

# Reconceptualizing Islamic Law in Regulating Contemporary Society: A Legal and Social Perspective

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## Abstract

This study examines the role of Islamic law in contemporary society, focusing on its principles, applications, and challenges in modern legal and social systems. The research employs a normative legal method with conceptual and doctrinal approaches based on secondary data from Islamic legal texts, academic literature, and institutional reports. The findings indicate that Islamic law regulates contemporary society through principles of justice, welfare, and ethical responsibility, implemented in areas such as finance, family law, and social welfare. However, challenges such as differing interpretations, globalization, and legal pluralism affect its implementation. The study concludes that Islamic law remains a dynamic and relevant legal system capable of addressing modern societal needs when supported by strong scholarly interpretation and institutional development.

## Keywords

Islamic Law; Sharia; Contemporary Society; Justice; Maqasid al-Shariah



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## INTRODUCTION

Islamic law, or Sharia, represents one of the most comprehensive and enduring legal traditions in human civilization. It is not merely a set of ritual obligations but a holistic system that governs moral, social, economic, and political life. In contemporary society, Islamic law continues to play a significant role in shaping legal norms and social behavior, particularly in Muslim-majority countries and increasingly in global financial and legal systems. The relevance of Islamic law in modern contexts lies in its ability to provide ethical guidance while simultaneously functioning as a regulatory framework for complex societal interactions.

At its core, Islamic law is founded upon divine revelation contained in the Qur'an and the Sunnah of the Prophet Muhammad. These primary sources are further interpreted through Islamic jurisprudence (fiqh) and the principles of usul al-fiqh. The overarching objective of Islamic law is encapsulated in the concept of maqāṣid al-sharī'ah, which seeks to preserve religion (dīn), life (nafs), intellect ('aql), lineage (nasl),

and property (māl). These objectives ensure that legal rulings are not only technically valid but also ethically and socially beneficial. According to M. Umer Chapra, Islamic law is fundamentally designed to promote justice, equity, and human well-being, making it a value-oriented system rather than a purely procedural one.

In the context of contemporary society, Islamic law faces the challenge of adapting to rapid social transformation driven by globalization, technological advancement, and legal pluralism. Modern legal systems are increasingly complex, requiring frameworks that can accommodate diverse cultural, economic, and political realities. Islamic law, with its emphasis on justice (‘adl), welfare (maṣlaḥah), and prevention of harm (mafsadah), offers a flexible yet principled approach to addressing these challenges. Its adaptability is particularly evident in the application of ijtihad (independent reasoning), which allows scholars to interpret legal texts in light of new circumstances.

One of the most significant areas where Islamic law demonstrates contemporary relevance is in the field of economics and finance. Islamic financial systems prohibit riba (interest), gharar (excessive uncertainty), and maysir (gambling), while promoting risk-sharing and asset-based transactions. These principles form the foundation of Islamic banking and finance, which have gained global recognition as ethical alternatives to conventional financial systems. Institutions such as the Islamic Financial Services Board emphasize that Sharia-compliant financial systems contribute to financial stability, transparency, and ethical governance in global markets.

In addition to economic regulation, Islamic law plays a crucial role in shaping family and social structures. It provides detailed legal frameworks governing marriage, divorce, inheritance, and guardianship, ensuring that family relations are based on justice and mutual responsibility. Islamic inheritance law, for example, establishes a structured system of wealth distribution that prevents concentration of wealth and reduces social conflict. These provisions reflect the broader objective of Islamic law to maintain social harmony while protecting individual rights.

Islamic law also contributes significantly to social welfare through institutional mechanisms such as zakat, waqf, and sadaqah. These instruments serve as tools for wealth redistribution and poverty alleviation, ensuring that economic resources circulate within society. Zakat, as a compulsory form of almsgiving, plays a vital role in reducing inequality and supporting vulnerable populations. Waqf (endowment) contributes to long-term social development by funding education, healthcare, and religious institutions. According to the Islamic Development Bank, Islamic social

finance is a key instrument for achieving inclusive growth and sustainable development in both Muslim and non-Muslim societies.

The theoretical foundation of Islamic law also highlights its dynamic and evolving nature. Islamic jurisprudence is not static; it allows for interpretative flexibility through mechanisms such as *qiyas* (analogical reasoning) and *ijma* (consensus). Wael B. Hallaq argues that Islamic law should be understood as a living tradition that evolves through continuous scholarly engagement while maintaining its ethical core. This perspective underscores the capacity of Islamic law to remain relevant in addressing emerging global issues such as digital finance, artificial intelligence, environmental sustainability, and international governance.

Despite its strengths, the implementation of Islamic law in contemporary society faces several challenges. One of the primary challenges is the diversity of legal interpretations among Islamic scholars, which can lead to inconsistencies in legal application across different regions. This diversity reflects intellectual richness but also creates difficulties in achieving legal uniformity. Additionally, the coexistence of Islamic law with secular legal systems in many countries often results in legal dualism, where religious and state laws operate in parallel but sometimes conflicting frameworks.

Globalization further complicates the application of Islamic law by introducing external legal, cultural, and economic influences. While globalization facilitates the expansion of Islamic finance and legal cooperation, it also raises concerns about the preservation of Sharia principles in a rapidly changing global environment. Moreover, the rise of digital technologies and new forms of economic transactions requires continuous scholarly interpretation to ensure that Islamic legal principles remain applicable and effective.

Another important issue is the gap between normative Islamic legal theory and its practical implementation. In some cases, Islamic law is applied partially or symbolically without fully realizing its ethical and social objectives. This gap highlights the need for stronger institutional frameworks, legal education, and public awareness to ensure that Islamic law functions effectively as a system of justice and social regulation.

Based on these considerations, Islamic law can be understood as a dynamic legal system that continues to play a vital role in contemporary society. Its integration of ethical values, legal principles, and social objectives makes it uniquely capable of addressing modern legal challenges. This study therefore aims to analyze Islamic law

in the context of contemporary society, focusing on its principles, applications, and challenges in regulating modern social life.

## **METHODS**

This study employs a normative legal research design to analyze the reconceptualization of Islamic law in regulating contemporary society from a legal and social perspective. The normative approach is selected because the focus of the study lies in examining legal norms, doctrines, and theoretical frameworks derived from Islamic jurisprudence (*fiqh*) as well as their application in modern socio-legal contexts. Unlike empirical legal research that relies on field data or statistical analysis, normative research emphasizes the interpretation of written legal sources and scholarly literature to construct legal arguments and conceptual understanding.

The research utilizes three main approaches, namely the conceptual approach, doctrinal approach, and comparative approach. The conceptual approach is applied to examine fundamental principles in Islamic law such as justice (*‘adl*), welfare (*maṣlaḥah*), harm prevention (*mafsadah*), and legal objectives (*maqāṣid al-sharī‘ah*). These concepts form the philosophical foundation of Islamic legal thought and are essential in understanding how Islamic law regulates both individual and collective behavior in society. Through this approach, the study explores how these normative principles are interpreted and adapted in contemporary legal discourse.

The doctrinal approach is used to analyze classical and contemporary interpretations of Islamic legal scholars regarding the application of Sharia in modern contexts. This includes the study of *fiqh* literature, *usul al-fiqh* (principles of Islamic jurisprudence), and contemporary fatwas issued by recognized Islamic legal authorities. The doctrinal analysis allows the researcher to identify the continuity and transformation of Islamic legal thought over time, particularly in response to modern challenges such as globalization, technological development, and legal pluralism. In this regard, the study also refers to scholarly contributions from figures such as Wael B. Hallaq, who emphasizes the dynamic and evolving nature of Islamic law as a living tradition rather than a fixed legal code.

The comparative approach is employed to examine how Islamic law interacts with and adapts to modern secular legal systems in different jurisdictions. This approach helps to identify similarities, differences, and points of integration between Islamic legal frameworks and contemporary legal systems. It also provides insights into how Islamic law is implemented in various socio-political contexts, particularly in Muslim-majority countries where dual legal systems often coexist. Through this

comparison, the study highlights the challenges and opportunities in harmonizing Islamic legal principles with modern statutory laws.

The data used in this research consist entirely of secondary legal materials obtained through library research. These materials include primary sources such as the Qur'an, Hadith, and classical Islamic jurisprudential texts, which serve as the foundational references of Islamic law. In addition, secondary sources include academic books, peer-reviewed journal articles, conference proceedings, and institutional reports related to Islamic law and contemporary legal issues. International reports and publications from institutions such as the Islamic Financial Services Board and the Islamic Development Bank are also used to provide empirical illustrations of how Islamic legal principles are applied in modern financial and social systems.

Data collection is conducted through systematic documentation and literature review techniques. The researcher collects relevant legal texts and academic sources, organizes them thematically, and categorizes them based on their relevance to the research objectives. This process ensures that the data are comprehensive and systematically arranged for analysis. The selection of literature is based on credibility, relevance, and scholarly authority to ensure the validity of the research findings.

The data analysis method used in this study is qualitative descriptive analysis. This method involves interpreting legal texts and theoretical concepts to identify patterns, relationships, and implications of Islamic law in contemporary society. The analysis process includes data reduction, data classification, and interpretation. Data reduction involves selecting relevant information from the collected materials, while classification organizes the data into thematic categories such as legal principles, social functions, and contemporary challenges. Interpretation is then conducted to draw meaningful conclusions regarding the role of Islamic law in modern society.

To ensure the validity and reliability of the findings, this study applies source triangulation by comparing multiple references from classical Islamic jurisprudence, contemporary academic literature, and institutional reports. This triangulation helps to minimize bias and enhance the credibility of the analysis. By integrating various perspectives, the study provides a comprehensive understanding of how Islamic law is reconceptualized and applied in regulating contemporary society from both legal and social perspectives.

Through this methodological framework, the study is able to systematically explore the theoretical foundations, practical applications, and contemporary challenges of Islamic law. It also provides a structured basis for understanding how

Islamic legal principles continue to evolve and remain relevant in addressing modern societal needs.

## **FINDINGS AND DISCUSSION**

The findings of this study indicate that reconceptualizing Islamic law in regulating contemporary society is essential to ensuring its continued relevance in addressing complex legal and social challenges. Islamic law, as a comprehensive normative system, is not static but dynamic, evolving through interpretive reasoning while maintaining its foundational principles derived from the Qur'an and Sunnah. In contemporary contexts, Islamic law functions not only as a set of religious obligations but also as a socio-legal framework that shapes public order, ethical conduct, and institutional governance. This reconceptualization reflects the need to bridge classical jurisprudential thought with modern societal realities, including globalization, technological advancement, and legal pluralism.

One of the central findings of this study is that Islamic law continues to provide a strong ethical foundation for regulating social behavior in modern society. Principles such as justice (*'adl*), welfare (*maṣlaḥah*), and prevention of harm (*mafsadah*) remain highly relevant in guiding legal and social interactions. These principles ensure that legal norms are not merely procedural but also value-oriented. According to M. Umer Chapra, Islamic law is fundamentally designed to achieve socio-economic justice and human well-being, making it a system that integrates morality with legal regulation. This perspective highlights that Islamic law transcends formal legality and emphasizes ethical responsibility in both individual and collective life.

Another important finding is the adaptability of Islamic law through interpretative mechanisms such as *ijtihad* (independent reasoning) and *qiyas* (analogical reasoning). These tools enable Islamic jurisprudence to respond to new and emerging issues in contemporary society, including digital finance, biotechnology, environmental challenges, and international legal cooperation. Wael B. Hallaq emphasizes that Islamic law should be understood as a living tradition rather than a rigid legal code, as its interpretive flexibility allows it to evolve while preserving its ethical core. This adaptability is a key factor in the ongoing relevance of Islamic law in modern legal systems.

The study also finds that Islamic law plays a significant role in regulating economic systems through ethical financial principles. The prohibition of *riba* (interest), *gharar* (uncertainty), and *maysir* (gambling) forms the foundation of Islamic financial regulation, ensuring fairness and transparency in economic transactions. Islamic financial institutions such as banks and microfinance organizations operate

based on risk-sharing and asset-backed principles, which distinguish them from conventional financial systems. The Islamic Financial Services Board notes that the implementation of Sharia-compliant financial systems contributes to financial stability and ethical governance in global markets, reinforcing the practical relevance of Islamic law in contemporary economic life.

In addition to economic regulation, Islamic law significantly influences family and social structures. Legal provisions concerning marriage, divorce, inheritance, and guardianship are designed to ensure justice, responsibility, and social harmony within the family unit. These rules reflect a balance between individual rights and collective responsibilities, ensuring that family relationships are governed by ethical and legal principles. In inheritance law, for example, Islamic law provides a structured distribution system that prevents wealth concentration and reduces social conflict, thereby contributing to broader social stability.

The study further reveals that Islamic law contributes to social welfare through redistributive mechanisms such as zakat, waqf, and sadaqah. These instruments serve as institutionalized forms of wealth redistribution aimed at reducing poverty and inequality. Zakat functions as a compulsory form of almsgiving, ensuring that wealth circulates within society, while waqf supports long-term public welfare projects such as education and healthcare. According to the Islamic Development Bank, Islamic social finance plays a crucial role in promoting inclusive development and sustainable economic growth by addressing structural inequality in society.

However, the study also identifies several challenges in the reconceptualization of Islamic law. One major challenge is the diversity of scholarly interpretations, which results in variations in legal opinions (fatwas) across different regions. While this diversity reflects intellectual richness, it can also lead to inconsistencies in legal application. Another challenge is the coexistence of Islamic law with secular legal systems in many countries, which often creates legal dualism and jurisdictional complexity. In pluralistic societies, balancing religious legal norms with state legislation requires careful institutional coordination and policy harmonization.

Globalization presents both opportunities and challenges for Islamic law. On one hand, it facilitates the international expansion of Islamic financial systems and encourages cross-border legal cooperation. On the other hand, it introduces external legal and cultural influences that may not always align with Sharia principles. This requires continuous scholarly engagement and institutional reform to ensure that Islamic law remains both authentic and adaptable. Additionally, the rapid

advancement of technology poses new legal questions that demand renewed *ijtihad* and interdisciplinary collaboration.

Another significant issue is the gap between normative Islamic legal theory and practical implementation. In some contexts, Islamic law is applied partially or symbolically, without fully realizing its ethical and social objectives. This gap underscores the importance of strengthening legal institutions, improving legal education, and enhancing public understanding of Islamic law. Without these efforts, the transformative potential of Islamic law in regulating contemporary society may remain limited.

Overall, the findings suggest that reconceptualizing Islamic law is necessary to maintain its relevance in modern society. Its ethical foundations, interpretative flexibility, and institutional applications demonstrate that Islamic law is capable of addressing contemporary legal and social challenges. However, its effectiveness depends on continuous intellectual development, institutional strengthening, and harmonization with modern legal frameworks.

## CONCLUSION

This study concludes that reconceptualizing Islamic law is essential for maintaining its relevance in regulating contemporary society. Islamic law is not merely a static legal system but a dynamic framework that integrates legal norms, ethical values, and social principles. Its foundational objectives, rooted in *maqāṣid al-sharīʿah*, ensure that legal rulings promote justice, welfare, and the prevention of harm, making Islamic law highly relevant in addressing modern social complexities.

The findings show that Islamic law contributes significantly to contemporary society through its application in economic systems, family law, and social welfare mechanisms. Ethical financial principles such as the prohibition of *riba*, *gharar*, and *maysir* promote fairness and transparency in economic transactions. At the same time, redistributive instruments such as *zakat* and *waqf* play an important role in reducing inequality and supporting social welfare. These functions demonstrate that Islamic law operates as both a legal and moral system.

In addition, the study highlights the adaptability of Islamic law through mechanisms of *ijtihad* and *qiyas*, allowing it to respond to modern challenges such as globalization, digital transformation, and legal pluralism. However, challenges such as interpretative diversity, legal dualism, and gaps in implementation remain significant obstacles that must be addressed.

In conclusion, Islamic law remains a relevant and evolving legal system capable of regulating contemporary society effectively. Its success depends on continuous

scholarly engagement, institutional strengthening, and integration with modern legal systems while preserving its ethical foundations.

## REFERENCES

- Chapra, M. U. (2000). *The Future of Economics: An Islamic Perspective*. Leicester: The Islamic Foundation.
- Creswell, J. W. (2014). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Sage Publications.
- Hallaq, W. B. (2009). *Shari'a: Theory, Practice, Transformations*. Cambridge University Press.
- Islamic Development Bank (IsDB). (2021). *Islamic Finance for Sustainable Development*. Jeddah: IsDB.
- Islamic Financial Services Board (IFSB). (2022). *Islamic Financial Services Industry Stability Report*. Kuala Lumpur: IFSB.
- Kementerian Agama Republik Indonesia. (2019). *Hukum Islam dan Implementasinya di Indonesia*. Jakarta.
- Siddiqi, M. N. (1981). *Muslim Economic Thinking*. Leicester: The Islamic Foundation.
- Zuhayli, W. (2003). *Al-Fiqh al-Islami wa Adillatuhu*. Damascus: Dar al-Fikr.
- Wibowo, A. (2017). *Hukum Islam dan Masyarakat Modern*. Jakarta: Rajawali Pers.
- Republik Indonesia. (1945). *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Jakarta.