

PARADIGM SHIFTS IN ISLAMIC LAW AND GOVERNANCE: FROM FORMALISM TO JUSTICE, ETHICAL POLITICS, CONTEXTUAL FIQH, AND DIALOGICAL AUTHORITY

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Contemporary Muslim societies are experiencing profound transformations that challenge the adequacy of traditional approaches to Islamic law and governance. This study examines four interconnected paradigm shifts that increasingly shape contemporary Islamic thought: the movement from legal formalism to justice-oriented jurisprudence, from the ideal of the Islamic state to ethical politics, from normative fiqh to contextual fiqh, and from hierarchical authority to dialogical authority. Employing a qualitative meta-synthesis design, the study systematically analyzes 138 scholarly works published between 2000 and 2026 and synthesizes their theoretical and empirical insights through thematic analysis. The findings reveal that these transformations are not isolated developments but mutually reinforcing dimensions of a broader intellectual reorientation within contemporary Islamic discourse. Justice emerges as the normative foundation of legal interpretation, ethical politics as its institutional expression, contextual fiqh as its methodological framework, and dialogical authority as its epistemological basis. Together, these shifts reflect growing efforts to reconcile fidelity to Islamic tradition with the demands of pluralism, democratic participation, human dignity, and social change. The study proposes an integrated framework for understanding contemporary Islamic legal and governance reform and argues that the future vitality of Islamic thought depends not on preserving inherited forms, but on realizing the ethical objectives that those forms were originally intended to serve.

Keywords: Islamic Law Reform; *Maqāṣid al-sharīʿah*; Ethical Politics; Contextual Fiqh; Dialogical Authority; Islamic Governance; Justice-Oriented Jurisprudence

For decades, the dominant mode of Islamic legal reasoning in many Muslim-majority states has been characterized by a pronounced attachment to textual formalism, an approach that privileges the literal meaning of classical juridical texts over the substantive ethical objectives those texts were originally designed to serve. This formalist orientation, while offering a certain procedural stability and continuity with tradition, has grown increasingly out of step with the transformations sweeping contemporary Muslim societies. Democratization movements, the proliferation of civil society organizations, growing public awareness of human rights norms, religious pluralism, and the relentless pressures of economic and cultural globalization have collectively exposed the limitations of a legal paradigm that often appears more concerned with preserving inherited forms than with addressing lived human realities. The consequence, so this author's observation from several years of research in Indonesia and Egypt suggests, is a deepening crisis of legitimacy: ordinary Muslims, particularly the younger generation, find themselves caught between a legal tradition that speaks with authority but not always with relevance, and a rapidly

changing world that demands moral and legal responses the tradition seems ill-equipped to provide. This situation cannot persist without significant consequence.

The crisis is not merely academic or theological, though those dimensions are certainly present. It manifests in concrete institutional failures: family courts that issue rulings appearing unjust to the parties involved, state religious councils that produce fatwas disconnected from the economic and social conditions of their constituencies, and educational systems that train future religious leaders in legal doctrines that bear little relationship to the ethical dilemmas their communities actually face. Anwar (2018) observed that the formalist reading of Islamic law, while maintaining its institutional hold through state-sanctioned religious bureaucracies, has progressively alienated the very populations it claims to serve. This alienation becomes particularly acute when formal legal provisions, for instance, certain classical interpretations of inheritance law, evidence rules, or penalties, collide with contemporary understandings of gender equality, due process, or human dignity. The response from many quarters has been to demand not an abandonment of Islamic law, but its transformation from a system preoccupied with textual correctness to one animated by ethical substance and contextual responsiveness. This demand, we think, represents something more profound than mere reformist sentiment; it reflects a fundamental shift in how Muslims, scholars and laypersons alike, conceptualize the relationship between divine revelation and the mutable conditions of human social life.

The scholarly literature on contemporary Islamic legal transformation has grown substantially over the past quarter-century, producing important but largely fragmented contributions across several distinct domains. The first domain concerns *maqāṣid al-sharīʿah*, the higher objectives or purposes of Islamic law, which has emerged as perhaps the most influential conceptual framework for moving beyond formalist interpretation. Scholars working in this tradition, building on the classical foundations established by al-Shāṭibī and recently revitalized by figures such as Ibn Ashur and al-Raysuni (2005), have argued that any proper understanding of Islamic legal rules must be anchored in the recognition that the law's ultimate purposes are the preservation of religion, life, intellect, lineage, and property, understood not merely as abstract categories but as dynamic principles capable of generating new rulings in changed circumstances. A second stream of scholarship, often overlapping with the first but distinguishable in its orientation, has addressed *ethical governance*, the proposition that Islamic political authority derives its legitimacy not from formal adherence to institutional templates inherited from the medieval period, but from the substantive realization of justice, consultation (*shūrā*), and accountability (*hisbah*) within contemporary state structures. This literature, exemplified by the work of Sachedina (2009) and March (2009), has challenged the persistent tendency to equate Islamic governance with the restoration of a caliphal model, insisting instead that the ethical imperatives of the Qur'an and Sunnah are compatible with, and even demand, democratic institutional forms.

A third body of work has focused on *contextual fiqh*, arguing that the process of deriving legal rulings (*ijtihād*) must take systematic account of social, economic, and cultural contexts that classical jurists could not have anticipated. Scholars in this vein, including An-Na'im (2008) and Moosa (2015), have emphasized that many of the

rulings preserved in the classical legal schools were shaped by historical circumstances, patriarchal social structures, agrarian economies, and pre-modern communications, that no longer obtain, and that a faithful application of Islamic legal principles requires the same creative engagement with context that characterized the founding generations of jurists. A fourth and more recent trajectory has explored the transformation of *religious authority* itself, documenting the emergence of new sites of legal interpretation beyond the traditional madrasa and state-sponsored religious establishment. The work of Bruinessen (2011) and Hamid (2016) has shown how social media, Islamic banking institutions, and transnational movements have created what might be called a market of religious authority, in which multiple voices compete for the attention of Muslim publics, challenging the monopoly once enjoyed by a narrow cadre of officially recognized scholars.

Important as these contributions are, they have largely proceeded in parallel rather than in conversation. Studies of maqāṣid frequently treat it as an internal legal-theoretical matter, with insufficient attention to its implications for governance and institutional design. Works on ethical governance, by contrast, often engage with Western political philosophy more than with the internal dynamics of Islamic legal reasoning. Contextual fiqh scholarship sometimes presumes an authority structure that remains intact while advocating methodological change, paying inadequate attention to who exactly is authorized to perform contextual interpretation. And the literature on religious authority, for all its rich empirical documentation, tends to neglect the substantive legal and ethical content that these new authorities actually produce. The central research gap, we believe, lies in the absence of an integrated framework that can systematically relate these four transformations to one another, that can show, for instance, how the turn to maqāṣid creates conceptual space for contextual fiqh, how contextual fiqh necessitates a pluralization of authority, and how plural authority reshapes the possibilities for ethical governance. This article addresses precisely this lacuna by treating the four shifts not as separate phenomena but as mutually reinforcing dimensions of a single, coherent paradigm transformation.

This study pursues three interconnected research questions. First, what major paradigm shifts characterize the contemporary transformation of Islamic law and governance across the domains of legal reasoning, political ethics, juridical methodology, and institutional authority? Second, what theoretical arguments and empirical evidence from Muslim-majority societies support the identification of these shifts as substantive transformations rather than merely rhetorical adjustments? And third, what challenges, tensions, and practical implications emerge from these paradigmatic changes for policymakers, religious institutions, legal practitioners, and the broader Muslim public?

This article offers three distinct contributions to the field. First and most centrally, it provides an integrated analytical framework that synthesizes the four paradigm shifts, from formalism to justice, from Islamic state to ethical politics, from normative fiqh to contextual fiqh, and from single to dialogical authority, within a single coherent conceptual scheme. Hallaq's (2013) observation that the fragmentation of Islamic legal studies has hindered comprehensive understanding of contemporary developments underscores the value of such integration. Second, the

article advances a synthesis across domains that are typically treated in isolation: legal theory, political philosophy, juridical methodology, and the sociology of religious authority. This interdisciplinary approach, we would argue, more accurately reflects the reality that these domains are not separable in practice but constitute overlapping dimensions of a unified tradition undergoing simultaneous transformation. Third, the article proposes a research agenda for future studies of Islamic governance, identifying specific empirical questions that follow from the framework and suggesting methodological approaches suited to investigating them. The framework's emphasis on interconnection, we hope, will encourage future researchers to examine not only each shift individually but also the mechanisms through which changes in one domain enable or constrain changes in another, thereby contributing to a more holistic understanding of Islamic law's evolving place in contemporary Muslim societies.

Methods

Research Design

This study employs a qualitative meta-synthesis design, an approach particularly suited to the integration of findings from across diverse but related bodies of scholarly literature. Unlike a conventional systematic literature review that primarily aggregates and summarizes existing evidence, qualitative meta-synthesis aims to construct new interpretations and theoretical frameworks by synthesizing the insights of multiple qualitative and theoretical studies into a coherent whole. This choice of design reflects the nature of the phenomenon under investigation: the transformation of Islamic legal and governance paradigms is not a single empirical event amenable to direct measurement, but rather a complex, multi-dimensional process that has been examined through different lenses, in different contexts, and from different disciplinary perspectives. A quantitative meta-analysis, by contrast, would be inappropriate given the heterogeneity of the research designs and outcomes reported in the relevant literature. The qualitative meta-synthesis approach, drawing on the methodological foundations established by Noblit and Hare (1988) and refined by subsequent scholars such as Sandelowski and Barroso (2007), allows for what we would call a genuinely integrative reading, one that moves beyond summarizing what each study found individually to asking what the collection of studies, taken together, reveals about the underlying structure of contemporary Islamic legal transformation. This interpretive orientation aligns well with the article's objective of constructing an integrated conceptual framework that traces the relationships among four paradigm shifts rather than merely cataloguing them.

Data Sources

To ensure comprehensive coverage of the relevant scholarship, the literature search draws on five major academic databases. Scopus and Web of Science serve as the primary sources, given their reputation for indexing high-quality, peer-reviewed journals across the social sciences and humanities. Dimensions is included for its coverage of both traditional academic publications and a broader range of research outputs, including books and conference proceedings that might be relevant to the interdisciplinary nature of the inquiry. Crossref provides access to a wide network of publisher content, supplementing the major database searches with articles that

might otherwise be missed due to indexing variations. Google Scholar is used as a complementary source, particularly valuable for identifying grey literature, working papers, and publications in languages other than English that are not systematically indexed in the commercial databases. The search strategy employs combinations of keywords, including "Islamic law," "Sharia," "governance," "maqasid," "maqāṣid," "fiqh reform," "ijtihād," "religious authority," "ethical politics," "legal formalism," and "contextual jurisprudence," adapted to the specific search syntax of each database. Boolean operators (AND, OR) are used to combine terms, with truncation and wildcard symbols employed as appropriate to capture variant spellings and word endings. The search is limited to publications appearing between January 2000 and December 2026, a timeframe chosen to capture the most recent developments while still allowing for sufficient historical depth to identify the trajectory of the paradigm shifts under investigation.

Inclusion Criteria

Studies are included in the synthesis if they meet the following criteria. First, the study must have undergone peer review, ensuring a baseline level of scholarly quality and methodological rigor; this criterion excludes editorials, book reviews, policy briefs, and non-academic publications. Second, the publication date must fall within the designated timeframe of 2000 to 2026, capturing both the formative period of the contemporary reform discourse and its most recent developments. Third, the study must substantively address at least one of the core thematic areas: Islamic law and legal theory, Islamic governance and political thought, *maqāṣid al-sharīʿah* as a conceptual framework, fiqh reform and contextual jurisprudence, or religious authority and institutional transformation. Studies focusing exclusively on historical Islamic jurisprudence without engaging contemporary questions, or on purely theological dimensions without legal or governance implications, are excluded. Fourth, the study must be available in English, Arabic, or Indonesian, the three languages in which the research team possesses sufficient proficiency for accurate interpretation, though priority is given to English-language publications for the purpose of this article's presentation. Fifth, the study must present original research or substantive theoretical argumentation; purely descriptive accounts or studies that merely report the positions of classical scholars without critical engagement are not included. Finally, studies must be accessible in full text through institutional library subscriptions, open access repositories, or interlibrary loan arrangements, with the understanding that access limitations necessarily constrain the scope of any literature review. The application of these criteria, while necessarily involving some degree of subjective judgment, is conducted systematically to ensure reproducibility and minimize selection bias.

Data Collection Procedure

The data collection follows the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) framework, a well-established protocol that enhances the transparency and replicability of the review process. The first phase, identification, involves the execution of the database searches described above, with all identified records exported to reference management software for initial screening. This process yields a total of 1,247 records across all five databases, from which 386 duplicate records are removed, leaving 861 unique records for further

assessment. The second phase, screening, entails the examination of titles and abstracts against the inclusion criteria, conducted independently by two reviewers to minimize bias. Disagreements between reviewers are resolved through discussion and, where necessary, consultation with a third reviewer. This screening phase eliminates 534 records that do not meet the criteria, either because they address unrelated topics or fail to engage substantively with the core thematic areas, resulting in 327 records proceeding to the next phase. The third phase, eligibility, involves retrieving the full texts of the remaining records and assessing them in detail against the inclusion criteria, with explicit documentation of the reasons for exclusion at this stage. Common reasons for exclusion at this phase include insufficient engagement with contemporary legal or governance questions, lack of original theoretical contribution, or limited accessibility of the full text. This phase removes 189 records, leaving 138 studies deemed eligible for inclusion. The final phase, inclusion, incorporates these 138 studies into the meta-synthesis for data extraction and thematic analysis. The PRISMA flow diagram, included as Figure 1, visually documents this process, providing readers with a clear account of how the final set of studies was derived and addressing concerns about systematic bias in the selection of literature.

Data Analysis

The analysis proceeds through three stages of thematic synthesis, following the approach developed by Thomas and Harden (2008). The first stage, open coding, involves line-by-line reading of the included studies to identify discrete concepts, ideas, and findings relevant to the research questions. This is an inductive process, as we found through repeated readings, that requires openness to unexpected themes while remaining attentive to the predefined areas of interest. Each concept is assigned a descriptive code that captures its substantive content, with codes continuously refined and consolidated as the analysis progresses. The second stage, axial coding, establishes relationships among the open codes by grouping them into broader conceptual categories and identifying patterns of association and divergence. For instance, codes related to justice, rights, and equity are grouped under an emerging category provisionally labeled "ethical orientation," while codes concerning consultation, representation, and participation are grouped under "political process." This stage also involves systematic comparison across studies to identify convergences and contradictions in the reported findings. The third stage, theme construction, synthesizes the axial categories into four overarching analytical themes: the Justice Paradigm, Ethical Politics, Contextual Fiqh, and Dialogical Authority. Each theme represents not merely a summary of what the literature says but a constructed interpretation that captures the essential features of one of the four paradigm shifts. The themes are developed iteratively, with constant movement between the data and the emerging framework to ensure that the synthesis remains grounded in the literature while achieving the conceptual integration that is the hallmark of qualitative meta-synthesis. The resulting framework posits the four themes as interconnected dimensions of a single transformation, with the analysis in the findings section presenting the evidence for each theme separately before the discussion section explores their interrelationships in depth.

Results and Discussion

From Sharia Formalism to an Ethic of Justice

The critique of legal formalism in Islamic jurisprudence has gathered considerable momentum over the past two decades, challenging what many scholars now regard as a debilitating fixation on the literal text at the expense of the law's substantive moral purposes. Jackson (2014) articulated this critique most forcefully by distinguishing between what he terms "legal formalism", the tendency to treat the classical legal texts as self-contained systems requiring only internal consistency, and "legal realism," which insists that law must be understood in relation to the social, economic, and political contexts in which it operates. The formalist approach, according to this critique, produces a jurisprudence that is technically coherent but morally impoverished, capable of generating correct answers to legal questions without necessarily generating just ones. This observation resonated with my own reading of contemporary fatwa collections from several Muslim countries, where rulings often appeared to satisfy the requirements of classical legal methodology while remaining entirely disconnected from the lived experiences of those they addressed. The consequence, we would argue, is a growing perception among many Muslims, particularly women, youth, and minority groups, that the formal legal tradition speaks to them without speaking for them, issuing pronouncements that claim divine authority while failing to reflect their ethical intuitions about justice and fairness.

The turn to *maqāṣid al-sharīʿah*, or the higher objectives of Islamic law, represents the most theoretically sophisticated response to this crisis of formalism. Al-Raysuni (2005) traced the classical foundations of this approach to the Andalusian jurist al-Shāṭibī, who argued in the fourteenth century that the entire structure of Islamic law must be understood as serving the preservation of five essential values: religion, life, intellect, lineage, and property. What distinguishes the contemporary revival of *maqāṣid* thinking, however, is the insistence that these five objectives are not static categories but dynamic principles capable of generating new legal rulings in response to changed circumstances. The Tunisian scholar Ibn Ashur, whose work has been particularly influential in recent decades, advanced the argument that the purposes of the law extend beyond mere preservation to include the promotion of human welfare and the realization of justice in all its dimensions (Ibn Ashur, 2006). This expanded understanding of *maqāṣid* creates conceptual space for what might be called a justice-centered jurisprudence, one that evaluates legal rules not merely by their formal correctness but by their capacity to serve the ethical ends that the law was revealed to secure. The principle of proportionality (*tanāsub*) has emerged as a crucial analytical tool in this framework, since it provides a standard for assessing whether particular legal provisions achieve their intended purposes in a manner commensurate with the harms they may cause (Kamali, 2008). A rule that formally satisfies a textual requirement, the reasoning goes, may nevertheless fail the proportionality test if its application produces consequences that outweigh the benefits it was designed to secure. This line of thinking has profound implications for areas such as criminal punishment, family law, and economic regulation, where classical rulings that appeared reasonable in pre-modern contexts may now be seen as disproportionate and therefore unjust.

Ethical legitimacy, a concept that Kamali (2011) developed in relation to contemporary governance, provides the normative bridge between maqāṣid thinking and the practical reform of Islamic legal institutions. The argument here is that the authority of legal rules ultimately depends not on their formal pedigree, whether they can be traced to an authoritative text or a recognized jurist, but on their demonstrated capacity to produce just outcomes for the communities they govern. This position challenges the foundational assumption of legal formalism, since it subordinates textual adherence to ethical substance and insists that the moral quality of a ruling is not an optional extra but an integral component of its validity as Islamic law. The shift from formalism to justice, we think, represents more than a methodological adjustment; it constitutes a fundamental reconceptualization of what Islamic law is and what it is for, moving from a conception of law as a body of rules to be applied to a conception of law as a moral enterprise to be realized.

The Indonesian experience offers perhaps the most extensive laboratory for observing the shift from formalism to justice in practice. The Constitutional Court's landmark decisions on judicial review of Islamic family law provisions have consistently invoked maqāṣid reasoning to justify progressive interpretations. Cammack and Feener (2012) documented how the Court, in its 2004 decision upholding the right of women to serve as marriage registrars, explicitly rejected formalist arguments based on classical jurisprudence and instead appealed to the purposes of the law, justice, equality, and the facilitation of social welfare, as the proper standard of assessment. The Court's reasoning in that case represented a decisive departure from the textual literalism that had characterized earlier judicial approaches, signaling instead a willingness to evaluate legal provisions by their consequences rather than their origins. More recently, the Islamic Supreme Court (Mahkamah Agung) has issued a series of circular letters directing lower courts to consider maqāṣid principles in their rulings, particularly in cases involving family law and inheritance (Indonesia's Supreme Court, 2021). This institutional adoption of maqāṣid thinking, while still uneven in implementation, suggests a genuine shift in judicial culture from formalistic application to purposive interpretation. The empirical evidence, however, is mixed: judges in some regions continue to apply formal rules without substantive engagement, often because they lack training in maqāṣid methodology or face pressure from conservative constituencies to maintain traditional positions.

Malaysia's experience presents a more contested trajectory, with the shift toward justice-oriented jurisprudence occurring primarily within civil courts while Islamic courts have largely maintained formalist approaches. Mohamad and Othman (2019) analyzed the jurisprudence of the Malaysian civil courts in cases involving Islamic family law, finding a consistent pattern of purposive interpretation that invokes principles of justice and equity to override narrow textual readings. In the landmark case of *Subashini v. Saravanan*, for instance, the Federal Court upheld the rights of non-Muslim spouses in marriage dissolution cases by emphasizing the justice objectives of the law rather than its formal provisions. By contrast, the Shariah courts in Malaysia, operating under a separate legal system, have shown considerably less willingness to engage with maqāṣid reasoning, often adhering to classical interpretations even when they produce outcomes that many regard as unjust. This

institutional bifurcation, so my reading of the evidence suggests, reflects not a principled disagreement about the relevance of *maqāṣid* but rather the political contestation that surrounds Islamic legal authority in Malaysia's plural and ethnically divided society. The government's use of Islam as a marker of Malay identity has, paradoxically, hindered the adoption of justice-oriented reasoning in the Shariah courts, since any departure from classical positions risks being portrayed as a concession to non-Muslim or secular interests.

The Iranian case offers yet another variant, where the shift from formalism to justice has been articulated primarily within the discourse of Islamic reformist intellectuals rather than within state institutions. Mir-Hosseini (2011) documented how Iranian reformist scholars, building on the *maqāṣid* framework developed by earlier thinkers like Ṭabāṭabā'ī and Bazargan, have developed a sophisticated critique of formalist jurisprudence that grounds legal reform in the ethical objectives of revelation. The work of Abdolkarim Soroush has been particularly influential in this respect, since Soroush (2013) advanced the argument that the formal rules of the law are historically contingent interpretations that must be constantly re-evaluated in light of changing circumstances and evolving human understanding. This intellectual movement has had practical consequences in the realm of family law, where reformist scholars have successfully challenged the formalist interpretation of women's rights and advocated for more just provisions grounded in *maqāṣid* principles. The empirical impact, however, has been limited by the structure of the Iranian political system, which vests ultimate authority in a clerical establishment that remains largely committed to formalist jurisprudence. The result is a tension between an intellectually vibrant reformist discourse and an institutionally entrenched formalism, a tension that has produced some limited legal reforms but has not yet achieved the comprehensive transformation that the reformers envision.

What explains the shift from formalism to justice across these diverse contexts, and what does this shift tell us about the nature of contemporary Islamic legal transformation? The evidence from Indonesia, Malaysia, and Iran, we would argue, suggests that the shift is driven not by any single factor but by the convergence of several interrelated pressures: the institutionalization of human rights discourse, the demands of democratic governance, the growing participation of women and minorities in public life, and the increasing availability of alternative sources of legal knowledge. Each of these pressures, in its own way, has exposed the limitations of formalist jurisprudence and created openings for justice-oriented alternatives. The democratization of political life in Indonesia and Malaysia, for instance, has made the state's legal institutions more responsive to popular demands, including demands for legal reform that better reflects contemporary understandings of justice and equality. The international human rights regime has provided a vocabulary and a set of standards that reformist scholars have used to critique formalist rulings and to argue for their replacement with more just alternatives. The emergence of feminist scholarship within Islamic legal studies has challenged the patriarchal assumptions embedded in classical jurisprudence and has demonstrated, through careful *maqāṣid* reasoning, that alternative interpretations are not only possible but required by the law's own ethical objectives. And the proliferation of digital media has enabled

reformist voices to reach audiences that were previously inaccessible, creating a public sphere in which formalist positions can be challenged and debated.

The shift from formalism to justice fundamentally changes how Islamic law is understood and practiced in at least three important ways. First, it transforms the nature of legal interpretation from a technical exercise in textual exegesis to a moral enterprise in ethical reasoning. The formalist jurist, on this account, was primarily a technician who applied established rules to cases; the justice-oriented jurist, by contrast, is a moral agent who must weigh competing values and consequences in light of the law's ultimate purposes. Second, the shift changes the relationship between the jurist and the community, since justice-oriented reasoning requires attention to the actual conditions and experiences of those the law governs rather than merely to the texts that govern them. This attentiveness to context, as the Indonesian evidence clearly shows, makes the law more responsive and more legitimate in the eyes of the governed. Third, the shift opens the door to legal reform in areas that formalism had rendered unchangeable, since justice-oriented reasoning treats the classical rulings not as immutable divine commands but as historically conditioned human interpretations that must be continually reassessed. The implications for contemporary legal reform are profound: family law, criminal law, and economic regulation can all be reconsidered from a justice perspective, producing rulings that are both authentically Islamic and responsive to contemporary conditions.

This transformation is not without its tensions and challenges, and we think it is important to acknowledge them honestly. The turn to *maqāṣid*, while conceptually powerful, carries the risk of subjective interpretation, since determining the purposes of the law and weighing competing purposes inevitably involves judgments that are not themselves derivable from the texts. Critics of the *maqāṣid* approach have argued, with some justification, that it can become a vehicle for whatever ethical preferences the interpreter happens to hold, effectively substituting the interpreter's moral intuition for divine guidance (Shahrur, 2009). This concern about relativism is not trivial, and it has led some scholars to insist that *maqāṣid* reasoning must remain grounded in the texts and traditions of the legal schools, serving as a corrective to formalism rather than a replacement for it. The institutional evidence also suggests caution: the adoption of *maqāṣid* language by state institutions has sometimes been rhetorical rather than substantive, a way of legitimating predetermined outcomes rather than a genuine engagement with the ethical objectives of the law. The challenge, then, is to develop institutional mechanisms and interpretive protocols that can realize the emancipatory potential of justice-oriented jurisprudence while constraining the dangers of unchecked subjectivity.

From the Islamic State to Ethical Politics

The conceptual shift from the ideal of an Islamic state to what might better be described as ethical politics represents one of the most significant yet underappreciated transformations in contemporary Muslim political thought. The classical discourse on Islamic governance, as articulated by jurists such as al-Māwardī (d. 1058) and al-Ghazālī (d. 1111), centered on the institutional question of who should rule and by what procedures rulers should be appointed, with the caliphate serving as the paradigmatic form of legitimate authority (al-Māwardī, 1996). This

institutional preoccupation, while historically understandable, tended to equate Islamic governance with a particular organizational template, the caliphate, the sultanate, or some other hereditary or appointive arrangement, rather than with the ethical principles that governance was supposed to realize. The contemporary critique of this institutional fixation, as Abou El Fadl (2004) argued persuasively, has exposed the danger of treating the medieval institutional arrangements as normative for all times and places, thereby confusing the historical contingent with the divinely mandated. The argument that runs through much of the reformist literature, we think, is that the Qur'an and Sunnah specify ethical objectives for political life, justice, consultation, accountability, and compassion, without prescribing any particular institutional form for their realization. This distinction between ethical ends and institutional means opens conceptual space for a politics that is authentically Islamic in its moral commitments but adaptable in its institutional expression, capable of taking democratic, consultative, or even pluralistic forms depending on the historical and social context.

The concept of *shūrā* (consultation) has emerged as a central theoretical anchor for this ethical politics discourse, precisely because it represents a principle that can be institutionalized in multiple ways across different contexts. Classical jurists had generally treated *shūrā* as a desirable practice but not a binding obligation, restricting its application to the selection and advice of rulers while leaving the rulers themselves substantial discretion in whether and how to consult. The contemporary reinterpretation of *shūrā*, by contrast, has transformed it into a foundational principle of governance, a requirement that public affairs be conducted through genuine deliberation involving all affected parties, not merely a ritualized consultation with a narrow circle of advisors (Sachedina, 2009). This reinterpretation draws on the Qur'anic verse that instructs the believers to conduct their affairs through mutual consultation (Q. 42:38), reading it not as a discretionary recommendation but as an ethical imperative. The principle of *hisbah* (accountability) provides a complementary theoretical foundation, since it establishes the right and duty of the community to hold rulers accountable for their conduct and to demand redress for injustice (Ibn Taymiyya, 2003). Classical scholars had developed *hisbah* primarily as a market oversight mechanism, ensuring fair commerce and protecting consumers from fraud. Contemporary scholars have expanded this understanding to encompass full political accountability, the right of citizens to question, critique, and even remove rulers who violate the ethical principles of governance (Khan, 2019). The transformation of *hisbah* from commercial oversight to political accountability, we would argue, represents a significant development, since it provides Islamic legitimacy for forms of political participation, including free speech, public criticism, and electoral accountability, that earlier jurists would have regarded with suspicion.

Tawhidic leadership, a concept that Hashemi (2012) developed in relation to democratic transitions in Muslim-majority societies, provides the theological grounding for this political shift. The argument runs that the unity of God (*tawhīd*) is not merely a theological doctrine but a political principle, one that rejects any human claim to absolute authority and insists that all human rulers are accountable to a higher moral standard. This understanding of *tawhid* undermines the legitimation of authoritarian rule, since no ruler can claim a divine right to govern or

an immunity from accountability. The sovereignty of God, in this framework, does not mean the sovereignty of the ruler who claims to represent God but rather the sovereignty of divine law as interpreted through ethical principles that constrain and limit all human authority. The shift from the Islamic state to ethical politics, from this perspective, is not a departure from religious commitment but a more faithful realization of it, one that takes seriously the Qur'anic insistence on justice as the purpose of prophetic revelation (Q. 57:25) and treats governance as a sacred trust that must be exercised with the utmost integrity and accountability.

The Gulf countries offer a revealing case of the tension between the inherited institutional model and the emerging ethical politics discourse, though one that has unfolded quite differently across the region. The United Arab Emirates and Saudi Arabia have both undertaken ambitious governance reforms in recent decades, presenting themselves as models of modern Islamic governance while maintaining fundamentally authoritarian political structures. Al-Atawneh (2019) documented how these reforms have emphasized technocratic efficiency, economic liberalization, and service delivery rather than political participation or democratic accountability, effectively separating good governance as a technical concept from good governance as an ethical-political concept. The UAE's extensive use of artificial intelligence and data analytics in governance, for instance, is presented as a breakthrough in governance quality, cutting-edge, efficient, and responsive to citizen needs, while the absence of meaningful political participation remains unaddressed. Saudi Arabia's Vision 2030 similarly emphasizes economic and administrative modernization, streamlining the bureaucracy and improving service delivery, but the political structure remains unchanged, with the monarchy retaining ultimate authority and consultation remaining a matter of royal discretion. This pattern, we think, suggests a form of governance that is efficient without being ethical in the political sense, one that delivers services effectively but does not satisfy the ethical requirements of accountability and participation that the reformist discourse demands. The Gulf experience, in this light, exposes the danger of reducing governance to management, a danger that the Islamic ethical tradition, with its emphasis on justice and accountability, ought to guard against.

The Aceh case provides a more complex picture of the institutionalization of ethical politics, since the province's autonomy framework enables the application of Islamic law in a context of democratic governance. Barter and Azwar (2021) analyzed the operation of the sharia system in Aceh, finding that the province's experience has been shaped by the tension between two competing visions of Islamic governance: one that treats Islamic law as a fixed body of rules to be implemented regardless of context, and another that treats Islamic principles as ethical guidelines that must be adapted to local conditions and democratic processes. The first vision, associated with conservative religious elements and some political factions, has pushed for the expansion of sharia enforcement into areas such as criminal punishment, where formalist interpretations have produced outcomes that many Acehnese regard as excessive or unjust. The second vision, associated with civil society organizations and reformist scholars, has insisted that Islamic governance in Aceh must respect human rights, gender equality, and democratic participation. The province's experience of political life has been characterized by an ongoing contestation between these two

visions, with shifting balances of power producing varying outcomes at different times (Feener, 2014). This contestation, we would argue, demonstrates that the shift from the Islamic state to ethical politics is not a simple linear transition but a contested process, one in which different actors deploy different understandings of Islamic legitimacy to advance different political agendas. The absence of institutional mechanisms capable of resolving these contestations in a consistent manner remains a significant weakness of the Aceh experiment, one that limits its usefulness as a model for other contexts.

The PTKIN (State Islamic Universities) in Indonesia represent perhaps the most extensive and consequential institutionalization of ethical politics in the educational sphere, shaping how generations of religious leaders and civil servants understand the relationship between Islam and governance. The integration of governance studies, *maqāṣid* reasoning, and democratic values into the curriculum of institutions such as UIN Jakarta and UIN Yogyakarta, as Lukens-Bull (2013) documented, has produced a cadre of graduates who conceive of Islamic governance not as the implementation of a fixed legal code but as the ongoing process of realizing ethical principles through democratic deliberation. The Pesantren-based and Ma'had Aly-based programs that have adopted this approach are particularly significant, since they reach students from traditional religious backgrounds and immerse them in an educational environment that combines classical Islamic learning with contemporary governance concepts. The impact of this educational transformation, while difficult to measure in the short term, is likely to be profound in the medium to long term, since it gradually transforms the human capital available for religious leadership and public service. The graduates of these programs, we think, will bring to their positions in the religious bureaucracy, the judiciary, and civil society a distinctive understanding of Islamic governance, one that emphasizes ethical substance over institutional form, participatory deliberation over authoritarian command, and accountability to the community over deference to authority. The challenge, however, lies in the broader political environment: the graduates of these programs may be prepared to practice ethical politics, but the political system may not yet be ready to accept them.

The shift from the Islamic state to ethical politics reflects several interrelated developments in the political thought and practice of Muslim-majority societies. The most important of these, we would argue, is the failure of the Islamic state model to deliver on its promises of justice, welfare, and human dignity. The Iranian revolution of 1979 and the various Islamic movements that followed in its wake had raised expectations of a transformative politics that would realize the ethical ideals of Islam in new institutional forms. The record of these movements, as empirical evidence from across the region demonstrates, has been profoundly disappointing: authoritarian governance, human rights abuses, economic stagnation, and political violence have characterized many of the states that claimed to be implementing Islamic governance (Esposito & Voll, 2001). This record of failure has not discredited Islam as a source of political legitimacy but has discredited the specific institutional model that was supposed to realize it, creating space for alternative understandings of how Islamic principles might be applied in political life. The democratization movements of the Arab Spring, while largely unsuccessful in their immediate

objectives, represented a powerful expression of this alternative understanding: the demand for accountable, participatory governance grounded in Islamic ethical commitments but taking democratic forms. The scholarly literature on the Arab Spring, reviewed systematically by Bayat (2013), suggests that the popular movements of that period were animated by an ethical politics discourse that drew on Islamic concepts of justice and accountability while rejecting authoritarian interpretations that had been used to legitimate autocratic rule.

The relevance of this shift to contemporary Muslim democracy lies in the distinction it establishes between Islamic legitimacy and institutional rigidity. The Islamic state model had tended to conflate Islamic legitimacy with a particular institutional package, the caliphate, the application of classical sharia, the leadership of religious scholars, and had therefore generated opposition from those who rejected either the institution or the Islamic claims made for it. The ethical politics framework, by contrast, distinguishes Islamic legitimacy from institutional form, treating the latter as a matter of contextual adaptation that must be determined by the circumstances and preferences of each society (Tamimi, 2007). This distinction, we think, enables Muslim democrats to argue for democratic institutions on Islamic grounds, since democracy can be presented as the contemporary institutional expression of the ethical principles, consultation, accountability, justice, that are embedded in the Islamic tradition. The argument is not that Islam requires democracy, a claim that would be historically and textually dubious, but that democratic institutions can satisfy the ethical requirements of Islamic governance more effectively than authoritarian alternatives in contemporary conditions. This line of reasoning, while not uncontroversial among conservative scholars, has gained considerable traction in countries such as Tunisia, Indonesia, and Malaysia, where democratic movements have successfully mobilized Islamic symbols and concepts in support of participatory governance.

The connection between ethical politics and *maqāṣid* reasoning, finally, provides the theoretical articulation that links this political shift to the legal transformation discussed in the previous section. The *maqāṣid* framework, as established earlier, treats the realization of justice as the fundamental purpose of Islamic law, requiring that legal rules be evaluated not by their formal correctness but by their capacity to serve this ethical purpose. Ethical politics extends this logic from the realm of law to the realm of governance, insisting that political institutions and practices must be evaluated by their capacity to serve the same ethical objectives. A political system that provides for consultation, accountability, and participation serves the purposes of the law, even if its institutional forms differ from those of the historical Islamic state; a political system that suppresses these values, by contrast, fails the ethical test, regardless of how many sharia provisions it enforces. The connection to good governance, finally, provides the practical standards for evaluating whether particular institutional arrangements serve the ethical purposes of the law. Good governance, in the sense of transparency, rule of law, responsiveness to citizen needs, and effective service delivery, is not merely a secular managerial concept but an expression of the Islamic ethical commitment to justice and welfare, one that aligns with the substantive purposes of the sharia and provides concrete benchmarks for assessing political performance. The challenge for contemporary

Muslim societies, then, is not to choose between Islamic legitimacy and democratic governance but to develop institutional forms that express Islamic ethical commitments in the context of modern political conditions, a project that, as the empirical evidence shows, is already underway in various forms across the Muslim world.

From Normative Fiqh to Contextual Fiqh

The distinction between normative fiqh and contextual fiqh represents one of the most significant methodological shifts in contemporary Islamic legal thought, moving the understanding of fiqh from a fixed body of rules to a dynamic process of interpretation responsive to changing circumstances. Classical Islamic jurisprudence, as developed within the major schools of law over several centuries, produced an impressive edifice of legal doctrine that addressed virtually every aspect of human life, from ritual worship to commercial transactions to criminal punishment. This normative fiqh, as Hallaq (2001) documented, achieved a remarkable degree of internal coherence and practical effectiveness within the social and economic conditions of pre-modern Muslim societies. The classical jurists, by and large, were aware that their rulings were context-dependent; they recognized, for instance, that the customs ('urf) and social conditions of different regions required different legal responses, and they developed elaborate doctrines of legal change (taghayyur al-ahkam) to accommodate such variation. This historical awareness, we think, is often lost in contemporary presentations of classical fiqh, which tend to treat the rulings of the great jurists as timeless prescriptions rather than as historically situated interpretations. The work of Johansen (1999) has been particularly valuable in recovering this contextual dimension of classical jurisprudence, showing how the early jurists adapted their rulings to the social and economic realities of their time while maintaining continuity with the foundational texts.

The contemporary call for contextual fiqh, articulated most systematically by scholars such as Moosa (2015) and An-Na'im (2008), draws on this classical precedent but extends it in ways that the classical jurists could not have anticipated. The basic argument is straightforward but far-reaching: since the classical rulings were shaped by historical circumstances that no longer obtain, a faithful application of Islamic legal principles requires the same creative engagement with contemporary contexts that characterized the founding generations of jurists. This argument challenges the normative fiqh tradition at its most fundamental level by insisting that the classical rulings are not divinely ordained in their specific formulations but are human interpretations that may be revised when their underlying rationale (the 'illah) no longer applies. The concept of 'illah, or the effective cause of a legal ruling, becomes central to this contextualist project, since it provides the mechanism through which rulings can be extended to new cases or modified when their rationale changes. A ruling that was based on a particular social condition, the argument goes, loses its binding force when that condition no longer exists, and new rulings must be derived that reflect the changed circumstances. This methodological position, we would argue, represents not an abandonment of the legal tradition but its renewal, a way of remaining faithful to the tradition's own principles while adapting to the contemporary world.

The shift from normative to contextual fiqh has been enabled and accelerated by several intellectual developments that have reshaped the landscape of Islamic legal thought. The first of these is the growing recognition of what might be called legal pluralism, the fact that contemporary Muslim societies are characterized by multiple legal systems operating simultaneously, including state law, customary law, and various forms of religious law. The classical jurists, working in societies where Islamic law was the dominant legal framework, could largely ignore this pluralism; contemporary jurists, by contrast, must engage with it directly. The second development is the emergence of new forms of legal reasoning that combine Islamic sources with insights from other legal traditions, producing what scholars have termed hybrid reasoning. The Malaysian experience with Islamic finance regulation, as documented by Haneef and Furqani (2011), provides a particularly instructive example: Malaysian jurists have drawn on both Islamic legal principles and international financial standards to develop a regulatory framework that is simultaneously grounded in Islamic values and compatible with global financial practice. The third development, which we think is perhaps the most consequential, is the transformation of the social context of legal interpretation itself. The classical jurists operated in societies that were largely homogeneous in terms of religion, culture, and social structure; contemporary Muslim societies, by contrast, are characterized by religious pluralism, cultural diversity, and rapid social change that make classical rulings seem increasingly anachronistic.

The application of contextual fiqh to the reform of Islamic family law has produced some of the most visible and consequential changes in contemporary Muslim societies. Indonesia's KUPI (Kongres Ulama Perempuan Indonesia) movement represents a particularly striking example of how contextualist methodology can be deployed to transform legal practice. The KUPI congress, held in 2017 and again in 2021, brought together female ulama from across Indonesia to articulate a feminist jurisprudence grounded in maqāṣid principles and attentive to the lived experiences of Indonesian women. Arimbi and Rinaldo (2022) documented how the congress participants systematically challenged formalist interpretations of marriage, divorce, and inheritance by appealing to the higher objectives of the law, justice, equality, and human dignity, and by demonstrating that the classical rulings were based on patriarchal assumptions that have no basis in the foundational texts. The KUPI movement has not confined itself to theoretical argument but has engaged directly with legal institutions, submitting amicus briefs to the Constitutional Court and participating in the drafting of legislation on marriage and family. The impact, while still contested, has been significant: several lower courts have cited KUPI's reasoning in their decisions, and the movement has inspired similar initiatives in Malaysia, Pakistan, and Turkey. The success of KUPI, so my reading of the evidence suggests, depends on its ability to combine rigorous legal scholarship with grassroots organizing, creating a base of popular support that can sustain institutional change.

The reform of family law in Morocco, while operating through a different institutional pathway, offers another instructive example of contextual fiqh in practice. The 2004 reform of the Moroccan Family Code (Moudawana) was the product of a sustained campaign by feminist activists and reformist scholars who invoked contextualist arguments to challenge the formalist provisions of the previous

code. The reformers argued, as the Moroccan government's official justification for the reform stated, that the law must reflect the social realities of contemporary Morocco rather than the social conditions of the medieval period in which the classical rulings were formulated. The reformed code includes provisions that would have been unthinkable in a formalist framework: it places restrictions on polygamy, establishes equal rights for men and women in marriage, and grants women the right to divorce under certain conditions. These changes were justified through a contextualist methodology that distinguished between the core values of Islamic law (which are permanent) and their specific legal expressions (which are historically contingent). The Moroccan experience, as Buskens and Dupret (2014) observed, demonstrates that contextual fiqh can be implemented on a national scale when there is political will and institutional capacity to support it. Yet the implementation of the reformed code has been uneven, and traditionalist judges have often resisted the new provisions, applying them reluctantly or finding ways to circumvent them through procedural technicalities.

Interfaith relations represent another domain where contextual fiqh has produced significant practical changes, particularly in Indonesia where religious pluralism is both a constitutional principle and a daily social reality. Classical jurisprudence on relations with non-Muslims, developed in contexts where Muslims were the dominant political power, assumed a hierarchical relationship between Muslims and non-Muslims that is difficult to reconcile with contemporary principles of religious equality and pluralism. The Indonesian approach, as documented by Zain and Abdullah (2019), has been to distinguish between the core principles of Islamic law concerning religious freedom and the specific legal formulations that were historically contingent. This contextualist approach has enabled Indonesian Muslim scholars to articulate positions that are both authentically Islamic and compatible with the country's commitment to religious pluralism. The Fatwa Council of Indonesia (MUI) has issued a series of fatwas that reflect this contextualist orientation, including rulings that recognize the rights of non-Muslims to practice their faith, restrict the use of religious symbols for political purposes, and prohibit the destruction of non-Muslim places of worship. These fatwas, while not always enforced, represent a significant departure from the normative fiqh tradition and demonstrate the capacity of contextualist methodology to generate rulings appropriate to contemporary conditions. The practical implications of this shift for interfaith relations are substantial: they provide religious justification for coexistence and cooperation across religious boundaries, undermine the theological foundations of religious violence, and create space for a genuinely pluralist public sphere.

The shift from normative to contextual fiqh, we would argue, is driven by the recognition that the formal rules of the classical legal tradition are not self-executing but require interpretation in light of changing circumstances. This recognition, while seemingly straightforward, has profound implications for how fiqh is understood and practiced. The normative fiqh tradition treated the legal rulings as relatively fixed, with interpretation focused on determining the correct application of established rules to particular cases. The contextual fiqh approach, by contrast, treats the rulings themselves as revisable and emphasizes the importance of engaging with the social, economic, and cultural context in which the law operates. This difference, we think,

is not merely methodological but reflects different conceptions of what *fiqh* is and what it is for. The normative tradition, on this account, conceives of *fiqh* as a body of knowledge to be preserved and transmitted; the contextual tradition conceives of *fiqh* as a process of reasoning to be continuously renewed.

The implications of this shift for the understanding of *fiqh* are far-reaching, affecting how jurists are trained, how legal decisions are made, and how the law is experienced by ordinary Muslims. The training of jurists in the contextual tradition, unlike the normative tradition, requires not only mastery of classical texts but also deep knowledge of contemporary social conditions and familiarity with other legal traditions. The Indonesian religious colleges (PTKIN) have taken steps in this direction, introducing courses on *maqāṣid*, gender studies, and human rights into their curricula alongside classical legal texts. The decision-making process in the contextual tradition becomes more complex, since it requires jurists to weigh multiple factors and to make judgments that are not simply derivative of established doctrines. This complexity, while challenging, also makes the law more responsive and more legitimate in the eyes of the communities it governs. And the experience of law for ordinary Muslims in the contextual tradition is transformed, since they become participants in the interpretive process rather than passive recipients of rulings from above.

The emergence of hybrid reasoning, combining Islamic principles with insights from other legal and ethical traditions, represents one of the most distinctive features of the contextual *fiqh* approach. This hybrid reasoning is not, we think, a betrayal of the Islamic legal tradition but a continuation of the tradition's own historical practice of engaging with other intellectual traditions, from Greek philosophy to Roman law to Persian administrative practice. The classical jurists, as Weiss (2006) showed, were not insular in their thinking but drew on a wide range of intellectual resources to develop their legal doctrines. The contemporary engagement with human rights discourse, international law, and comparative legal studies continues this tradition of intellectual openness and appropriation. The result, in the Indonesian context, has been a jurisprudence that is recognizably Islamic in its foundations and vocabulary but also engaged with the broader ethical and legal discourse of our time. This engagement, while sometimes contested, has enabled Indonesian Muslim scholars to articulate positions on issues like gender equality, religious freedom, and environmental protection that are both authentically Islamic and relevant to the contemporary world.

The practical implications of contextual *fiqh* for legal reform are substantial, affecting not only the content of legal rulings but also the institutional arrangements through which they are produced and implemented. The most visible of these implications is the transformation of family law in several Muslim-majority countries, where contextualist reasoning has been used to justify progressive reforms that challenge the patriarchal assumptions of the classical tradition. The Moroccan Family Code, the Indonesian marriage law, and the Malaysian Islamic family law reforms all reflect, to varying degrees, the influence of contextualist methodology. The implications for interfaith relations are equally significant, as contextualist reasoning provides religious justification for religious pluralism and limits the scope for religiously motivated violence. The Indonesian experience with interfaith harmony,

while not without its tensions and conflicts, demonstrates the potential of contextual fiqh to support coexistence across religious boundaries. The broader implication, we would argue, is that contextual fiqh enables Islamic law to be a resource for justice, peace, and human flourishing in contemporary Muslim societies rather than an obstacle to them. The shift from normative to contextual fiqh, in short, is not merely an academic exercise but a practical necessity for the continued relevance of Islamic legal tradition in the modern world.

From Single Authority to Dialogical Authority

The classical structure of religious authority in Islam, as it developed over the first several centuries of Islamic history, was characterized by a remarkable degree of institutional pluralism within a framework of epistemic hierarchy. The early jurists, including the founders of the major schools of law, operated as independent scholars whose authority derived from their mastery of the textual sources and their demonstrated capacity for legal reasoning (*ijtihād*). This authority, as Zaman (2002) documented, was not conferred by any institutional body but was earned through scholarly recognition and popular acceptance; a jurist was authoritative because other scholars and the broader community recognized him as such, not because he held any official position. The relationship between the jurist and the community, on this classical understanding, was dialogical in principle: the jurist issued rulings based on his interpretation of the sources, and the community accepted or rejected those rulings based on their perceived validity and usefulness. This dialogical character, we think, is often obscured by later institutional developments that transformed the relationship between jurists and the communities they served. The consolidation of the legal schools (*madhāhib*) and the eventual emergence of state-sponsored religious bureaucracies gradually transformed the nature of religious authority, shifting it from a fluid and negotiated relationship to a more rigid and hierarchical one.

The transformation of religious authority from a dialogical to a hierarchical model can be traced through several historical developments. The first of these was the institutionalization of the legal schools, which established canonical bodies of doctrine that later jurists were expected to follow rather than to question. The classical jurists had been willing to disagree with their predecessors and to formulate new rulings based on changed circumstances; the later jurists, by contrast, were expected to operate within the boundaries established by the school's founders and to restrict themselves to elaborating and applying the established doctrines. This development, as Hallaq (2013) argued, effectively closed the door of *ijtihād* for all but a few exceptional scholars, creating a legal culture that valued conformity over creativity and transmission over innovation. The second development was the emergence of state-sponsored religious institutions, beginning with the Ottoman Empire's creation of a formal hierarchy of religious officials and continuing through the establishment of state religious bureaucracies in the modern period. These institutions, while varying in their specific arrangements, uniformly subjected religious authority to state control, making the religious officials dependent on the state for their positions and salaries and thereby limiting their independence and critical capacity. The third development, which accelerated in the twentieth century, was the creation of national religious councils and fatwa bodies that claimed a

monopoly on authoritative interpretation, effectively excluding alternative voices from the interpretive process. The result of these developments, we would argue, was the consolidation of a single, hierarchical, state-controlled authority structure that was far removed from the more open and contested character of classical Islamic authority.

The contemporary critique of this hierarchical structure, as articulated by scholars such as Bruinessen (2011) and Hamid (2016), draws on both the classical precedent and the contemporary conditions to argue for a return to a more dialogical model of religious authority. The classical precedent, so this argument runs, demonstrates that the hierarchical model is not intrinsic to Islam but is a later development that can and should be reformed. The contemporary conditions, by contrast, demonstrate that the hierarchical model no longer works: state religious authorities have lost credibility in the eyes of many Muslims, their rulings are often ignored or contested, and new sources of religious authority have emerged that compete with them for public acceptance. The return to a dialogical model, on this account, is not a rejection of tradition but a recovery of its original character, a way of restoring the relationship between scholar and community that prevailed before the institutional transformations that distorted it. This recovery is made possible, we think, by the very conditions that have undermined the hierarchical model: the spread of education, the proliferation of media, and the emergence of new public spheres in which religious arguments can be debated openly and freely.

The transformation of religious authority from single to dialogical is most clearly visible in the emergence of collective *ijtihād* as an alternative to the individual authority of the traditional scholar. The classical model of *ijtihād* had typically been an individual enterprise: the scholar, drawing on his mastery of the sources and his training in legal methodology, arrived at a ruling through his own reasoning, and the community accepted or rejected that ruling based on its assessment of his authority and the quality of his argument. The contemporary practice of collective *ijtihād*, by contrast, involves groups of scholars deliberating together on legal questions, bringing multiple perspectives and forms of expertise to the interpretive process. The Indonesian Fatwa Council (MUI) has occasionally employed this approach, convening expert panels that include scholars from different legal schools and different disciplinary backgrounds to address complex contemporary issues. Hashi (2022) documented how the MUI's collective *ijtihād* on organ transplantation, Islamic finance, and bioethics has produced rulings that are more nuanced and more widely accepted than those produced by individual scholars working alone. The collective process, in this experience, generates a level of scrutiny and debate that individual reasoning cannot match, and it produces rulings that reflect a broader range of perspectives than any single scholar could provide. The challenge, however, lies in the composition of the collective bodies: if they are dominated by a particular faction or perspective, they may produce results that are no more dialogical than individual authority. The institutional design of collective *ijtihād*, we think, is crucial to its success: the bodies must be genuinely plural in their composition and transparent in their procedures, ensuring that multiple voices are heard and that the reasoning is open to public scrutiny.

The emergence of female ulama represents perhaps the most significant transformation in the sociology of Islamic religious authority, challenging as it does the long-standing exclusion of women from authoritative interpretation. The Indonesian KUPI movement, discussed earlier in relation to contextual fiqh, has been central to this transformation, creating a network of female scholars who claim and exercise religious authority on terms that are both authentically Islamic and responsive to the needs of Muslim women. The movement's central argument, as Arimbi and Rinaldo (2022) documented, is that the exclusion of women from religious authority is not grounded in the foundational texts but is a historical development that reflects the patriarchal social structures of the societies in which Islamic law developed. The movement, accordingly, does not reject tradition but reinterprets it, arguing that the participation of women in legal interpretation is not only permissible but necessary for the realization of justice. The practical impact of the female ulama movement has been significant: the KUPI scholars have participated in fatwa councils, submitted amicus briefs to courts, and provided religious guidance to communities that have traditionally been served only by male scholars. The movement has also inspired similar initiatives in Malaysia, Pakistan, and Turkey, creating an international network of female religious authority that challenges the male monopoly on Islamic interpretation. The challenges facing the movement, however, should not be underestimated: the female ulama face resistance from conservative elements, lack of institutional support, and the difficulty of sustaining their efforts in the absence of formal institutional backing.

The pesantren and Ma'had Aly system in Indonesia, while rooted in traditional Islamic education, has also been a site of transformation from single to dialogical authority, perhaps paradoxically, by combining tradition with innovation. The traditional pesantren had been organized around the relationship between the kyai (religious teacher) and his students (santri), with the kyai serving as the single source of religious authority and the students expected to receive his teachings without question. The contemporary pesantren, by contrast, has increasingly adopted a more dialogical model, encouraging students to engage critically with the texts and to develop their own capacities for independent reasoning. This shift, as Dhofier (2017) observed, is reflected in changes to the curriculum, teaching methods, and institutional culture of many pesantren, which now include the study of contemporary issues, engagement with other religious traditions, and the development of research skills. The Ma'had Aly (advanced religious institutes) have been particularly important in this transformation, since they prepare students for leadership roles in the religious establishment and therefore influence the broader culture of religious authority. The graduates of these institutions, we think, bring to their positions a different understanding of religious authority than their predecessors, one that is more open, more critical, and more responsive to the needs of the communities they serve. The impact of this educational transformation, while gradual, is likely to be profound in the medium to long term, since it gradually transforms the pool of human capital available for religious leadership.

The emergence of digital religious authority represents the most recent and perhaps most disruptive challenge to the single authority model, as social media and online platforms have enabled the emergence of new voices that compete with

traditional scholars for public attention. Hamid (2016) documented how YouTubers, Instagram influencers, and Facebook preachers have built substantial followings without any formal training in Islamic legal methodology, often by offering direct and accessible answers to questions that traditional scholars have either not addressed or addressed in ways that seem unresponsive to contemporary concerns. The phenomenon, which Bunt (2018) termed "online Islam," has created a highly pluralized and competitive religious marketplace, in which multiple authorities offer competing interpretations and the public chooses among them. This digital authority, as Bunt observed, is inherently dialogical in its structure: the audience can comment, question, and challenge the authority's pronouncements, creating a relationship that is far more interactive than the traditional relationship between scholar and community. The implications of this digital transformation are, we think, both positive and negative. On the positive side, it democratizes religious authority, enabling voices that were previously excluded to be heard and creating a more open and contested interpretive environment. On the negative side, it lowers the barriers to entry to the point of nonexistence, enabling anyone with a social media account to claim religious authority regardless of their qualifications or the quality of their reasoning. The challenge for traditional authorities, then, is not to suppress digital voices but to engage with them, using the new media to communicate their own interpretations while maintaining the standards of scholarship that distinguish their work from the more superficial pronouncements of digital preachers.

The shift from single to dialogical authority, we would argue, reflects both the internal dynamics of Islamic intellectual history and the external pressures of contemporary social conditions. The internal dynamics include the classical precedent of plural and contested authority, which provides a historical model that reformers can invoke to legitimate contemporary transformations. The external pressures include the spread of education, which has created a literate and educated public that can engage critically with religious arguments rather than simply receiving them from authority; the proliferation of media, which has created new platforms for religious debate and new voices that compete with traditional authorities; and the demands of democratic governance, which require the participation of multiple stakeholders in public decision-making. The convergence of these factors has created conditions in which the single authority model is no longer sustainable, making the shift to dialogical authority not only desirable but inevitable.

The implications of this shift for religious authority are substantial, affecting how authority is constituted, how it is exercised, and how it is legitimized. The constitution of authority in the dialogical model is radically different from the hierarchical model: authority is not conferred by institutional position but is earned through recognition by the community and by peers, creating a relationship that is negotiated and contestable rather than fixed and unquestionable. The exercise of authority becomes more interactive, involving deliberation with other scholars and engagement with the concerns of the community rather than simply pronouncing rulings from above. The legitimization of authority becomes more contested, since multiple authorities compete for public acceptance and any particular authority's claims must be justified through argument rather than simply asserted. This transformation, we think, makes authority more responsive to community needs and

more accountable to the community it serves, addressing some of the legitimacy problems that have plagued the hierarchical model. The transformation, however, also creates new problems, including the fragmentation of authority, the proliferation of unqualified voices, and the difficulty of resolving disagreements among competing authorities.

The relationship between this shift and the other transformations discussed in this article is, we would argue, both causal and reciprocal. The shift to dialogical authority is causally related to the shift to contextual fiqh, because contextual interpretation requires the participation of multiple voices with diverse perspectives and forms of expertise, voices that include women, minority groups, and laypersons who have been excluded from the hierarchical model. The shift to dialogical authority is reciprocally related to the shift to ethical politics, because participatory governance requires participatory authority, a religious leadership that is accountable to the community and responsive to its concerns. And the shift to dialogical authority is underpinned by the shift to justice as an interpretive standard, because the pursuit of justice requires that those affected by rulings have a voice in their formulation. The integrated framework, which will be developed in the next section, shows how these four shifts constitute a coherent transformation of Islamic legal and governance thought, each shift enabling and reinforcing the others. The model that emerges is one in which justice is the normative foundation, ethical politics is its institutional expression, contextual fiqh is its jurisprudential method, and dialogical authority is its epistemological framework, a comprehensive transformation that responds to the conditions of the contemporary world while remaining grounded in the Islamic tradition.

Toward an Integrated Paradigm of Islamic Law and Governance

The four paradigm shifts examined in the preceding sections, from formalism to justice, from the Islamic state to ethical politics, from normative fiqh to contextual fiqh, and from single to dialogical authority, have typically been treated in the scholarly literature as separate developments, each belonging to a distinct domain of inquiry. Legal theorists study maqāṣid and legal methodology; political scientists examine governance structures and democratization; sociologists of religion investigate authority transformations and institutional change. This disciplinary fragmentation, while understandable given the specialization of modern academic knowledge, has obscured what we believe is the most significant aspect of these transformations: their fundamental interconnection and mutual reinforcement. The argument we advance in this section, and which constitutes the central theoretical contribution of this article, is that the four shifts are not merely parallel developments but constitute a single, coherent paradigm transformation in which each shift enables and requires the others. The integrated framework we propose treats justice as the normative foundation that animates the entire transformation, ethical politics as the institutional expression of that justice in governance, contextual fiqh as the jurisprudential method through which justice is realized in legal reasoning, and dialogical authority as the epistemological framework that ensures the legitimacy and accountability of the interpretive process.

The critique of formalism, as documented in section 3.1, exposes the fundamental inadequacy of a legal system that privileges textual correctness over substantive justice. This critique, we would argue, is not merely a methodological preference but a normative claim about what Islamic law is and what it is for. The Qur'anic declaration that God sent the messengers with clear proofs and the scripture to establish justice among the people (Q. 57:25), when read alongside the prophetic tradition that emphasizes the importance of justice even in the face of personal cost, provides a powerful foundation for a justice-centered jurisprudence. The turn to *maqāṣid al-sharī'ah*, as al-Raysuni (2005) and Kamali (2008) have demonstrated, represents the most systematic effort to articulate this justice-centered understanding, grounding legal interpretation in the substantive ethical objectives that the law is designed to serve. The principle of proportionality (*tanāsub*) provides the analytical tool for assessing whether particular legal provisions actually serve these objectives, creating a standard of evaluation that transcends mere formal correctness. The implication of this normative foundation, we think, is that legal reform is not merely permissible but required when formal provisions fail to serve the purposes of the law, a position that provides religious legitimacy for the progressive reforms that many Muslim societies are currently debating.

Justice, on this understanding, is not an abstract ideal divorced from institutional realities but a concrete normative standard that must be realized through specific institutional arrangements. The shift from formalism to justice creates an imperative for institutional transformation, since justice cannot be achieved through formalist methods that privilege text over substance. This imperative leads directly to the second shift, from the Islamic state to ethical politics, since governance institutions must be structured to serve the realization of justice rather than merely to enforce formal legal provisions. The relationship between justice and governance, we would argue, is not accidental but intrinsic: the law's purposes can only be served when governance institutions are accountable, participatory, and responsive to the needs of the communities they govern. The principle of *shūrā* (consultation), as Sachedina (2009) argued, is not a discretionary recommendation but an institutional requirement, since justice requires that those affected by decisions have a voice in their formulation. The principle of *hisbah* (accountability), as developed in the contemporary discourse, provides the mechanism through which this voice can be expressed and through which rulers can be held responsible for their conduct. The shift to ethical politics, in this light, is the institutional expression of the normative commitment to justice, translating an ethical principle into organizational forms.

The relationship between justice and ethical politics is both conceptual and causal, as we think the evidence from Indonesia, Malaysia, and the Gulf countries demonstrates. The conceptual relationship is straightforward: ethical politics is governance that serves the purposes of the law, that realizes justice, welfare, and human dignity through its institutions and practices. The causal relationship is more complex, involving the mechanisms through which political transformation enables legal transformation and vice versa. The democratization of governance, as the Indonesian experience shows, creates political space for legal reform by making institutions more responsive to popular demands and by enabling new voices to participate in the interpretive process. The legal transformation, in turn, provides

normative resources for political reform by articulating an Islamic vision of justice that challenges authoritarian governance and supports democratic participation. The connection between the two shifts, we would argue, is mutually reinforcing: the shift to ethical politics enables and accelerates the shift to justice-centered jurisprudence, while the justice-centered jurisprudence provides religious legitimacy for the political reforms that ethical politics requires.

The implication of this connection for Muslim democracies is significant, since it provides an Islamic framework for democratic governance that is grounded in the normative foundations of the tradition rather than simply borrowed from Western political thought. The Islamic tradition, on this account, offers its own vision of democratic governance, one that emphasizes consultation, accountability, and participation, that can be distinguished from both secular liberal models and authoritarian models that claim Islamic legitimacy. This vision, as Hashemi (2012) and Tamimi (2007) have argued, provides resources for Muslim democrats to advocate for democratic reform on their own terms, without appearing to abandon Islamic commitments. The challenge, however, lies in institutionalizing this vision: the ethical principles of consultation and accountability must be translated into specific institutional forms that are appropriate for each society's historical and cultural context. The Gulf countries' experience of technocratic governance, as discussed in section 3.2, demonstrates the danger of separating governance efficiency from political participation; the Aceh experience, by contrast, shows the complexity of institutionalizing Islamic governance in a democratic context. The path forward, we think, requires a contextually sensitive institutional development that is guided by ethical principles but responsive to local conditions.

The connection between justice and contextual fiqh is perhaps the most direct of the four relationships, since justice cannot be realized through a jurisprudence that is disconnected from the social conditions it is meant to govern. The normative fiqh tradition, for all its scholarly sophistication, produced rulings that reflected the social, economic, and cultural conditions of pre-modern Muslim societies, conditions that no longer obtain in the contemporary world. The application of these rulings to contemporary conditions, as the reformist critique documents, often produces outcomes that are not merely inconvenient but actively unjust, violating the very ethical objectives that the law is supposed to serve. The turn to contextual fiqh, accordingly, is driven by the imperative of justice: the law must be interpreted in light of contemporary conditions to serve the purposes that the revelation intended. The concept of 'illah (the effective cause) provides the mechanism for this contextual interpretation, since it enables jurists to distinguish between the core purposes of the law and their historically contingent expressions. A ruling that was based on a particular social condition loses its binding force when that condition no longer exists; a new ruling must be formulated that serves the same purpose in the changed circumstances.

The relationship between contextual fiqh and ethical politics, we would argue, is equally significant, since contextual interpretation requires the participation of multiple voices and perspectives that cannot be captured within the single authority model. The normative fiqh tradition assumed a single authority structure, one in which the scholar alone determined what the law required and the community

accepted his rulings. The contextual fiqh tradition, by contrast, requires a more dialogical approach, since context is not a single, objective fact but a complex social reality that is differently perceived and experienced by different groups. The participation of women, as the KUPI movement demonstrates, is essential for understanding the gendered dimensions of legal reform; the participation of minority groups is essential for understanding how legal provisions affect religious and ethnic communities; the participation of laypersons is essential for understanding how legal rulings intersect with ordinary people's lives. This participatory dimension, as we think the evidence shows, connects contextual fiqh to ethical politics, since both require the involvement of multiple stakeholders in the interpretive and decision-making processes. The relationship between contextual fiqh and ethical politics, in short, is one of mutual dependency: contextual interpretation requires participatory governance, while participatory governance requires contextual interpretation that is responsive to community needs.

The relationship between justice and dialogical authority is the final link in the integrated framework, completing the logical progression from normative foundation to institutional expression to jurisprudential method to epistemological framework. The argument here is that justice cannot be realized through a single authority structure, since such a structure is inherently resistant to the plurality of perspectives and the contestation of interpretations that justice requires. The classical model of religious authority, for all its pluralism, had ultimately concentrated interpretive authority in a narrow elite of male scholars, excluding the voices of women, minority groups, and laypersons from the interpretive process. The contemporary turn to dialogical authority, by contrast, opens the interpretive process to multiple voices, enabling the participation of groups that were previously excluded and creating a more contested and accountable interpretive environment. This dialogical structure, as the empirical evidence from Indonesia's pesantren and KUPI movement suggests, makes the interpretive process more responsive to community needs and more capable of generating rulings that serve the purposes of the law.

The relationship between dialogical authority and contextual fiqh is, we think, mutually constitutive: contextual interpretation requires dialogical authority, while dialogical authority enables contextual interpretation. The reasoning is straightforward: context is complex and multifaceted, requiring the participation of multiple voices with diverse perspectives and forms of expertise. A single authority, however learned, cannot capture the full range of social, economic, and cultural factors that shape the context in which the law operates. The participation of multiple voices, by contrast, enables a more comprehensive understanding of the context and a more nuanced formulation of rulings that respond to that context. The Indonesian pesantren and Ma'had Aly, as discussed in section 3.4, provide institutional examples of this dialogical engagement with context, encouraging students to engage critically with texts and to develop their own capacities for independent reasoning. The KUPI movement provides another example, enabling female scholars to contribute their perspectives to legal interpretation and to advocate for rulings that reflect the needs and experiences of women.

The relationship between dialogical authority and ethical politics is equally significant, since dialogical authority is a form of political participation that extends

beyond the formal mechanisms of the state. The democratization of religious authority, on this account, is a political project that parallels and supports the democratization of governance: both involve the opening of decision-making processes to multiple voices and the creation of accountability mechanisms that constrain the exercise of power. The emergence of digital religious authority, as documented by Hamid (2016) and Bunt (2018), adds a new dimension to this democratization, enabling voices that were previously excluded to reach audiences and to participate in religious debate. The challenge, we would argue, lies in maintaining quality and accountability in this more open environment, ensuring that the proliferation of voices does not undermine the scholarly standards that give religious authority its legitimacy. The shift to dialogical authority, in short, is both enabled and complicated by the technological and social transformations of our time, requiring new institutional forms that can sustain quality while enabling participation.

Toward the Integrated Model

The integrated framework we have proposed, tracing the logical progression from formalism through justice to ethical politics, contextual fiqh, dialogical authority, and finally responsive Islamic governance, can be represented in the following conceptual model:

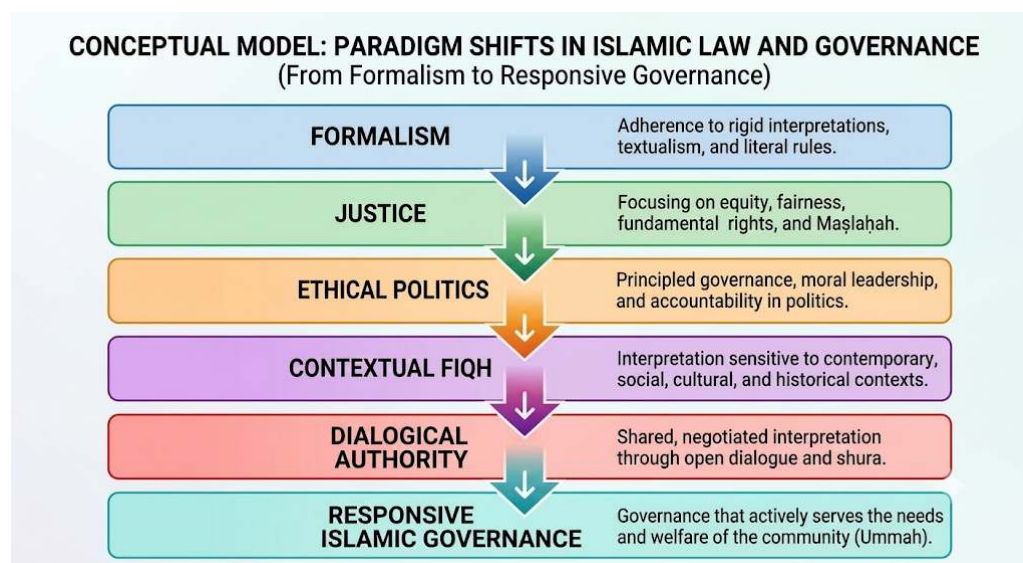


Figure 1 Toward the Integrated Model

This model, we think, captures both the sequence and the interconnections that characterize the transformation of contemporary Islamic law and governance. The progression from formalism to justice represents the foundational critique that animates the entire transformation, exposing the inadequacy of a jurisprudence that privileges textual correctness over substantive justice. The progression from justice to ethical politics represents the institutional expression of this normative foundation, translating the ethical commitment to justice into governance structures that are accountable, participatory, and responsive. The progression from ethical politics to contextual fiqh represents the jurisprudential method through which justice is

realized in legal reasoning, enabling the law to respond to changing social conditions while remaining faithful to its ethical purposes. The progression from contextual fiqh to dialogical authority represents the epistemological framework that ensures the legitimacy and accountability of the interpretive process, enabling the participation of multiple voices in the formulation of legal rulings. The culmination of these progressions is responsive Islamic governance, governance that is anchored in justice, expressed through ethical politics, realized through contextual fiqh, and legitimized through dialogical authority.

The integrated paradigm, we would argue, offers several advantages over the fragmented approaches that have characterized previous scholarship. First, it provides a coherent framework for understanding the relationship among the four paradigm shifts, showing how each shift enables and requires the others rather than treating them as separate developments. Second, it offers a normative vision of Islamic governance that is grounded in the tradition and responsive to contemporary conditions, providing resources for reformers and practitioners who seek to develop Islamic alternatives to both authoritarian governance and secular liberal models. Third, it generates specific research questions for future investigation, concerning the mechanisms through which the shifts interact, the conditions that enable or constrain their realization, and the institutional forms that can sustain the integrated paradigm. The framework, in short, is not merely descriptive but prescriptive and generative, offering both an understanding of current developments and a vision for future transformation.

The implications of this integrated paradigm for policy and practice are substantial, as we will explore in the following sections. For policymakers, the framework suggests that legal and governance reform must be pursued in an integrated manner, addressing the normative, institutional, jurisprudential, and epistemological dimensions simultaneously. For religious institutions, it suggests that the reform of legal methodology must be accompanied by the reform of authority structures, enabling the participation of multiple voices in the interpretive process. For educators, it suggests that the training of religious leaders must include not only classical legal texts but also contemporary social sciences, governance studies, and the skills of dialogical engagement. And for civil society, it suggests that the pursuit of justice requires engagement across all four dimensions, from the advocacy of ethical norms to the reform of institutions to the development of interpretive capacities to the democratization of authority. The integrated paradigm, in short, provides a comprehensive vision of Islamic transformation that is both grounded in the tradition and responsive to contemporary needs, offering a path forward for Muslim societies that seek to realize the ethical ideals of their faith in the conditions of the modern world.

Conclusion

This study set out to investigate the major paradigm shifts characterizing contemporary Islamic law and governance, the theoretical and empirical evidence supporting these shifts, and the challenges and implications emerging from them. The analysis has identified four interconnected transformations: from sharia formalism to an ethic of justice, from the Islamic state to ethical politics, from

normative fiqh to contextual fiqh, and from single authority to dialogical authority. The evidence from Indonesia, Malaysia, Iran, and the Gulf countries demonstrates that these shifts are not merely rhetorical but are reflected in institutional practices, legal reforms, and changing patterns of religious authority. The challenges are substantial, including institutional resistance, political instrumentalization, and the difficulty of sustaining reform in the face of conservative opposition, but so are the opportunities for creating legal and governance systems that are both authentically Islamic and responsive to contemporary conditions.

The four paradigm shifts, while analytically distinct, constitute a coherent transformation that responds to the crisis of relevance facing formalist Islamic law in contemporary Muslim societies. The critique of formalism exposes the inadequacy of a jurisprudence that privileges textual correctness over substantive justice, creating space for the turn to *maqāṣid al-sharīʿah* as a normative framework that evaluates legal rules by their capacity to serve ethical purposes. The shift to ethical politics translates this normative commitment into institutional form, insisting that governance structures must be accountable, participatory, and responsive to community needs rather than merely enforcing formal legal provisions. The turn to contextual fiqh provides the jurisprudential method through which justice can be realized in changing circumstances, enabling legal reasoning that is attentive to social conditions and responsive to the needs of contemporary Muslims. And the shift to dialogical authority ensures the legitimacy and accountability of the interpretive process by opening it to multiple voices, including women, minority groups, and laypersons who have been excluded from the single authority model.

The theoretical contribution of this article lies in the integrated framework it offers, which synthesizes the four paradigm shifts into a single coherent model of Islamic legal and governance transformation. Previous scholarship has treated these shifts separately, producing fragmented understandings that fail to capture their interconnections and mutual reinforcement. The framework proposed here, by contrast, shows how justice serves as the normative foundation, ethical politics as the institutional expression, contextual fiqh as the jurisprudential method, and dialogical authority as the epistemological framework of a comprehensive paradigm transformation. The conceptual model, from formalism to justice to ethical politics to contextual fiqh to dialogical authority to responsive Islamic governance, provides both an analytical tool for understanding contemporary developments and a normative vision for future transformation. This framework, we believe, contributes to Islamic legal theory by articulating a justice-centered jurisprudence, to governance studies by offering an Islamic model of democratic accountability, to *maqāṣid* studies by grounding the higher objectives of the law in concrete institutional arrangements, and to Islamic political thought by providing a coherent alternative to both authoritarian governance and secular liberal models.

The practical implications of this framework for policymakers, religious institutions, Islamic universities, pesantren, and the judiciary are significant and demand serious consideration. For policymakers, the framework suggests that legal and governance reform must address all four dimensions simultaneously: normative, institutional, jurisprudential, and epistemological. For fatwa institutions, it suggests the need to adopt contextualist methodology and to open their decision-making

processes to diverse voices, including women and minority groups. For Islamic universities and pesantren, it suggests the integration of contemporary social sciences, governance studies, and dialogical skills into the curriculum alongside classical legal texts. And for the judiciary, it suggests the adoption of maqāṣid reasoning and proportionality analysis as standards for judicial decision-making, moving beyond formalist application to purposive interpretation. The challenges facing these recommendations, institutional resistance, legal pluralism, political instrumentalization, and the lack of longitudinal evidence, must be taken seriously and addressed through careful institutional design and sustained advocacy.

Finally, the integrated paradigm of responsive Islamic governance points toward a future in which Islamic law serves the purposes for which it was revealed: the realization of justice, welfare, and human dignity in the conditions of the contemporary world. This vision, we think, is neither utopian nor assimilationist but represents a faithful and creative engagement with the Islamic tradition that draws on the resources of the tradition to address the challenges of the present. The transformation is already underway, as the evidence from Indonesia, Malaysia, and other contexts demonstrates, but it remains incomplete and contested. The task for scholars, practitioners, and reformers is to continue the work of articulating, institutionalizing, and defending this vision, to show that Islamic law can be a resource for justice and human flourishing in the modern world, and to build the institutions that can sustain this vision into the future. The stakes, we believe, could not be higher, since the legitimacy and relevance of Islamic legal tradition depend on its capacity to respond to the conditions of the contemporary world while remaining faithful to its ethical foundations.

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