3744>
- Fauziah, N. (2023). The Evaluation of Maqāṣid Asy-Syari'ah on Discourses of the Islamic Family Law. *El-Ussrah*, 6(1), 81–90. <https://doi.org/10.22373/ujhk.v6i1.13035>
- Fina, L. I. N. (2011). Interpretasi Kontekstual: Studi Pemikiran Hermeneutika Al-Qur'an Abdullah Saeed. *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 12(1), 159–180. <https://doi.org/10.14421/esensia.v12i1.707>
- Hallaq, W. B. (2009). *Shari'a: Theory, Practice, Transformations*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511815300>
- Hasyim, S. (2015). *Majelis Ulama Indonesia and pluralism in Indonesia*. *Philosophy & Social Criticism*, 41(4–5), 487–495. <https://doi.org/10.1177/0191453714566547>
- Hasyim, S. (2020). Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulama Council) and Rising Conservatism in Indonesian Islam. *TRaNS: Trans -Regional and -National Studies of Southeast Asia*, 8(1), 21–35. <https://doi.org/10.1017/trn.2019.13>
- Hefni, W., Mustofa, I., & Ahmadi, R. (2025). Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law. *Al-Istinbath: Jurnal Hukum Islam*, 10(1), 30–57. <https://doi.org/10.29240/jhi.v10i1.10694>
- Helmy, Y. (2022). From Islamic Modernism to Theorizing Authoritarianism: Bin Bayyah and the Politicization of the Maqāṣid Discourse. *American Journal of Islam and Society*, 38(3–4), 36–70. <https://doi.org/10.35632/ajis.v38i3-4.2934>
- Hosen, N. (2004). Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975–1998). *Journal of Islamic Studies*, 15(2), 147–179. <https://doi.org/10.1093/jis/15.2.147>
- Ibrahim, B., Arifin, M., & Abd Rashid, S. Z. (2015). The role of fatwa and mufti in contemporary muslim society. *Pertanika Journal of Social Sciences and Humanities*, 23(SpecialIssue11), 315–326. Scopus.
- Ichwan, M. N. (2011). Official Ulema and the Politics of Re-Islamization: The Majelis Permusyawaratan Ulama, Sharilhringatzation and Contested Authority in Post-New Order Aceh. *Journal of Islamic Studies*, 22(2), 183–214. <https://doi.org/10.1093/jis/etr026>
- Ismail, I., Salleh, N., & Nawawi, S. N. A. M. (2021). Sa'diyya Shaikh's progressive Islamic thought and the Islamic perspective. In *Gender Equality: Past, Present and Future Perspectives* (pp. 103–129). Scopus. <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85125022443&partnerID=40&md5=d30ba3dfc2f09e9135441cf236a50cd5>
- Johnston, D. L. (2007). Maqāṣid combining dot belowid al-shari'a: Epistemology and hermeneutics of Muslim theologies of human rights. *Welt Des Islams*, 47(2), 149–187. <https://doi.org/10.1163/157006007781569936>
- Kamali, M. H. (2003). *Principles of Islamic Jurisprudence*. The Islamic Texas Society.
- Kamali, M. H. (2008). *Shari'ah Law: An Introduction*. Oneworld Publications.
- Kamali, M. H. (2021). History and Jurisprudence of the Maqāṣid: A Critical Appraisal. *American Journal of Islam and Society*, 38(3–4), 8–34. <https://doi.org/10.35632/ajis.v38i3-4.3110>
- Keputusan Ijtima' Ulama Komisi Fatwa Se-Indonesia VII Tentang Hukum Cryptocurrency [Decision of the Seventh Indonesian Ulama Council on the Law of Cryptocurrency].

- Khairuldin, W. M. K. F. W., Embong, A. H., Anas, W. N. I. W. N., Mohd, H., & Ismail, D. (2018). The application of technology in the dissemination of fatwas: A study on religious institutions in Malaysia. *International Journal of Civil Engineering and Technology*, 9(7), 1590–1596. Scopus.
- Makhlouf, A. G. (2020). Evolution of Islamic law in the 20th century: The conception of collective ijtihad in the debate between muslim scholars. *Oxford Journal of Law and Religion*, 9(1), 157–178. Scopus. <https://doi.org/10.1093/ojlr/rwaa019>
- Moustafa, T. (2013). Islamic Law, Women's Rights, and Popular Legal Consciousness in Malaysia. *Law and Social Inquiry*, 38(1), 168–188. <https://doi.org/10.1111/j.1747-4469.2012.01298.x>
- Mubarrak, H., Munir, B., & Achyar, G. (2022). *Kemudahan untuk Kemaslahatan: Metode Al-Taysir Al-Manhajiy dalam Fatwa DSN-MUI*. Sekretariat Komisi Fatwa.
- MUI. (2023). *Kompilasi Fatwa Majelis Ulama Indonesia*. Sekretariat MUI. <https://fatwamui.com/data-fatwa>
- Ningsih, A. S. (2025). Reforming Islamic Family Law: The Relevance of Ibn Qayyim al-Jawziyyah's Concept of Legal Change. *Jurnal Ilmiah Mizani*, 12(1), 114–127. <https://doi.org/10.29300/mzn.v12i1.7087>
- Nur, I., Wakhid, A. A., & Handayani, L. (2020). A Genealogical Analysis of the Concept and Development of Maqashid Syari'ah. *Al-'Adalah*, 17(1), 1–30. <https://doi.org/10.24042/adalah.v17i1.6211>
- Oktiviana, N. (2023). Al-Jam'u Wa Al-Taufiq dan Naskh dalam Penyelesaian Kontradiksi Hukum Islam. *JURNAL PAI: Jurnal Kajian Pendidikan Agama Islam*, 2(1), 73–91. <https://doi.org/10.33507/pai.v2i1.1074>
- Qardhawi, Y. (2001). *Fiqh al-Maqasid*. Dar al-Shuruq.
- Rahman, F. (1982). *Islam and Modernity: Transformation of an Intellectual Tradition*. The University of Chicago Press. <https://press.uchicago.edu/ucp/books/book/chicago/I/bo41314165.html>
- Rusli, R. (2014). Progressive salafism in online fatwa. *Al-Jami'ah*, 52(1), 205–229. Scopus. <https://doi.org/10.14421/ajis.2014.521.205-229>
- Saeed, A. (2005). *Interpreting the Qur'an: Towards a Contemporary Approach*. Routledge.
- Saeed, A. (2006). *Islamic Thought: An Introduction*. Routledge.
- Saeed, A. (2017). *Freedom of Religion, Apostasy and Islam* (0 ed.). Routledge. <https://doi.org/10.4324/9781315255002>
- Saeed, A. (2018). *Human Rights and Islam*. Edward Elgar Publishing. <https://doi.org/10.4337/9781784716585>
- Sholeh, A. N. (2024). *Menghidupkan Fatwa Dinamisasi Fatwa untuk Kemaslahatan Bangsa* (1st ed.). Sekretariat Komisi Fatwa.
- Sholeh, M. A. N. (Ed.). (2018). *Peran fatwa MUI dalam berbangsa dan bernegara: Pandangan akademisi terhadap fatwa MUI*. Komisi Fatwa Majelis Ulama Indonesia (MUI). <https://repository.uinjkt.ac.id/dspace/handle/123456789/55534>
- Sholeh, M. A. N. (2020). Towards a Progressive Fatwa: MUI's Response to the COVID-19 Pandemic. *AHKAM: Jurnal Ilmu Syariah*, 20(2). <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/17391>
- Sholeh, M. A. N. (2024). *Menghidupkan Fatwa Dinamisasi Fatwa Untuk Kemaslahatan Bangsa*. Sekretariat Komisi Fatwa.
- Sirry, M. (2013). Fatwas and their controversy: The case of the Council of Indonesian Ulama (MUI). *Journal of Southeast Asian Studies*, 44(1), 100–117. <https://doi.org/10.1017/s0022463412000641>
- Suaedy, A., Alnizar, F., Ardiantoro, J., & Siroj, S. A. (2023). Language, Authority, and Digital Media: The Impact on the Legitimacy of Fatwas. *Ahkam: Jurnal Ilmu Syariah*, 23(1). <http://dx.doi.org/10.15408/ajis.v23i1.28875>

- Takim, L. (2014). Maqāṣid al-sharī'a in contemporary Shī'ī jurisprudence. In *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination* (pp. 101–125). https://doi.org/10.1057/9781137319418_5
- Tayeb, A. (2020). *Islamic Education in Indonesia and Malaysia: Shaping Minds, Saving Souls*. Routledge.
- Wahidi, R. (2016). Aplikasi Hermeneutika Kontekstual Al-Qur'an Abdullah Saeed. *AL ITQAN: Jurnal Studi Al-Qur'an*, 2(1), 19–36. <https://doi.org/10.47454/itqan.v2i1.17>
- Whyte, S. (2023). Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia. *Oxford Journal of Law and Religion*, 11(2–3), 314–342. Scopus. <https://doi.org/10.1093/ojlr/rwac015>
- Yusuf, N., Harun, N., & Mursyid, S. (2024). EXAMINING THE BASIS OF MAQASHID SHARIA IN RENEWAL OF ISLAMIC LAW IN INDONESIA. *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 9(1), 357–375. <https://doi.org/10.22373/petita.v9i1.258>
- Zahari, N. A. M., & Safiai, M. H. (2025). Maqasid Sharia and the Biomedical Ethics of E-Cigarettes: A Contemporary Islamic Legal Assessment. *MILRev: Metro Islamic Law Review*, 4(1), 295–318. <https://doi.org/10.32332/milrev.v4i1.10398>
- Zaim, M. A., & Eldeen, A. B. (2024). Maqashid Sharia and Harmonizing Law in Indonesia: Impact for SDGs Global Context. In *Studies in Systems, Decision and Control* (Vol. 517, pp. 745–759). https://doi.org/10.1007/978-3-031-50939-1_60
- Zaini, A. (2014). Model Interpretasi al-Qur'an Abdullah Saeed. *ISLAMICA: Jurnal Studi Keislaman*, 6(1), 25. <https://doi.org/10.15642/islamica.2011.6.1.25-36>
- Zayd, N. H. A., Amirpur, K., Setiawan, M. N. K., & Regeringsbeleid, W. R. voor het. (2006). *Reformation of Islamic Thought: A Critical Historical Analysis*. Amsterdam University Press. <http://www.jstor.org/stable/j.ctt46mt56>



Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the *Maqāṣid* and Hermeneutic Approaches

Abstract: This research aims to negotiate and integrate two schools of progressive legal thought in Islamic legal reform: the *maqāṣid al-shari'ah*-institutional model proposed by Asrorun Niam Sholeh, and the hermeneutic-individual model developed by Abdullah Saeed. Both emphasize the urgency of Islamic law's responsiveness to the dynamics of the times, but they depart from different epistemological frameworks. In addition, this study aims to identify the fundamental similarities and differences between the two, as well as their integration. This study employs a qualitative method through literature review and critical discourse analysis of Asrorun's legal framework through his works and influence on the Fatwa Commission of the Indonesian Ulema Council (MUI), as well as Saeed's academic works on contextual hermeneutics. The analysis shows that Asrorun developed a legal framework based on *maqāṣid al-shari'ah* through a collective institutional authority framework and emphasized reform from within the MUI through the recontextualization of the classical *fiqh* normative framework, while remaining open to social change. Meanwhile, Saeed promotes epistemological reform through a contextual hermeneutic approach that challenges traditional epistemological structures (literal authority over texts) and provides ample space for ethical rationality for universal ethical values in *ijtihad*. The integration of these two approaches results in an epistemological negotiation model that connects institutional structures and hermeneutic interpretive dynamics in the process of Islamic legal renewal. The implications of this comparison reveal both tensions and opportunities for dialogue between the internal reform model (insider reform) and more radical methodological transformation. These findings suggest that, despite their epistemological differences, both contribute to expanding the space for progressive legal reasoning in the face of modern-day complexities. This research contributes to the study of contemporary legal thought and the discourse on Islamic legal reform, particularly in articulating the relationship between text, context, and religious authority.

Keywords: Progressive Fatwa, Asrorun Ni'am Sholeh, Abdullah Saeed, Contextual Ijtihad, Islamic Law Reform

Introduction

Over time, with globalization and increasingly complex contemporary realities, classical *fiqh* is often considered insufficiently responsive in addressing new issues (Abdullah et al., 2013). Many modern social problems do not have a direct intersection in classical Islamic legal literature, so there is a need for a more contextual and progressive approach in legal thinking/reasoning, as an effort to bridge the gap between the text and the new realities faced by Muslims (Kamali, 2008). Progressive legal reasoning aims to respond to contemporary issues by integrating modernity with traditional Islamic principles (Rusli, 2014).

Progressive legal reasoning do not seek to abandon classical traditions but rather represent an effort to reinterpret normative texts and consider them in light of contextual social aspects (El

Commented [A1]: English has not yet met Scopus Q1 standards:

- Many long, ineffective sentences.
- Frequent repetition.
- Some technical terms are inconsistent (e.g., normative, hermeneutic, contextual).

Professional proofreading is mandatory.

Commented [A2]: Fundamental Weaknesses in the Originality Claim

The article lacks a clear "Q1-level" research gap and does not demonstrate significant novelty. Although the author claims to offer an "epistemological negotiation model," this concept remains:

- Descriptive, not analytical.
- Not built on a rigorous theoretical gap.
- Not supported by established theoretical frameworks such as:
- Epistemic hybridity (Bhabha),
- Systemic legal pluralism (Merry, Corradi),
- Normative integration theory (Raz),
- Hermeneutic fusion of horizons (Gadamer) as a solid foundation.

Suggested improvements:

Add an argumentative paragraph that demonstrates:

1. Why integrating *maqāṣid* + contextual hermeneutics is necessary NOW (global context: AI, bioethics, fintech, digital *fiqh*).
2. What existing studies lack (e.g., Auda, Rahman, and Kamali have not integrated institutional authority with transnational hermeneutics).
3. How your model solves the gap (clear, operational, and adoptable by fatwa institutions).

Commented [A3]: It should be revised to include:

- Research gaps
- New contributions
- Methods
- Key findings
- Theoretical and practical implications

Currently, it is too narrative and lacks focus.

Fadl, 2001). This idea is relevant to the ummah (Muslim community) seeking Islamic and functional answers to complex contemporary realities (Azra, 2013). Two figures who have emerged in this idea are Asrorun Ni'am Sholeh and Abdullah Saeed. Both represent two different but complementary approaches to issuing fatwas. The internal reformist approach originates from religious institutions and the transnational epistemological approach based on contextual hermeneutics (M. A. N. Sholeh, 2024). Asrorun, as part of the MUI Fatwa Commission, conducts Institutional Legal Reasoning by combining classical-traditional and responsive-progressive approaches based on *maqāṣid al-sharī'ah* to contemporary realities through the LIVING approach. Additionally, Abdullah Saeed does independent legal reasoning by coming up with a contextual hermeneutics and human rights framework to interpret the Quran through a socio-historical and moral lens (Saeed, 2005). Therefore, these two approaches need to be examined comparatively and comprehensively, as they reflect the tension between two poles and the potential for epistemic dialogue within the discourse on global Islamic legal reform.

Previous studies have highlighted the dynamics of progressive reasoning and the roles of its actors. For example, Hosen's (2004) study discusses fatwa authority and the reconstruction of Islamic law in Indonesia, focusing on the Indonesian Ulema Council (1975–1998) as an agent of normative change (Hosen, 2004). Meanwhile, the work by Saeed and Hasan (2006) elaborates on contextual hermeneutics in Qur'anic studies, which forms the primary foundation of Saeed's approach to Islamic law (Saeed, 2005). Additionally, several studies on progressive fatwas have explored aspects such as integrating modernity and tradition (Duderija & Zonneveld, 2021), moderation (Rusli, 2014), contextualism (Whyte, 2023), and value-based approaches (Ismail et al., 2021). However, no comparative-comprehensive study has explicitly brought together the ideas of progressive fatwas with the epistemological approaches of Asrorun and Saeed.

Therefore, this study aims to fill this gap by exploring methodological intersections, epistemological positions, and their contributions to the renewal of Islamic law. At least, this study will answer four questions: 1) How is the progressive legal reasoning model developed by Asrorun Ni'am Sholeh and Abdullah Saeed constructed? 2) What are the differences in the epistemological and methodological bases between their approaches, 3) How do their approaches position the relationship between text, context, and religious authority, and 4) What are the contributions of each approach to contemporary Islamic legal reform.

Progressive legal reasoning in contemporary Islamic legal reform involves a multifaceted approach that encompasses historicism, hermeneutics, *maqāṣid al-sharī'ah*, and integration with modern legal systems. These steps simultaneously aim to adapt Islamic law to be relevant to the realities of contemporary society. Asrorun, on one hand, offers an approach rooted in institutional frameworks and strong legitimacy, while Saeed, on the other hand, proposes an approach grounded in individual thought and a broad ethical scope. Both represent two different but relevant epistemic models in responding to the challenges of the times. Thus, theoretically, this study is expected to enrich the study of fatwa epistemology and provide new insights into contemporary Islamic legal reform dynamics.

Literature Review

1. Progressive Legal Reasoning in Islamic Legal Reform

Literature on progressive legal thinking in contemporary Islamic legal reform shows a methodological spectrum that combines traditional approaches and interpretive innovations to respond to modern social dynamics. Historicism, both in the form of progressive historical theory

and the use of history as a reference for text interpretation, serves as the initial foundation for framing legal change (Fadel, 2011). In line with this, Ibn Qayyim al-Jawziyyah's theory asserts that Islamic law is adaptive to variations in space, time, conditions, motives, and customs, which is relevant for the renewal of Islamic family law to remain in harmony with contemporary realities (Ningsih, 2025). At the institutional level, collective *ijtihad* (*al-ijtihād al-jamā'ī*), which developed in the 20th century, strengthened cooperation among scholars in formulating a methodological framework responsive to modern challenges (Makhlouf, 2020).

The framework of *maqāṣid al-sharī'ah* is an important pillar in linking Islamic legal reform with the principles of human rights and ethical objectivism, while bridging the differences between conservative and progressive groups (Johnston, 2007). In Indonesia, the rationality of *maqāṣid* has been widely implemented in accommodating social change without neglecting the five principles of protection of five basic things (Yusuf et al., 2024; Zaim & Eldeen, 2024). Nevertheless, significant challenges remain, such as in Malaysia, where the gap between popular legal awareness and core epistemological commitments in Islamic legal theory hinders reform, exacerbated by the perception that Islamic law is absolute and singular, which in turn reinforces conservative resistance (Moustafa, 2013).

2. *Maqāṣid* and Hermeneutic Legal Reasoning

The relationship between *maqāṣid al-sharī'ah* and hermeneutic legal reasoning shows significant conceptual synergy in efforts to reform Islamic law so that it remains relevant to social developments. *Maqāṣid al-sharī'ah*, which aims to protect religion, life, intellect, lineage, and property, has evolved from classical formulations to modern approaches (El-Mesawi, 2012; Nur et al., 2020; Takim, 2014; Yusuf et al., 2024). This framework has become an important instrument in adapting Islamic legal norms to the needs of society without compromising its fundamental principles (Helmy, 2022; Zaim & Eldeen, 2024).

Hermeneutic legal reasoning, on the other hand, focuses on the process of interpreting the texts of the Qur'an and Sunnah thematically and contextually, resulting in legal decisions that take into account the unity of meaning and social reality (Belhaj, 2013). Although there is debate regarding the limits of restructuring Islamic legal hermeneutics—between maintaining classical methodology and opening space for a more progressive collective approach (Hefni et al., 2025).

From a methodological perspective, research in this field generally adopts a qualitative and normative approach, combining empirical analysis with a philosophical-interpretive framework to examine the basic principles of Islamic law (Fauziah, 2023). The role of *ijtihad* becomes crucial, especially in responding to new complex issues to ensure that legal decisions remain aligned with the objectives of sharia (Fahrudin, 2021; Kamali, 2021). The contemporary *ijtihad* framework integrates the principles of *uṣhūl al-fiqh* and *qawā'id fiqhīyyah*, thereby strengthening the methodological basis for reform (Zahari & Safiai, 2025).

Method

This study is a qualitative study with a comparative approach. This approach is used to explore two models of progressive legal reasoning developed by Asrorun Ni'am Sholeh and Abdullah Saeed. The selection of these two figures is based on representative considerations: Asrorun reflects the institutional legal reasoning model rooted in fatwa authority and religious institutional structures in Indonesia, while Abdullah Saeed represents the independent legal reasoning model that has developed in the global academic sphere with a contextual hermeneutic style. Thus, this comparative study is not intended to assess the superiority of either approach, but rather to integrate them in order to find a form of epistemological negotiation that contributes to the reform of Islamic law.

Commented [A4]: Methodological Weakness

- The method is very general and does not meet standard Q1:
- No explanation of the analytical framework used.
 - No logic for selecting the two figures—it should be epistemologically strengthened, not just representative.
 - No clear coding, analytical categories, or comparative criteria.
 - No verification and validation of the analysis process.

Suggested methodological improvements:

The article should use one of the following approaches:

Comparative Epistemology Framework (Recommended)

Apply four comparative dimensions:

1. Epistemic sources (textual, rational, hermeneutic)
2. Authority structure (institutional vs. intellectual)
3. Methodology of legal reasoning
4. Impact on legal reform

Each dimension should be analyzed using primary citation data.

Add Analytical Model

Use:

- Critical Discourse Analysis (Fairclough) to assess the MUI's power structure.
- Hermeneutic methodology (Gadamer/Ricoeur) for Saeed.
- Systems thinking (Auda) for integration analysis.

The research data was obtained through literature studies, with data taken from works that describe methodological constructs, authoritative legitimacy, and the social context that influences the style of legal reasoning of each figure. Several fatwas were also presented in the study as examples of how the methodology of legal reasoning is carried out through fatwa products. The analysis process was carried out in several stages. First, examining the understanding of legal reasoning through an analysis of the literature written by both figures, including the ideological principles underlying their ideas. Second, analyzing how ideas and legal reasoning are produced in individual and collective works, such as books and fatwa documents, including how Asrorun negotiates religious authority with the need for legal reform, and how Saeed articulates hermeneutics as a strategy for Islamic renewal in the global academic context. Third, analyzing social practices in revealing the power structures, ideological positions, and socio-political dynamics that shape and are influenced by these two models of legal reasoning.

Thus, through this comparative approach, the study not only compares theoretical frameworks but also critiques the power relations and ideologies that may underlie the construction of legal reasoning. Thus, this study can identify epistemological common ground and tensions in order to formulate a possible model of integration between institutional authority and intellectual freedom in the renewal of Islamic law that is ethical, inclusive, and adaptive to social change. As for this study, the overall process of the method is inseparable from the use of artificial intelligence (AI). This study was specifically written by the author (human) and used artificial intelligence (AI) assistance in several technical aspects such as data display, reference management, paraphrasing (in several aspects), and translation (which has also been proofread by experts in the field). This process is part of adapting to the times while adhering to ethical standards in publication.

Results and Discussion

1. The Paradigm of Legal Reasoning in *Maqāṣid* Asrorun Ni'am Sholeh

Strategies for Islamic Law Reform: Integrating Maqāṣid al-Sharī'ah and Normative Fiqh

Asrorun Ni'am Sholeh is one of the leading figures in developing contemporary Islamic law in Indonesia, particularly in reforming fatwas through religious authority institutions. His background in Islamic boarding schools and academic experience on campus have shaped his unique approach to Islamic law. He is not merely bound by the literal meaning of the text, but also does not detach himself from the roots of the tradition. This integration is clearly seen in his view which prioritizes the *maqāṣid al-sharī'ah* paradigm, which emphasizes justice, public interest, and the protection of fundamental human rights. (Auda, 2007). Asrorun's *maqāṣid*-based orientation makes his ideas more adaptive to ever-changing social dynamics. He believes that religious texts cannot be fully understood without considering the social context and moral objectives behind them (A. N. Sholeh, 2024, p. 55).

In general, Asrorun's main ideas regarding the relationship between legal reasoning, *ushul fiqh*, and fatwa have produced several ideas. First, fatwa is not only a product of text, but also a living and dynamic element that is understood, applied, and used as a reference in public policy. Second, the symbiosis of fatwa (fatwa strategy), namely the relationship between the state (fatwa) and the state, which are interconnected and interdependent. Third, fatwa oriented towards *maslahat* must be directed towards tangible benefits. Fourth, progressive and responsive fatwa address contemporary social issues. Asrorun's thinking is influenced by his position at the intersection of Islamic boarding school/Islamic organization traditions and the academic/governmental world, so his influence is twofold: classical *ushul* and *fiqh* traditions (as a textual/theoretical foundation) and institutional experience (MUI, KPAI, and Ministries) that require a pragmatic-contextual approach. He also frequently refers to and interacts with contemporary religious policy figures (e.g., policies

Commented [A5]: The Results & Discussion Section Is Too Descriptive

This section is 80% descriptive, not analytical, critical, or debate-driven as standard Q1.

What's missing:

- Critical contradiction between two figures.
- Theoretical tension: *maqāṣid* vs. hermeneutics.
- Authority conflict: institutional vs. individual reasoning.
- Implications for Islamic legal pluralism.
- Global South vs. Global North epistemic politics.

Suggestion:

Change the structure to:

A. Points of Convergence (3–4 points)

Examples:

- Responsiveness to change
- Ethical orientation of law
- Rejection of textual absolutism

B. Points of Fundamental Tension (3–5 points)

Examples:

- Epistemic authority: collective vs. individual
- Source hierarchy: *turāts*-first vs. ethics-first
- Normative constraints vs. hermeneutic freedom

C. Implications for Islamic Legal Reform

Must include:

- Political influence on institutional fatwa (see Bowen, Hallaq).
- Digital fragmentation of authority (see Bunt, Whyte).
- Transnational tension: Indonesian institutionalism vs Western academic Islam.

influenced by MUI figures and national religious thinkers), so his thinking accommodates institutional religious discourse and public demands.

Asrorun Ni'am Sholeh has been the Chairman of the Fatwa Commission of the Indonesian Ulema Council (MUI). Through this position, he has played an important role in contributing significantly to the direction and substance of MUI fatwas. He carries out his duties by continuing to use classical *fiqh* as a fundamental normative reference. However, he also strives to develop an adaptive method of legal deduction (*istinbāt*) that responds to the dynamic social changes occurring in society. For example, in several fatwas addressing current issues, such as vaccination, the use of genetic engineering technology, and the halal status of rapidly developing digital products. (MUI, 2023).

Every fatwa that is issued must go through several stages, depending on the complexity and category of the legal issue at hand (A. N. Sholeh, 2024, p. 84): 1) Issues that are clear in terms of the law (*ma'lūm min al-dīn bi al-darūrah*): For cases that are *qath'i* (certain), fatwas are issued in accordance with established law. 2) Controversial issues (*khilafiyah*): two main approaches are used: a) *al-jam' wa al-tawfiq* (combining and reconciling different opinions to find common ground) (Oktiviana, 2023); b) If a common ground cannot be reached, the *tarjih* method (selection of the strongest opinion) is used through the *muqāranah* approach (comparison of arguments) based on the principles of *muqāran usūl al-fiqh*. 3) New issues (not found in the madhhab or *mu'tabar* books) are dealt with through *ijtihād jama'i* (collective) using the *bayānī* (textual) and *ta'lilī* (rational) approaches, using the methods of *qiyās*, *istihsān*, *ilhāq*, *sad al-zarā'i*, and other principles derived from the *manhaj* (school of thought) of the *mu'tabar* (authoritative) scholars.

The reform paradigm proposed by Asrorun Ni'am Sholeh is an effort to formulate a harmonious synthesis while maintaining the classical *fiqh* framework and intellectual courage to open up a more responsive contextual approach. One strategic step taken is to reconstruct the method of *istinbāt al-hukm*, considering universal values in Islam and the actual needs of contemporary society. Asrorun integrates three epistemological approaches simultaneously: *bayānī* (textual), *burhānī* (rational), and *'irfānī* (intuitive), a formulation that philosophically aligns with the thought of Muhammad 'Abid al-Jābirī (Al-Jābirī, 1990).

Characteristics of Institutional Fatwas: Authoritative Collectivity in the Influence of Asrorun's Legal Reasoning

One of the most distinctive characteristics of Asrorun Ni'am Sholeh's paradigm of thought is his emphasis on the importance of fatwas originating from institutions and prioritizing authoritative collectivity. He believes that issuing fatwas should not depend solely on the personal authority of a single scholar, but rather should emerge from a consultative forum that reflects the diversity of perspectives across schools of thought and fields of expertise. This principle is evident in the collegial working mechanism of the Indonesian Ulema Council (MUI), where the fatwa-issuing process involves experts from various disciplines, including Islamic jurisprudence, medicine, economics, and sociology.

For Asrorun, collective fatwas are not only a form of articulation of *maqāṣid al-sharī'ah* in legal substance, but also a manifestation of *maqāṣid* in the decision-making process itself. He emphasizes the value of *syūrah* (consultation) and the integration of a multidisciplinary approach as part of the ethical principles of issuing fatwas. This approach shows affinity with the thinking of figures such as Yusuf al-Qaradawi, but the difference lies in Asrorun's emphasis on systematic institutional work, rather than merely articulating personal thoughts (Qardhawi, 2001).

In a global context, Asrorun's approach is similar to the institutional fatwa model developed by religious institutions such as Dar al-Ifta' in Egypt and the mufti institution in Jordan, which both emphasize the importance of *ijtihād jamā'i* or collective *ijtihād*. However, Indonesia's pluralistic context regarding madhhabs and its inclusive society make this approach unique. Interestingly,

several studies have noted that the institutional approach to fatwa issuance influenced by Asrorun's thinking has not only had an impact at the national level but has also attracted attention among Muslim minorities abroad (Tayeb, 2020).

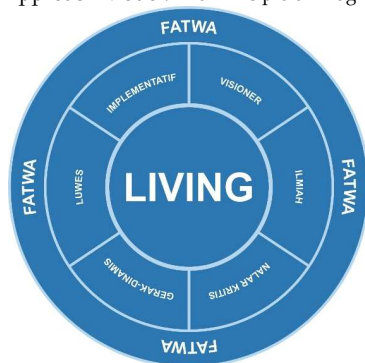
Several fatwas issued by the Indonesian Ulema Council under Asrorun Ni'am Sholeh's methodological approach reflect a responsive, contextual, and *maqāṣid al-sharī'ah*-based orientation. Some of these fatwas serve as concrete examples of the integration between Islamic normative values and the demands of contemporary reality, such as the fatwa on COVID-19 vaccination (M. A. N. Sholeh, 2020), the fatwa on reproductive technology, the fatwa on cryptocurrency transactions, and the fatwa on digital halal. These fatwas illustrate how the *maqāṣid*-based, collective, and multidisciplinary approach is not merely theoretical but is also practically implemented in formulating adaptive religious laws tailored to the needs of the times.

Meanwhile, research conducted by Syafiq Hasyim shows a similar trend. He notes that over the past two decades, fatwas issued by the MUI have transformed toward a more rational, inclusive approach emphasizing public interest (Hasyim, 2015). However, this approach is not without criticism. Some researchers, including Robin Bush, question the clarity of the MUI's position within the ambiguous institutional structure of the state, which straddles religious authority and proximity to the state, potentially blurring the independence of fatwas from political influence (Bush, 2009).

Asrorun Ni'am Sholeh and the Insider Reform Model

The approach to Islamic legal reform proposed by Asrorun Ni'am Sholeh can be categorized as insider reform, namely renewal from within the established religious structure through the Indonesian Ulema Council (MUI). Asrorun developed a principle for issuing fatwas called the LIVING approach, an acronym for *Luwes* (flexible), *Implementatif* (implementable), *Visioner* (visionary), *Ilmiah* (scientific), *Nalar-kritis* (critical thinking), and *Gerak Dinamis* (dynamic movement) (A. N. Sholeh, 2024, p. 55).

Picture 1: LIVING Approach Model: The Principle of Progressive Fatwa Asrorun



Source: from Asrorun's book on Reviving Fatwas and illustrated by the author

First, Flexibility (*Murūnah*): Fatwas must be flexible and adaptable in responding to the realities of people's lives. However, this flexibility should not be misinterpreted as *tasāhul* (easing without basis) or *tahakkum* (issuing fatwas without knowledge). Second, Implementative (*amaly, taṭbīqī*) emphasizes that the fatwa issued must be able to be implemented in real life in society. Third,

Visionary (*Mustaqbaliah*), the determination of the fatwa not only solves current problems, but also considers the future implications of the fatwa. This means that fatwas must be able to answer not only what is happening now, but also what may happen later (*nazar fī mā ālāt al-af'āl*).

Fourth, Scientific (*Manhaji*), Fatwas do not originate from unlimited free will (*bilā ḥudūd wa lā dawābit*), but must follow the *manhaj* (method) that has been compiled and developed by scholars through disciplines such as tafsir, hadith, *uṣūl al-fiqh*, and *qawā'id fiqhīyyah*. Fifth, Critical Reasoning (*Tafkīr-Naqdī*) in Asrorun's framework of thought stems from the need to obtain a complete *taṣawwur* of the issue, namely a comprehensive understanding of the case or problem at hand. Fifth, Dynamic Movement (*Ḥarakah-Tathawwuriyyah*), Fatwa is not understood as a static and final legal decision, but as a process of *ijtihad* that continues to move, develop, and respond to the dynamics of the times and the emergence of new issues (*masā'il jadīdah au mustajaddah*). A concrete example of the application of this approach can be seen in the following fatwa table:

Table 1. Analysis of the application of the LIVING framework in the Indonesian Ulema Council's Fatwa

Fatwa Name	Main Content of Fatwa	LIVING FATWA Analysis
MUI Fatwa No. 66 of 2022 concerning the Use of Zakat Funds for Disaster Management	- Zakat can be used for disaster relief if it falls under the categories of <i>fī sabilillāh</i> or <i>ghārim</i> . - Reinforcing the arguments of the Qur'an and hadith regarding the distribution of zakat, mutual assistance, and aid for those affected by disasters.	Flexible: Flexible in including disaster relief programs in the <i>mustahiq</i> (<i>fī sabilillāh, ghārim</i>) category. Implementable: Provides concrete guidance for BAZNAS/LAZ in the distribution of zakat. Visionary: Anticipating the impact of disasters and expanding the scope of zakat. Scientific: Using arguments from the Qur'an, hadith, and <i>fiqh</i> rules on <i>maṣlahah</i> . Critical Thinking: Considering Indonesia's geographical realities, social vulnerabilities, and public policy needs. Dynamic Action: Responding to disaster phenomena and mitigation.
MUI Fatwa No. 80 of 2022 concerning Products/Materials that Must be Tested in a Laboratory	- Food products, medicines, cosmetics, and so on must be tested for halal compliance (pork contamination, alcohol, and water permeability). - Sharia basis: the command to consume what is halal, the prohibition of pork/ <i>khamr</i> , and the concept of <i>syubhat</i> .	Flexible: Adapting to developments in food technology and industry. Practical: Establishing practical guidelines for halal auditors and industry. Visionary: Anticipating the complexity of future products. Scientific: Using the principles of the Qur'an and hadith, as well as the <i>fiqh</i> rule of " <i>al-aṣlu fī al-ashyā' al-ibāḥah</i> ". Critical Thinking: Responding to industrial contamination risks and health hazards. Dynamic Movement: Encouraging innovation in halal supervision.
Fatwa Ijtima' Ulama VIII (2024) concerning Zakat for Youtubers, Instagram Celebrities & Digital	- Content creators' income is subject to zakat if it reaches the <i>niṣāb</i> threshold. - Haram content: income is not subject to zakat and	Flexible: Accepts various types of professions in professional zakat. Applied: Provides technical guidance on the amount of zakat. Visionary: Responds to the ever-evolving phenomenon of the digital economy. Scientific: Uses arguments from the Qur'an, hadith, and <i>qiyas</i> . Critical Thinking: Considers the

Creative Actors	Economy	must be distributed for social purposes.	social impact of content that is not in accordance with Sharia law (gossip, slander, pornography). Dynamic Movement: Responds to changes in the digital economy structure.
Seventh Ulama (2021) on Cryptocurrency Law	Ijtima'	<ul style="list-style-type: none"> - Cryptocurrency as currency: prohibited (<i>gharar</i>, <i>darar</i>, <i>qimār</i>). - Cryptocurrency as a commodity: not valid unless it has underlying assets and is free from <i>gharar/darar</i>. 	<p>Flexible: Understanding the two positions of cryptocurrency (as currency and commodity), not closing it completely but applying strict conditions. Applicable: Providing guidance for regulators, investors, and the public. Visionary: Seeing the development of the global digital economy. Scientific: Using the principles of usury, prohibition of <i>gharar</i>, <i>qimār</i>, and <i>sil'ah</i> in <i>fiqh al-mu'āmalah</i>. Critical Thinking: Analyzing economic factors and social risks. Dynamic Action: Responding quickly to rapidly developing blockchain technology innovations.</p>
MUI Fatwa No. 65 of 2022 on Zakat Fitrah		<ul style="list-style-type: none"> - Explanation: Is it permissible to pay zakat <i>al-fiṭr</i> with money, the deadline for payment, early payment, types of staple foods, and so on. 	<p>Flexible: Allows for the payment of zakat <i>al-fiṭr</i> in cash. Feasible: Provides technical guidance. Visionary: Anticipates the need for rapid and effective distribution. Scientific: Uses arguments from the Qur'an, hadith, and <i>qiyas</i>, as well as the principles of <i>fiqh al-taysīr</i> and <i>maṣlaḥah</i>. Critical Thinking: Considers social conditions in distribution. Dynamic Movement: Adapts to changes in consumption patterns and modern logistics.</p>

Source: data processed by the author

Based on the table above, it reveals that the pattern of legal deduction is not only based on religious texts in a normative manner but also uses contextual *uṣūl al-fiqh* methods, thus providing an overview that fatwas move within the classical tradition while also being responsive. These fatwas demonstrate a flexible dimension and dynamic movement in that legal interpretations do not originate from the dynamics of society. Likewise, the Implementative and Visionary dimensions of fatwas provide practical guidelines for institutions, the state, zakat administrators, halal auditors, and the general public. Furthermore, the scientific and critical reasoning dimension of the fatwas demonstrates the use of normative arguments found in the Qur'an, hadith, *ijma'*, and *qiyas*, combined with social analysis.

For example, in fatwas on zakat funds and professional zakat, fatwas use the *uṣūl al-fiqh* approach of *maṣlaḥah mursalah*, which is used as a legal argument (basis) if it does not contradict the text. In fatwas related to food technology and cosmetics issues, the fatwa methodology uses the *qiyas* (analogy) method to extend the '*illah*' (legal rationale) from one context to another new context through scientific evidence. Johanna Pink notes that modern fatwa institutions often integrate religious and scientific authorities as sources of legitimacy. Thus, *qiyas* is not only positioned textually, but also through empirical evidence.

Similarly, in the cryptocurrency fatwa, which uses the *sadd al-zarī'ah* method, namely prevention of potential *mafsadah* because it contains elements of *gharar* (uncertainty). This shows that

the *istinbāt* fatwa method not only considers normative aspects, but also takes into account aspects of prudence. Overall, the above fatwas illustrate the framework of LIVING fatwas that are explicitly described, as well as in terms of methodology that emphasizes the harmonious integration of classical *uṣūl al-fiqh* and contemporary social analysis. Thus, fatwas are not only normative legal products, but also play a role in shaping ethics and morals in the development of Islamic law, especially in Indonesia.

The idea of living fatwas and the methodology for determining fatwas has contributed to a progressive framework in the discourse on Islamic legal reform in Indonesia. Fatwas are not only archival products but also products that live in society, interact with public policy, and respond to social issues. Although the idea of living fatwa is strong normatively, it still has conceptual and methodological limitations that need to be discussed. This is not intended as criticism but rather to fill the academic gap in making living fatwa a scientific and more measurable discourse of Islamic legal reasoning. First, the concept of living fatwa is placed as a framework for formulating fatwas, so that they are implemented by society and not merely as textual documents. However, this concept has not been equipped with evaluative instruments to ensure that fatwas are truly alive in the social practices of society.

Second, the concept of living fatwa emphasizes the existence of scientific methodological procedures. However, this is still prone to institutional bias, especially when fatwa institutions interact with complex political, social, and bureaucratic landscapes. According to Hallaq, Islamic legal institutions are inseparable from value systems and are shaped by state structures. Thus, it is highly likely that fatwa issuance is influenced by power and political structures. Third, the concept of living fatwa ideally provides direction for public policy (symbiotic relations), although it seems attractive, it carries the risk that fatwas will be co-opted by the logic of the state. An-Na'im asserts that when religion and the state system are directly integrated, religion can indirectly lose its moral position because it is subject to political mechanisms.

Fourth, although this concept is oriented towards *maṣlaḥah/maqāṣid*, there is still confusion regarding the priority of *maṣlaḥah* when there is a conflict of values. For example, between the protection of life and religion, between economic stability and distributive justice. Abou El-Fadl reminds us that *maṣlaḥah* should not be used as an excuse to justify a pragmatic approach that ignores moral and inclusivity dimensions. Fifth, although this concept emphasizes relevance, acceptance, and social implementation, it still tends to focus on institutional procedural aspects and does not touch on communication strategy aspects. In the digital age, communication strategies are very important in conveying a message, including fatwas. Bunt explains that in this era of technological advancement, religious authority no longer comes exclusively from scholars, but is influenced by the dynamics of digital media.

2. The Hermeneutic Legal Reasoning Paradigm of Abdullah Saeed

Epistemic Reform Through Contextual Hermeneutics

Abdullah Saeed is widely recognized for his significant contributions in developing a contextual hermeneutic approach to the Qur'an and Islamic law. Although Abdullah Saeed's early thinking was influenced by conservative views, his intellectual direction underwent a significant shift during his postgraduate studies in Australia. This academic phase marked a crucial turning point in the development of his thought. Immersed in a multicultural environment and engaged in open academic discourse in Australia, he was encouraged to reconsider the relationship between sacred texts and their historical and social contexts (Saeed, 2006). Saeed has a very diverse educational background. He majored in Middle Eastern studies, applied linguistics, and Islamic studies. As a lecturer, Saeed teaches various subjects such as Islamic foundational texts, Islamic legal

methodology, Qur'anic hermeneutics, Religious Freedom in Asia, Islam and Human Rights, and Islam and Muslims in Australia. He was also involved in interfaith meetings, which broadened his horizons regarding the current global situation. At the University of Melbourne, Abdullah Saeed held the position of Chair of Islamic Studies as well as Director of the National Centre of Excellence for Islamic Studies (NCEIS).

One of Abdullah Saeed's most significant contributions to Islamic legal reform lies in his sharp critique of the literalist approach to interpreting the Qur'an. He argues that the tendency to interpret the text without considering the historical and social contexts in which the verses were revealed has led to stagnation in the development of Islamic law (Saeed, 2005). In his various work, Saeed points out that the world has changed so much over the last 150 years that there's now a huge gap between Islamic studies and what Muslims need to deal with these changes. Saeed not only highlights technological issues where Islamic scholarship is clearly lag behind. He also addressed contemporary social and humanistic issues such as education, literacy, human dignity, interfaith relations, the emerge of nation state in Islam,¹ and human rights,² which urge Muslim scholars to formulate more contextual Islamic thought.

In his work *Interpreting the Qur'an: Towards a Contemporary Approach*, Saeed emphasizes that an interpretation solely focused on the literal meaning of the Qur'anic text is insufficient to address the complexities of modern life. He critiques traditional *mufasssirin* who, in his view, often neglect the socio-historical context of the revelation and fail to adequately distinguish between the realities of past societies and the evolving demands of the contemporary world (Saeed, 2005).

Saeed proposes an idea he calls the contextualist approach, a method that emphasizes the importance of understanding the Qur'an comprehensively by taking into account its historical aspects, universal moral values, and the ethical orientation of Islamic teachings. (Saeed, 2005). With this approach, his contributions are not only relevant at the theoretical level but also have practical applications in addressing the challenges faced by Islam in the modern era.

Abdullah Saeed has consistently led an epistemological reform in Islamic legal thought through the contextual hermeneutic approach he developed. He proposes a layered method of reading the Qur'an that includes: (1) the historical context of the revelation, (2) the context of classical tafsir or interpretive tradition, and (3) the contemporary context or modern application. This approach aims to reconstruct the epistemological framework of Islam to be more open, adaptive, and socially responsible (Saeed, 2005). In epistemological discussions, Saeed's contextual interpretation is greatly influenced by several of his predecessors, such as Nasr Hamid Abu Zayd, Hans-George Gadamer, and especially Fazlur Rahman. From Nasr Hamid, Saeed adopts a textual approach in which a term in the Qur'an changes meaning from one period to another. From Gadamer³, Saeed discovered the importance of understanding the horizon of the author and reader in interpreting a text. Finally, Saeed himself acknowledges that his hermeneutical method refines the interpretive general guidelines⁴ proposed by Fazlur Rahman⁵, particularly in his book *Major Themes of the Qur'an*.

According to Saeed, contextual hermeneutics is not merely a methodological technique but an important intellectual project aimed at affirming that Islam is a religion compatible with the values

¹ Saeed, Abdullah. *Interpreting the Qur'an: towards a contemporary approach*. Taylor & Francis, 2005.

² Saeed, Abdullah. *Human rights and Islam: An introduction to key debates between Islamic law and international human rights law*. Edward Elgar Publishing, 2018.

³ Gadamer, Hans-Georg. *Truth and method*. A&C Black, 2013.

⁴ Saeed, Abdullah. *Interpreting the Qur'an*, 128.; Saeed, Abdullah. "Progressive Interpretation and the Importance of the Socio-Historical Context of the Qur'an." dalam *Islam, Woman and New World Order: an International Conference Proceedings*, Yogyakarta: PSW UIN Sunan Kalijaga. 2006.

⁵ Fina, Lien Iffah Na'atu. "Interpretasi Kontekstual Abdullah Saeed: Sebuah Penyempurnaan Terhadap Gagasan Tafsir Fazlur Rahman." *dalam Jurnal Hermeneutik* 9.1 (2015): 65-89.

of democracy, pluralism, and social justice (Arkoun, 2002; Zayd et al., 2006). Saeed argues that fatwas should be contextual, flexible, and open to social change through this framework. He firmly rejects the view that positions Islamic law as a sacred and unshakable (immutable) normative system, and calls for the process of *ijtihad* to be understood as a creative and dynamic intellectual activity, always bound to the ever-changing social reality.

According to Saeed, the textual approach has limited the meaning of the verses of the Qur'an, especially the ethical-legal verses, to the understanding of the early generations, thus closing the space for new interpretations following the socio-cultural context of Muslims today. *First, Complexity of Meaning (Ta'addud Al-Ma'na)*. One of the essential foundations of this approach is the principle of complexity of meaning. For Saeed, meaning is not singular, static, and absolute, but rather complex, dynamic, and contextual (Fina, 2011). He identifies several reasons why meaning in the Qur'anic text must be understood as open and evolving. *Second, Socio-Historical Context*. Within the framework of epistemological reform proposed by Abdullah Saeed, understanding the socio-historical context is essential to interpreting the Qur'an contextually (Fina, 2011, p. 154). Saeed rejects the notion that the Qur'an was revealed in a vacuum because, in reality, revelation was sent down to an Arab society with complex social, cultural, and political structures influenced by surrounding civilizations. *Third, Hierarchy of Values in Ethic-Legal Texts*. Within the framework of Abdullah Saeed's contextual hermeneutics, the principle of value hierarchy in ethical-legal verses (law and ethics) is a crucial pillar in reinterpreting religious texts to remain relevant to contemporary developments (Wahidi, 2016, p. 22). For Saeed, not all verses of the Qur'an carry the same normative weight; therefore, categorization is necessary to distinguish between those that are fixed and those that are flexible in context.

First, obligatory values are universal and principled values that remain unchanged across time (Asroni, 2021, p. 120). These include theological aspects such as the pillars of faith, the main practices of worship commanded in the Qur'an, and explicit prohibitions and commands regarding what is *halal* and *haram*. Second, fundamental values are ethical values repeatedly emphasized in the Qur'an and considered the basic principles of Islamic teachings (Zaini, 2014). Third, protective values function as guardians and protectors of fundamental values. Fourth, implementational values are specific actions to carry out protective values. An example is the punishment of cutting off the hand of a thief as stated in the Qur'an. And fifth, instructional values are policies or legal decisions issued following the specific situation when the verse was revealed.

The most important aspect of Saeed's proposal in his hermeneutic theory is the hierarchy of values in the verses of the Qur'an. For him, before beginning to interpret and learn lessons from the verses of the Qur'an, a reader must first determine the level of the hierarchy of values in those verses. By determining this hierarchy, a reader can accurately determine whether a verse is mutable or immutable. In addition, this hierarchy can help interpreters extract appropriate values as ethical or legal guidelines. These ethical-legal guidelines are the key to contextualising the Qur'an in accordance with contemporary changes.⁶

Characteristics of Individual-Based Legal Reasoning: Abdullah Saeed and Practical Contributions

Unlike figures such as Asrorun Ni'am Sholeh, who plays a role in official institutional structures such as the Indonesian Ulema Council (MUI), Abdullah Saeed presents himself as a public intellectual who expresses his views in academic circles and international discourse. He does not issue fatwas in a formal institutional format, but instead conveys normative opinions through scientific writings and academic forums, which are often referenced in international discourse.

Some of his views on Islamic legal reasoning represent a progressive and contextual approach to responding to contemporary issues. First, on the issue of religious freedom, Saeed openly rejects

⁶ Saeed, Abdullah. *Interpreting the Qur'an*, 129.

the legitimacy of the death penalty for apostates (Saeed, 2017). Secondly, regarding women's inheritance rights, he proposes a reinterpretation of the inheritance distribution ratio of two to one between males and females, taking into account the changing social and economic roles of women in the modern era (Zayd et al., 2006). Thirdly, on the issue of LGBT, Saeed adopts a cautious yet progressive stance. He does not explicitly legitimize homosexual behavior but calls for a more empathetic, ethical, and non-discriminatory approach towards Muslim LGBT individuals. (Saeed, 2018).

Although not legally binding, Saeed's views have made a significant contribution to shaping progressive Islamic discourse on the global stage. Abdullah Saeed believes that one of the fundamental errors in contemporary Islamic legal practice lies in the neglect of ethical rationality and universal values, which are the core of Islamic teachings. In his various scholarly works, he emphasizes that the process of *ijtihad* should not rely solely on textual structures such as *nash* and *qiyās*, but must also be rooted in ethical principles that uphold public interest and justice as normative goals (Saeed, 2005). Saeed's commitment to these ethical values is also evident in his views on legal issues concerning women and family. He advocates for the reinterpretation of certain verses related to polygamy, inheritance systems, and women's testimony, encouraging a renewed understanding grounded in justice and gender equality (Saeed, 2018).

3. Epistemological Similarities and Differences between Asrorun Ni'am Sholeh and Abdullah Saeed

After thoroughly examining Asrorun Ni'am Sholeh's progressive fatwa model and Abdullah Saeed's contextual approach, both appear to be essential representations of contemporary efforts to reform Islamic law.

Multidimensional Approach within the Framework of Legal Reasoning: Text, Context, and Methodology

Although they come from different geographical, institutional, and cultural backgrounds, both have developed Islamic legal epistemologies that emphasize responsiveness to the dynamics of the times. However, there are important differences in their epistemological perspectives.

First, Approach to Text

Asrorun Ni'am Sholeh, in his legal reasoning, continues to regard the text as the primary source of law. He uses the traditional *bayānī* (textual) method combined with the *maqāṣid* approach to provide breadth in interpretation. For Asrorun, the text cannot be understood separately from the tradition and discipline of *fiqh*, especially those developed in *pesantren* (Islamic boarding schools) and religious institutions such as the MUI. Therefore, his approach to the text greatly respects the authority of *turāts* (classical heritage), while opening up contextual space.

In Addition, for Asrorun understanding the text cannot be separated from the established tradition of *fiqh* scholarship, especially one that has grown and developed in *Pesantren* (Islamic boarding school) environments and authoritative institutions such as the Indonesian Ulema Council (MUI) (M. A. N. Sholeh, 2018). In contrast, Abdullah Saeed views the text of the Qur'an as a product of historical communication between God and humanity in the context of the 7th century. Therefore, his understanding emphasizes the contextual layers of revelation (*asbāb al-nuzūl*), and he deconstructs the boundaries between text and context more openly (Saeed, 2005).

Second, Position on Social Context

Asrorun Ni'am Sholeh believes that Islamic legal products must be formulated through collective institutional mechanisms and under the authority of religious scholars. He emphasizes that contextual considerations must not be separated from the discipline of *fiqh* and formal institutional procedures. Although responsive to change, Asrorun's *ijtihad* remains within the framework of collective deliberation and established traditional discipline.

In contrast, Abdullah Saeed views context not merely as the background of the text but as an integral part of meaning-making. In his perspective, the legal norms in the Qur'an are contextual and cannot be fully understood without considering the social and historical dimensions of the circumstances in which the text was revealed (Saeed, 2017).

Thus, the fundamental difference between the two lies in their views on authority and flexibility in *ijtihad*. Asrorun places greater emphasis on collective methodological caution and maintaining continuity with the scholarly tradition. At the same time, Saeed places greater emphasis on epistemological courage, openness to global values, and the reinterpretation of Islamic law within the framework of universal justice.

Third, Ethics in Legal Reasoning Methodology

Asrorun Ni'am Sholeh remains grounded in classical Islamic legal ethics, enriched through the framework of *maqāṣid al-sharī'ah* to expand the scope of *ijtihad* to contemporary realities. While opening space for contextual interpretation, he remains committed to the methodological boundaries and *fiqh* norms firmly established in the Islamic scholarly tradition. On the other hand, Abdullah Saeed focuses on universal ethical values as the foundation for forming Islamic law. Principles such as justice, religious freedom, gender equality, and respect for human dignity are the main framework for reconstructing Islamic legal thought (Saeed, 2018).

Thus, the fundamental difference between the two lies in their epistemological emphasis: Asrorun builds reform from within the traditional *fiqh* framework by incorporating *maqāṣid* to expand the law. At the same time, Saeed starts from global ethical values to reinterpret Islamic law to be more responsive to the demands of modern times.

Sources of Epistemic Legitimacy and Models of Authority

Asrorun Ni'am Sholeh gained religious legitimacy through three pillars that reinforce each other. First, the authority of classical Islamic tradition and intellectual heritage (*turāts*). Second, he was in major religious institutions such as the Indonesian Ulema Council (MUI) and Nahdlatul Ulama (NU). Third, his involvement in state structures (M. A. N. Sholeh, 2020). On the other hand, Abdullah Saeed builds his legitimacy through a different path: academic excellence, consistency in formulating arguments, and global influence gained through scientific publications and participation in international intellectual forums (Duderija, 2014).

The model of authority promoted by Asrorun Ni'am Sholeh is rooted in institutional structures and the principle of collectivity. He positions himself as part of a line of scholars working within the formal framework of religious institutions, such as the MUI and NU, with full awareness of the social, political, and moral responsibilities accompanying this role (A. N. Sholeh, 2024). In contrast, Abdullah Saeed develops an authority model that is individual, academically based, and grounded in moral credibility as a public intellectual. He rejects forms of religious authority that are exclusive and rigid, closing the door to innovation and legal reform (Saeed, 2005).

Thus, Asrorun represents a typology of Islamic authority rooted in structural and communal legitimacy. In contrast, Saeed represents a model of authority derived from individual intellectual capacity and moral courage to offer alternative interpretations of Islamic heritage in an ever-changing global landscape.

Table 2: Substantive Similarities and Differences in Thought

Aspects	Asrorun Ni'am Sholeh	Abdullah Saeed	Similarities
Social Background	Islamic boarding schools & national institutions (NU, MUI)	Global & transnational academia (Australia)	Both have a background in

			Islamic higher education
Textual Approach	Traditional-reconstructive (<i>bayānī</i> + <i>maqāṣid</i>)	Contextual hermeneutics	Both use <i>maqāṣid al-sharī'ah</i>
Social Context	Processed through institutionalization and collective <i>ijtihād</i>	Treated as an integral part of the meaning of the text	Both respond to contemporary realities
Fatwa Authority	Institutions (fatwa commissions) and deliberative councils	Individuals and academics	Both have public influence
Sources of Legitimacy	MUI, NU, state law	Academic, human rights, <i>maqāṣid</i>	Both reject textual legalism alone
Legal Ethics	Protection of interests within the framework of <i>fiqh</i>	Rights, freedom, and social justice are key ethical values	Islamic ethics as the basis for <i>ijtihād</i>
Fatwa Products	Formal, collective, legal, and social	Individual, academic, and moral opinions	Equally responsive to modern issues
Type of Reform	Normative reform based on <i>maqāṣid</i> within the framework of <i>turāts</i>	Epistemological and hermeneutical reform	Avoiding textual extremism

4. Contribution to Islamic Legal Reform: The Epistemological Negotiation Model of Islamic Legal Reasoning

Contemporary Islamic legal reform faces epistemological tensions between institutional religious authority and academic intellectual freedom. This tension is evident in two main approaches: the institutional legal reasoning model represented by Asrorun Ni'am Sholeh, and the independent legal reasoning model based on contextual hermeneutics developed by Abdullah Saeed. Both depart from the same concern about the stagnation of Islamic law, but take different paths in responding to the challenges of modernity and pluralism in Muslim societies.

Contemporary Islamic legal reform essentially faces an epistemological dialectic between institutional authority and intellectual freedom of thought. This dialectic is evident in two main approaches, namely: legal reasoning based on *maqāṣid al-sharī'ah* by Asrorun Ni'am Sholeh and legal reasoning based on contextual hermeneutics developed by Abdullah Saeed. Both depart from concerns about the stagnation of Islamic law, albeit through different legal paths and approaches in responding to the challenges of modernity.

Asrorun Ni'am Sholeh seeks to develop institutional *ijtihād* through the Indonesian Ulema Council (MUI) based on *maqāṣid al-sharī'ah* in order to strengthen social legitimacy, remain relevant

Commented [A6]: The "Epistemological Negotiation" Model Is Not Yet Theoretical

The model is still a descriptive diagram, without:

- a philosophical foundation,
- an epistemological foundation,
- integration parameters,
- an epistemic conflict mechanism.

Suggestion:

Build a model with the following components:

(1) Foundational layer:

Text–context–maqāṣid ontological triad.

(2) Process layer:

Hermeneutic cycle: text → context → reinterpretation → re-authorization.

(3) Authority layer:

Institutional legitimacy × academic legitimacy.

(4) Outcome layer:

Adaptive reform → legal pluralism → dynamic *fiqh* ecology.

Use the following theories:

- Gadamer's fusion of horizons,
- Rahman's double movement,
- Auda's systemic *maqāṣid*,
- legal pragmatism (Posner).

to the times, and adapt to contemporary issues. Meanwhile, Saeed is attempting to reform Islamic law through a contextual hermeneutic approach using the methodology of tafsir, which is a re-reading of the text of the Qur'an.

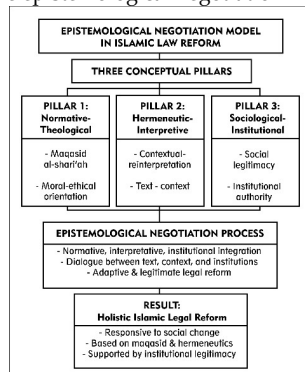
These two approaches often run parallel to each other and are even separate in Islamic legal studies. There has been no attempt to integrate the two in the effort to reform Islamic law. However, as mentioned by Hallaq (2009) and Kamali (2008), Islamic legal reform will be successful if it can integrate multidimensional epistemology. Therefore, there needs to be an epistemological negotiation model, namely an approach that can bridge institutional structures and hermeneutic interpretation dynamics in the process of Islamic legal reform.

This model is based on the belief that Islamic legal reform cannot proceed effectively if it is based solely on formal authority, but must also have epistemological, moral, ethical, and adaptive depth in response to social change. Jasser Auda (2007) argues that Islamic legal reform must shift to a systemic approach that takes social dimensions into account.

The epistemological negotiation model is based on three interrelated conceptual models. First, the normative-theological foundation based on the *maqāṣid al-sharī'ah* approach as the main principle of sharia objectives, as developed by earlier scholars and institutionally applied by Asrorun. This foundation provides moral direction, basic norms, and sharia objectives as the basis for reform. Second, the hermeneutic foundation based on the reinterpretation of Qur'anic texts in accordance with the social, political, and cultural contexts, as proposed by Saeed (2005) and previously by Nasr Abu Zayd (2006). This foundation provides a mechanism for re-reading texts to make them relevant to contemporary social dynamics. Third, a sociological-institutional foundation, namely the existence of social legitimacy through institutional roles, authority structures, and public acceptance in the application of Islamic law, as analyzed by Bowen (2003) and Hallaq (2009). This foundation concretizes the implementation of the interpretation of norms into policies that have strong legitimacy.

In practice, this model can operate through a multi-level and continuous dialogue process between the conceptual-normative stage, contextual interpretation, and implementation.

Diagram 1. Schematic of the epistemological negotiation model in Islamic Law Reform



Source: edited by the author

Based on the diagram above, in the initial stage, scholars analyze normative aspects using the *maqāṣid* approach. Next, they perform contextual interpretation through a hermeneutic approach, reinterpreting Islamic legal texts in the context of society. Then, the results of this reading are tested

and institutionalized through formal legitimization by institutions such as fatwa-issuing bodies or similar entities in order to give them force. Next is the synthesis process by conducting epistemological negotiations, namely by comprehensively integrating text, context, and institutions so that legal reform is comprehensive and effective. Thus, the result is adaptive Islamic legal reform through responsive policies, progressive fatwa products, and acceptance by the community.

Thus, this model can contribute to three main areas, namely: epistemically, this model can serve as a bridge between ethical and institutional *ijtihad* by rejecting the liberal-conservative dichotomy that is often debated in Islamic law. Methodologically, this model can provide a framework for dialogue, discussion, and even integration between *maqāṣid*, hermeneutics, and institutionalism. Socially, this model can provide a model of *ijtihad* that is responsive to contemporary issues such as gender, human rights, and pluralism. Thus, it can be said that this model is not only conceptual but also applicable and operational, encouraging collective *ijtihad* in Islamic legal reform.

Thus, this model is also in line with the arguments of Rahman (1982) and Kamali (2003), that Islamic legal reform must go through a dialectic between normativity towards the text and openness to context. Thus, there is a balance between methodological stability and epistemological openness, showing that the epistemological negotiation model provides a new paradigm in Islamic legal reform that is adaptive, transformative, and inclusive. Ultimately, the dialectic between these two approaches does not serve to reinforce the dualism of Islamic legal thought, but rather as a creative dialectic that opens up new approaches to Islamic legal reform.

Conclusion

This comparative study reveals the epistemological dynamics in the renewal of Islamic law by comparing two key figures: Asrorun Ni'am Sholeh and Abdullah Saeed. Asrorun develops a progressive legal reasoning based on *maqāṣid al-sharī'ah* through a structured collective and institutional approach within the Indonesian Ulema Council (MUI) to integrate *maqāṣid al-sharī'ah* into the classical *fiqh* structure to address contemporary issues. This model is referred to as reform from within, emphasizing methodological stability and socio-political legitimacy through the authority of ulama and the state. On the other hand, Abdullah Saeed advocates epistemological reform through a contextual hermeneutic approach that challenges literal authority and opens space for ethical interpretation based on universal values such as justice, freedom, and equality. He represents the voice of progressive Islam in international forums, despite facing challenges in social acceptance among conservative Muslims.

The integration of these two approaches results in an epistemological negotiation model that connects institutional structures and hermeneutic interpretive dynamics in the process of Islamic law reform. This comparison highlights the epistemological tension between internal reform models and radical methodological transformation, while also offering opportunities for constructive dialogue. Both contribute to broadening the horizons of progressive legal thinking to be more inclusive, contextual, and oriented toward public ethics. Therefore, creative integration between institutional stability and epistemological courage is crucial in formulating a relevant and meaningful legal framework within the global social order. These findings enrich the study of contemporary Islamic legal thought and significantly contribute to the discourse on Islamic legal reform, particularly in understanding the relationship between text, context, and religious authority in the modern era.

Acknowledgement

The authors would like to thank the Education Fund Management Institution (LPDP) of the Republic of Indonesia for its support in publishing this scholarship recipient's work. In addition, we would

like to thank the authors' respective institutions for their support of this research. We would also like to thank all those involved in this research for their contributions.

Conflict of Interest

All authors of this manuscript declare that they have no conflicts of interest.

References

- Abdullah, A. B., Ramli, M. A., Jamaludin, M. A., & Marinsah, S. A. (2013). Postmodernism Approach in Islamic Jurisprudence (Fiqh). *Middle-East Journal of Scientific Research*, 13(1), 33–40. <https://doi.org/10.5829/idosi.mejsr.2013.13.1.1756>
- al-Jauziyyah, I. Q. (2022). *I'lam al-Muwaqqi'in 'an Rabb alAlamin* (Juz 4). Dar Ibnu al-Jauziyyah.
- Al-Jabiri, M. (1990). *Bunyah al-'Aql al-'Arabi*. Center for Arab Unity Studies.
- Alnizar, F. (2025). The Language of Exclusion: Ideology and Power in the Fatwa of the Majelis Ulama Indonesia on Ahmadiyah. *Journal of Islamic Law*, 6(1), 67–88. <https://doi.org/10.24260/jil.v6i1.3338>
- Asroni, A. (2021). Penafsiran Kontekstual Al-Qur'an: Telaah atas Pemikiran Abdullah Saeed. *Living Islam: Journal of Islamic Discourses*, 4(1). <https://doi.org/10.14421/lijid.v4i1.2782>
- Auda, J. (2007). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The International Institut of Islamic Thought.
- Azra, A. (2013). Contemporary Islamic Law in Indonesia: Shari'a, Legal Pluralism, and National Law. *Studia Islamika*, 20(1).
- Belhaj, A. (2013). The reform debate: Al-Marzūqī and al-Būti on the Renewal of Usūl al-fiqh. *Ilahiyat Studies*, 4(1), 9–24. <https://doi.org/10.12730/13091719.2013.41.68>
- Bowen, J. R. (2003). *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (1st ed.). Cambridge University Press. <https://doi.org/10.1017/CBO9780511615122>
- Bush, R. (2009). *Nahdlatul Ulama and the Struggle for Power within Islam and Politics in Indonesia*. ISEAS Publishing. <https://doi.org/10.1355/9789812308795>
- Duderija, A. (2014). *Constructing a Religiously Ideal Believer and Woman in Islam*. Palgrave Macmillan. <https://doi.org/10.1057/9780>
- Duderija, A., & Zonneveld, A. O. (2021). Transnational Progressive Islam: Theory, Networks, and Lived Experience. In *Handbook of Contemporary Islam and Muslim Lives* (Vol. 2, pp. 1189–1210). Scopus. https://doi.org/10.1007/978-3-030-32626-5_100
- El Fadl, K. A. (2001). *Speaking in God's Name: Islamic Law, Authority, and Women*. Oneworld Publications.
- El-Fadl, K. A. (2001). *Speaking of God's Name; Islamic Law, Authority and Women*. Oneworld Publications.
- El-Mesawi, M. E.-T. (2012). From al-Shatibi's legal hermeneutics to thematic exegesis of the Quran. *Intellectual Discourse*, 20(2), 189–214.
- Fadel, M. (2011). Is historicism a viable strategy for Islamic law reform? The case of “never shall a folk prosper who have appointed a woman to rule them.” *Islamic Law and Society*, 18(2), 131–176. <https://doi.org/10.1163/156851910X537793>
- Fahrudin. (2021). Nalar Konstruktif Maqashid Syariah Dalam Studi Hukum Islam (Sebuah Studi Pengantar dalam Ilmu Maqashid Syariah). *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 6(1), 35–52. <https://doi.org/10.22515/alahkam.v6i1.3744>
- Fauziah, N. (2023). The Evaluation of Maqāsid Asy-Syari'ah on Discourses of the Islamic Family Law. *El-Ussrah*, 6(1), 81–90. <https://doi.org/10.22373/ujhk.v6i1.13035>
- Fina, L. I. N. (2011). Interpretasi Kontekstual: Studi Pemikiran Hermeneutika Al-Qur'an Abdullah Saeed. *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 12(1), 159–180. <https://doi.org/10.14421/esensia.v12i1.707>

- Hallaq, W. B. (2009). *Shari'a: Theory, Practice, Transformations*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511815300>
- Hasyim, S. (2015). *Majelis Ulama Indonesia and pluralism in Indonesia*. *Philosophy & Social Criticism*, 41(4-5), 487-495. <https://doi.org/10.1177/0191453714566547>
- Hasyim, S. (2020). Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulama Council) and Rising Conservatism in Indonesian Islam. *TRaNS: Trans -Regional and -National Studies of Southeast Asia*, 8(1), 21-35. <https://doi.org/10.1017/trn.2019.13>
- Hefni, W., Mustofa, I., & Ahmadi, R. (2025). Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law. *Al-Istinbath: Jurnal Hukum Islam*, 10(1), 30-57. <https://doi.org/10.29240/jhi.v10i1.10694>
- Helmy, Y. (2022). From Islamic Modernism to Theorizing Authoritarianism: Bin Bayyah and the Politicization of the Maqāṣid Discourse. *American Journal of Islam and Society*, 38(3-4), 36-70. <https://doi.org/10.35632/ajis.v38i3-4.2934>
- Hosen, N. (2004). Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975-1998). *Journal of Islamic Studies*, 15(2), 147-179. <https://doi.org/10.1093/jis/15.2.147>
- Ibrahim, B., Arifin, M., & Abd Rashid, S. Z. (2015). The role of fatwa and mufti in contemporary muslim society. *Pertanika Journal of Social Sciences and Humanities*, 23(SpecialIssue11), 315-326. Scopus.
- Ichwan, M. N. (2011). Official Ulema and the Politics of Re-Islamization: The Majelis Permusyawaratan Ulama, Sharilhringatzation and Contested Authority in Post-New Order Aceh. *Journal of Islamic Studies*, 22(2), 183-214. <https://doi.org/10.1093/jis/etr026>
- Ismail, I., Salleh, N., & Nawawi, S. N. A. M. (2021). Sa'diyya Shaikh's progressive Islamic thought and the Islamic perspective. In *Gender Equality: Past, Present and Future Perspectives* (pp. 103-129). Scopus. <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85125022443&partnerID=40&md5=d30ba3dfc2f09e9135441cf236a50cd5>
- Johnston, D. L. (2007). Maqāṣid combining dot belowid al-sharī'a: Epistemology and hermeneutics of Muslim theologies of human rights. *Welt Des Islams*, 47(2), 149-187. <https://doi.org/10.1163/157006007781569936>
- Kamali, M. H. (2003). *Principles of Islamic Jurisprudence*. The Islamic Texas Society.
- Kamali, M. H. (2008). *Shari'ah Law: An Introduction*. Oneworld Publications.
- Kamali, M. H. (2021). History and Jurisprudence of the Maqāṣid: A Critical Appraisal. *American Journal of Islam and Society*, 38(3-4), 8-34. <https://doi.org/10.35632/ajis.v38i3-4.3110>
- Keputusan Ijtima' Ulama Komisi Fatwa Se-Indonesia VII Tentang Hukum Cryptocurrency [Decision of the Seventh Indonesian Ulama Council on the Law of Cryptocurrency].
- Khairuldin, W. M. K. F. W., Embong, A. H., Anas, W. N. I. W. N., Mohd, H., & Ismail, D. (2018). The application of technology in the dissemination of fatwas: A study on religious institutions in Malaysia. *International Journal of Civil Engineering and Technology*, 9(7), 1590-1596. Scopus.
- Makhlouf, A. G. (2020). Evolution of islamic law in the 20th century: The conception of collective ijihad in the debate between muslim scholars. *Oxford Journal of Law and Religion*, 9(1), 157-178. Scopus. <https://doi.org/10.1093/ojlr/rwaa019>
- Moustafa, T. (2013). Islamic Law, Women's Rights, and Popular Legal Consciousness in Malaysia. *Law and Social Inquiry*, 38(1), 168-188. <https://doi.org/10.1111/j.1747-4469.2012.01298.x>
- Mubarrak, H., Munir, B., & Achyar, G. (2022). *Kemudahan untuk Kemaslahatan: Metode Al-Taysir Al-Manhajiy dalam Fatwa DSN-MUI*. Sekretariat Komisi Fatwa.
- MUI. (2023). *Kompilasi Fatwa Majelis Ulama Indonesia*. Sekretariat MUI. <https://fatwamui.com/data-fatwa>
- Ningsih, A. S. (2025). Reforming Islamic Family Law: The Relevance of Ibn Qayyim al-Jawziyyah's Concept of Legal Change. *Jurnal Ilmiah Mizani*, 12(1), 114-127. <https://doi.org/10.29300/mzn.v12i1.7087>

- Nur, I., Wakhid, A. A., & Handayani, L. (2020). A Genealogical Analysis of the Concept and Development of Maqashid Syari'ah. *Al-'Adalah*, 17(1), 1–30. <https://doi.org/10.24042/adalah.v17i1.6211>
- Oktiviana, N. (2023). Al-Jam'u Wa Al-Taufiq dan Naskh dalam Penyelesaian Kontradiksi Hukum Islam. *JURNAL PAI: Jurnal Kajian Pendidikan Agama Islam*, 2(1), 73–91. <https://doi.org/10.33507/pai.v2i1.1074>
- Qardhawi, Y. (2001). *Fiqh al-Maqasid*. Dar al-Shuruq.
- Rahman, F. (1982). *Islam and Modernity: Transformation of an Intellectual Tradition*. The University of Chicago Press. <https://press.uchicago.edu/ucp/books/book/chicago/I/bo41314165.html>
- Rusli, R. (2014). Progressive salafism in online fatwa. *Al-Jami'ah*, 52(1), 205–229. Scopus. <https://doi.org/10.14421/ajis.2014.521.205-229>
- Saeed, A. (2005). *Interpreting the Qur'an: Towards a Contemporary Approach*. Routledge.
- Saeed, A. (2006). *Islamic Thought: An Introduction*. Routledge.
- Saeed, A. (2017). *Freedom of Religion, Apostasy and Islam* (0 ed.). Routledge. <https://doi.org/10.4324/9781315255002>
- Saeed, A. (2018). *Human Rights and Islam*. Edward Elgar Publishing. <https://doi.org/10.4337/9781784716585>
- Sholeh, A. N. (2024). *Menghidupkan Fatwa Dinamisasi Fatwa untuk Kemaslahatan Bangsa* (1st ed.). Sekretariat Komisi Fatwa.
- Sholeh, M. A. N. (Ed.). (2018). *Peran fatwa MUI dalam berbangsa dan bernegara: Pandangan akademisi terhadap fatwa MUI*. Komisi Fatwa Majelis Ulama Indonesia (MUI). <https://repository.uinjkt.ac.id/dspace/handle/123456789/55534>
- Sholeh, M. A. N. (2020). Towards a Progressive Fatwa: MUI's Response to the COVID-19 Pandemic. *AHKAM: Jurnal Ilmu Syariah*, 20(2). <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/17391>
- Sholeh, M. A. N. (2024). *Menghidupkan Fatwa Dinamisasi Fatwa Untuk Kemaslahatan Bangsa*. Sekretariat Komisi Fatwa.
- Sirry, M. (2013). Fatwas and their controversy: The case of the Council of Indonesian Ulama (MUI). *Journal of Southeast Asian Studies*, 44(1), 100–117. <https://doi.org/10.1017/s0022463412000641>
- Suaedy, A., Alnizar, F., Ardiantoro, J., & Siroj, S. A. (2023). Language, Authority, and Digital Media: The Impact on the Legitimacy of Fatwas. *Ahkam: Jurnal Ilmu Syariah*, 23(1). <http://dx.doi.org/10.15408/ajis.v23i1.28875>
- Takim, L. (2014). Maqāṣid al-sharī'a in contemporary Shī'ī jurisprudence. In *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination* (pp. 101–125). https://doi.org/10.1057/9781137319418_5
- Tayeb, A. (2020). *Islamic Education in Indonesia and Malaysia: Shaping Minds, Saving Souls*. Routledge.
- Wahidi, R. (2016). Aplikasi Hermeneutika Kontekstual Al-Qur'an Abdullah Saeed. *AL ITQAN: Jurnal Studi Al-Qur'an*, 2(1), 19–36. <https://doi.org/10.47454/itqan.v2i1.17>
- Whyte, S. (2023). Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia. *Oxford Journal of Law and Religion*, 11(2–3), 314–342. Scopus. <https://doi.org/10.1093/ojlr/rwac015>
- Yusuf, N., Harun, N., & Mursyid, S. (2024). EXAMINING THE BASIS OF MAQASHID SHARIA IN RENEWAL OF ISLAMIC LAW IN INDONESIA. *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 9(1), 357–375. <https://doi.org/10.22373/petita.v9i1.258>
- Zahari, N. A. M., & Safiai, M. H. (2025). Maqasid Sharia and the Biomedical Ethics of E-Cigarettes: A Contemporary Islamic Legal Assessment. *MILRev: Metro Islamic Law Review*, 4(1), 295–318. <https://doi.org/10.32332/milrev.v4i1.10398>

- Zaim, M. A., & Eldeen, A. B. (2024). Maqashid Sharia and Harmonizing Law in Indonesia: Impact for SDGs Global Context. In *Studies in Systems, Decision and Control* (Vol. 517, pp. 745–759). https://doi.org/10.1007/978-3-031-50939-1_60
- Zaini, A. (2014). Model Interpretasi al-Qur'ân Abdullah Saeed. *ISLAMICA: Jurnal Studi Keislaman*, 6(1), 25. <https://doi.org/10.15642/islamica.2011.6.1.25-36>
- Zayd, N. H. A., Amirpur, K., Setiawan, M. N. K., & Regeringsbeleid, W. R. voor het. (2006). *Reformation of Islamic Thought: A Critical Historical Analysis*. Amsterdam University Press. <http://www.jstor.org/stable/j.ctt46mt56>