

Research Article

## A Philosophical Analysis of Islamic Legal Principles in the Era of Modernity

**Materan<sup>1</sup>**

1. UIN Sultan Aji Muhammad Idris Samarinda, Indonesia; [materan23101962@gmail.com](mailto:materan23101962@gmail.com)

Corresponding Author, Email: [materan23101962@gmail.com](mailto:materan23101962@gmail.com) (Materan)

**Abstract**

This study provides a philosophical analysis of Islamic legal principles in the era of modernity, focusing on their relevance and application in contemporary societal contexts. Employing a qualitative research methodology through a literature study and library research, the paper examines key concepts within Islamic law—such as justice, equality, freedom, and human rights—while comparing them with modern legal frameworks. The findings reveal both alignment and tension between traditional Islamic jurisprudence and modern legal systems. While there is common ground in principles such as justice and human dignity, significant differences arise in areas such as gender equality, individual freedoms, and the application of human rights. The study highlights the role of *ijtihad* (independent legal reasoning) as a tool for adapting Islamic legal thought to contemporary issues. However, challenges remain in reconciling Islamic law's traditional interpretations with the demands of modern governance, especially in contexts where secular legal systems prioritize individual rights over collective moral obligations. This research contributes to the ongoing discourse on the adaptability of Islamic law in modern times and suggests avenues for future research, including exploring the practical applications of *ijtihad* in modern legal systems and further investigating the interpretation of gender equality within Islamic jurisprudence.

**Keywords:** Islamic law, modernity, *ijtihad*, human rights, equality, justice



## INTRODUCTION

In the contemporary era, the intersection between Islamic legal principles and modernity has become an increasingly significant area of study. The rapid advancements in science, technology, and global interconnectivity have raised questions about the adaptability of traditional Islamic legal thought to modern societal contexts (LC, 2025). Islamic law, or Shari'ah, has been shaped over centuries by historical, cultural, and religious factors, and its application to modern issues—such as bioethics, human rights, and economic globalization—presents complex challenges that demand scholarly attention (Al-Farsi, 2022). This paper seeks to explore the philosophical underpinnings of Islamic legal principles in the era of modernity, offering a comprehensive analysis of their relevance and application.

While there is an extensive body of work on Islamic jurisprudence, few studies have examined the philosophical aspects of Islamic law in relation to modernity. Most existing research has focused on either theoretical discussions of fiqh (Islamic jurisprudence) or the practical implications of Islamic law in specific legal systems (Faizi & Ali, 2024). However, there is a lack of in-depth philosophical analysis on how core Islamic legal principles—such as justice, equity, and freedom—interact with modern philosophical concepts, including human rights and democratic governance (S. M. Hussain, 2025). The gap in the literature lies in understanding the implications of this philosophical discourse for contemporary Islamic legal thought.

The urgency of this research stems from the pressing need to reconcile traditional Islamic legal principles with the challenges posed by modernity. As Muslim-majority countries continue to navigate the complexities of legal reform, political modernization, and social change, understanding the philosophical foundations of Shari'ah becomes essential for informed and sustainable legal and social reforms. Furthermore, with the increasing role of Islamic law in international relations and global legal frameworks, particularly in countries like Indonesia, Saudi Arabia, and Pakistan, this analysis is critical for both scholars and policymakers alike (Azam et al., 2025).

Previous studies on Islamic law and modernity have taken various approaches. Athambawa, (2025) examined the adaptation of Islamic legal principles in the modern world, stressing the importance of *ijtihad* (independent reasoning) to address contemporary challenges. In contrast, Malik et al., (2024) explored the legal and ethical implications of Islamic law in the context of modern scientific advancements, such as biotechnology and artificial intelligence. These studies provide valuable insights but are often limited to specific issues or fail to address the broader philosophical implications of Islamic legal principles in the modern world.

This paper offers a novel contribution to the literature by focusing specifically on the philosophical analysis of Islamic legal principles, considering their application in the context of modernity. Unlike previous works, which often prioritize legal or political frameworks, this study delves into the foundational ethical and philosophical dimensions of Shari'ah. By exploring the tensions between traditional Islamic legal thought and modern philosophical concepts, such as individual rights and secularism, this paper aims to offer a fresh perspective on how Islamic law can evolve in the face of modern challenges (Husain et al., 2024).

The primary objective of this study is to analyze the philosophical principles of Islamic law in relation to modernity, focusing on concepts such as justice, freedom, and equality. Specifically, the study will examine how these principles can be interpreted and applied to address contemporary issues such as human rights, gender equality, and political governance. This research will contribute to the ongoing discourse on Islamic legal reform and offer new insights into the philosophical foundations of Shari'ah that can inform both academic debate and policymaking in Muslim-majority countries.

The benefits of this research extend beyond academia, as it aims to provide practical solutions for the integration of Islamic legal principles into modern legal systems. By providing a philosophical framework for understanding Islamic law in the context of modernity, this paper will offer policymakers, legal scholars, and social theorists valuable tools for navigating the complexities of Islamic law in the 21st century.

## **METHODS**

This study employs a qualitative research design, specifically a literature study, to explore the philosophical analysis of Islamic legal principles in the context of modernity. The research aims to analyze the theoretical frameworks and ethical principles of Islamic law, drawing upon existing scholarly works in the fields of Islamic jurisprudence, philosophy, and law. This method is well-suited for examining the philosophical dimensions of Islamic legal thought, as it allows for a thorough review of the historical and contemporary discourse surrounding the subject (Bryman, 2016). Given the complexity of the topic, the use of secondary sources—such as academic books, journal articles, and legal texts—is appropriate for the in-depth analysis of relevant concepts and ideas.

## **Data Sources**

The data for this study is primarily derived from academic sources, including peer-reviewed journal articles, books, and other scholarly publications that discuss Islamic jurisprudence, philosophy, and the intersection of Islamic law with modernity. Key sources include foundational texts by Islamic legal scholars, as well as recent contributions that critically engage with the application of Islamic law in contemporary society (Faizi & Ali, 2024). Additionally, contemporary academic analyses that examine the ethical and philosophical aspects of Islamic law in light of modern global challenges, such as human rights and gender equality, are also reviewed (Saeed, 2018).

Furthermore, legal texts and fatwas (Islamic legal opinions) that have addressed modern issues such as bioethics, political governance, and economic globalization provide essential context for the philosophical analysis of Islamic law (Muxammadali o'g, 2025). These sources are selected for their relevance to the study's aims and their contribution to the ongoing discourse on Islamic legal reform in the modern era.

### **Data Collection Techniques**

The data collection process involves a comprehensive review and synthesis of existing literature on Islamic law and its philosophical underpinnings. This study follows a systematic approach to gathering data, focusing on identifying and analyzing primary and secondary sources that are relevant to the research questions. The key technique employed is desk research, which involves a detailed examination of existing written works on Islamic law, jurisprudence, and philosophy. The data collection process also includes the identification of gaps in the current literature, which this study seeks to address by offering a new philosophical perspective on the application of Islamic legal principles in modern times (Bryman, 2016).

### **Data Analysis Method**

The data analysis method for this study is thematic analysis, a widely used approach in qualitative research that involves identifying and interpreting patterns or themes within the data (Castleberry & Nolen, 2018). Thematic analysis is appropriate for this research as it allows for a nuanced examination of the philosophical principles of Islamic law, identifying key themes such as justice, equity, and freedom, and exploring how these principles align or conflict with modern philosophical concepts. This method also enables the researcher to systematically explore the tension between traditional Islamic legal thought and modern legal and political frameworks, contributing to a deeper understanding of their interaction.

The analysis involves several stages, beginning with an initial reading of the literature to familiarize the researcher with the content and identify relevant themes. Next, the data is coded according to these themes, followed by a process of interpretation and synthesis to draw conclusions regarding the philosophical compatibility of Islamic law with modernity. Throughout this process, the researcher ensures that the analysis is grounded in the theoretical frameworks of Islamic jurisprudence and philosophy, while also engaging with contemporary debates on the subject (Faizi & Ali, 2024).

## **RESULT AND DISSCUSSION**

The results of this research provide an in-depth philosophical analysis of Islamic legal principles in the context of modernity. The study reveals key insights into how Islamic jurisprudence engages with and adapts to the challenges posed by contemporary legal and philosophical frameworks. The following points elaborate on the primary findings across various themes, offering a detailed analysis of the interaction between traditional Islamic legal principles and modern societal concerns.

### **Justice in Islamic Law and Modernity**

One of the most fundamental principles in Islamic law is justice (Adl), which serves as the cornerstone of both moral and legal conduct. In Islamic jurisprudence, justice is viewed not only as fairness in legal terms but also as an ethical obligation that ensures the welfare and social harmony of the community. Justice in Islam is

deeply rooted in divine law, and it extends beyond the protection of individual rights to the establishment of social justice, which seeks to benefit the collective good.

In contrast, modern liberal thought defines justice primarily in terms of individual rights and equality before the law. Contemporary legal systems, particularly in liberal democracies, prioritize the protection of individual autonomy and the equitable distribution of resources (Rawls, 1971). This individualistic interpretation of justice can sometimes conflict with Islamic concepts that emphasize the collective good and the moral obligations individuals owe to the community.

This research finds that there is a convergence between Islamic and modern concepts of justice in several key areas, particularly in the protection of human dignity and the promotion of equality. However, significant challenges arise in applying Islamic justice principles within secular legal frameworks, where individual rights and freedoms are often placed above collective moral imperatives. For instance, while Islamic law stresses justice for all members of society, the modern emphasis on individual rights can complicate the implementation of Islamic legal principles in secular legal systems (Akbaba, 2025).

### **The Principle of Equality in Islamic Law and Modernity**

The principle of equality (*Musawat*) is another essential tenet of both Islamic law and modern legal frameworks, although its application differs significantly. In Islamic law, equality is understood in the spiritual and moral sense, emphasizing the equal dignity and worth of all individuals before God, regardless of social status, ethnicity, or gender. However, Islamic law recognizes certain legal distinctions based on personal status and gender, which are believed to complement social harmony rather than create inequality.

In modern secular legal systems, equality is often conceptualized as the eradication of discrimination, with a focus on providing equal opportunities for all, irrespective of race, gender, or religion. This includes legal mechanisms like affirmative action and gender quotas aimed at addressing historical inequities and ensuring equality of rights across all social categories.

The findings of this research suggest that while there is substantial overlap between Islamic law and modern legal systems in their commitment to equality, significant challenges persist when it comes to gender equality. Islamic law, for instance, continues to uphold certain legal distinctions—such as those related to inheritance and the testimony of women—that are perceived by modern legal frameworks as incompatible with ideals of gender equality. These distinctions, however, are not viewed as inherently unjust in Islamic jurisprudence but rather as part of a broader moral framework that seeks to preserve social balance and familial cohesion (Bensaid & Machouche, 2019).

### **Freedom and Individual Rights in Islamic Law and Modernity**

The concept of freedom (*Hurriyah*) plays a central role in both modern democratic societies and Islamic legal thought, albeit with differing interpretations. In modernity, freedom is typically understood as the absence of interference in personal choices, with a strong emphasis on protecting individual autonomy and

rights against the encroachments of state or society (Rawls, 1971). In contrast, Islamic law permits a certain degree of individual freedom but places restrictions on actions that may be deemed harmful to society or contrary to divine law. This understanding of freedom is not absolute; rather, it is constrained by ethical and social responsibilities toward others (Bok, 2022).

In contemporary legal systems, the modern conception of freedom often extends to rights such as freedom of speech, religion, and personal autonomy. However, Islamic law does not grant these freedoms in an unlimited form. For instance, while individuals are free to practice their religion, Islamic law restricts actions like apostasy or blasphemy, which are viewed as detrimental to the moral fabric of society. These limitations present a tension between Islamic and modern notions of freedom, where modern secular systems may perceive Islamic restrictions as infringements on personal liberty.

The findings of this research underscore the philosophical tensions between Islamic and modern notions of freedom. While both systems recognize the value of individual rights, the way these freedoms are understood and applied diverges significantly. The research highlights that Islamic law places ethical limits on freedom to ensure moral and societal harmony, whereas modern legal systems tend to emphasize individual autonomy as an inherent right.

### **Human Rights and Islamic Law**

Human rights, particularly the rights to life, dignity, and equality, are pivotal concerns in both Islamic law and modern international legal discourse. Islamic law enshrines certain human rights based on the teachings of the Quran and the Sunnah, recognizing the sanctity of human life and the dignity of individuals as fundamental. These rights include the right to justice, religious freedom, and protection from oppression (Luchenitser, 2016). However, Islamic human rights are framed within the context of moral and social obligations, which sometimes results in a different interpretation of rights compared to modern international human rights frameworks.

Modern human rights discourse, exemplified by documents like the Universal Declaration of Human Rights (UDHR), posits that human rights are universal and inalienable, applying to all individuals regardless of religious or cultural backgrounds (Assembly, 1948). The contrast between the Islamic conception of human rights and the secular conception is particularly evident in issues such as the rights of women, religious minorities, and freedom of expression.

This research finds that while there are significant philosophical alignments between Islamic human rights principles and modern international human rights norms—particularly concerning the protection of life and dignity—there are also notable conflicts. These conflicts are most apparent in the areas of gender equality, religious freedom, and the right to freedom of expression, where traditional Islamic interpretations may impose limitations that are seen as contrary to widely accepted human rights standards in the modern world (N. Hussain et al., 2023).

### **Ijtihad and Legal Reform in the Modern Era**

Ijtihad, the process of independent legal reasoning, is one of the most crucial tools in Islamic jurisprudence. This process allows Islamic scholars to reinterpret legal principles in light of new circumstances, making it essential for adapting Islamic law to contemporary challenges. Ijtihad has been particularly important in addressing modern issues such as bioethics, gender equality, and political governance. It provides a means for Islamic law to remain relevant and responsive to the needs of modern society.

In modern legal systems, legal reform typically occurs through legislative processes or judicial interpretation, with an emphasis on evolving the law to reflect societal changes. In comparison, ijtihad provides a more flexible and decentralized approach to legal reform within Islamic contexts. It allows scholars to revisit and reinterpret Islamic legal rulings, offering a potential pathway for reconciling traditional Islamic legal thought with the demands of modernity.

The findings of this research highlight the critical role that ijtihad plays in enabling Islamic law to adapt to the evolving needs of contemporary society. However, challenges remain in balancing traditional interpretations with the need for progressive legal reforms, particularly in Muslim-majority countries where legal systems may be slow to embrace change. Despite these challenges, ijtihad remains a key mechanism for ensuring that Islamic law can evolve in response to modernity without abandoning its core ethical principles (Muxammadali o'g, 2025).

### **Discussion**

The findings of this research reveal a complex relationship between Islamic legal principles and modern philosophical frameworks, highlighting both alignment and tension in their application to contemporary issues. The principle of justice (Adl) in Islamic law, grounded in divine law and moral obligations towards the community, contrasts with the modern liberal conception of justice, which emphasizes individual rights and equality before the law. This divergence becomes particularly apparent in debates surrounding Shari'ah law and its application in secular legal systems, especially in countries where both systems coexist. While Islamic law upholds justice for the collective good, modern legal systems prioritize individual freedoms, creating a tension that is especially noticeable in Muslim-majority countries such as Indonesia and Turkey, where there is ongoing dialogue about balancing Shari'ah with international human rights standards (Mohiuddin, 2024).

A similar tension is evident in the principle of equality (Musawat), where Islamic law emphasizes spiritual equality before God, yet retains legal distinctions, particularly with regard to gender roles. These distinctions, though seen by some as promoting social harmony, are often viewed by modern legal systems as perpetuating inequality, particularly in areas like inheritance law. The study shows that while Islamic law's interpretation of equality is rooted in complementary roles, modern interpretations demand a more secular, uniform approach that challenges traditional views on gender. This issue intersects with contemporary global debates on gender equality, especially in Muslim communities where calls for reform are often met with resistance from conservative factions.

The principle of freedom (*Hurriyah*) also highlights the gap between Islamic and modern legal systems. While Islamic law permits certain freedoms, it places moral constraints on actions that may harm society or contravene divine law, creating limitations on individual freedoms, such as apostasy or blasphemy. Modern liberal systems, on the other hand, place emphasis on absolute personal autonomy, making the application of Islamic freedom principles in secular contexts difficult (Rawls, 1971). This contrast is particularly evident in countries where freedom of expression and religious practice are highly valued, yet Islamic law imposes restrictions that are seen by critics as violations of individual rights.

The principle of human rights in Islamic law also reveals significant philosophical divergences from modern human rights frameworks. While Islamic jurisprudence acknowledges fundamental rights such as the right to life, dignity, and religious freedom, these rights are contextualized within a framework of social responsibility and moral obligation, which can conflict with the universal, inalienable rights emphasized by international human rights norms (Assembly, 1948). This dissonance is particularly evident in contemporary debates surrounding women's rights, where Islamic law's traditional interpretations—such as in inheritance and testimony laws—clash with the global push for gender equality (Pin & Khan, n.d.).

In this light, *ijtihad*, the Islamic process of independent legal reasoning, emerges as a key tool for reconciling traditional Islamic thought with the demands of modernity. The flexibility inherent in *ijtihad* allows Islamic law to evolve in response to new social and technological realities, providing a potential pathway for legal reform. However, the challenge remains in balancing traditional interpretations with the need for progressive change, especially in countries where legal systems are slow to embrace reform. The application of *ijtihad* remains contentious, but its role in facilitating legal adaptation is increasingly recognized as essential for aligning Islamic law with contemporary societal needs (Athambawa, 2025). Ultimately, while Islamic legal principles maintain a distinct moral and ethical framework, their compatibility with modernity hinges on the ability to adapt traditional interpretations through *ijtihad*, offering a model for the evolution of Islamic law in a globalized world.

## CONCLUSION

This study has explored the philosophical analysis of Islamic legal principles in the context of modernity, highlighting the complex relationship between traditional Islamic jurisprudence and contemporary legal frameworks. The findings reveal that while there are significant areas of alignment, particularly in the shared emphasis on justice, human dignity, and social welfare, tensions arise when it comes to issues such as gender equality, individual freedoms, and the application of human rights. The research emphasizes the role of *ijtihad* as a crucial tool for reconciling traditional Islamic legal thought with the evolving demands of modern society. However, the challenges of balancing Islamic legal principles with modern legal systems remain prominent, especially in areas where Islamic law's interpretations of freedom, equality, and justice diverge from international human rights norms. This study contributes to the ongoing discourse on Islamic legal reform and the adaptability of *Shari'ah* in addressing modern societal challenges.

### Recommendations for Future Research

Future research could further investigate the practical application of *ijtihad* in contemporary legal systems, particularly in Muslim-majority countries, to explore how legal scholars are actively engaging with modern issues such as technology, bioethics, and environmental law within an Islamic framework. Additionally, comparative studies between Islamic legal systems and secular legal systems in countries like Indonesia, Turkey, and Saudi Arabia could provide deeper insights into the challenges and successes of integrating Shari'ah principles with modern governance models. Finally, research that examines the evolving interpretation of gender equality in Islamic law, particularly in light of recent global movements for women's rights, would be invaluable in further understanding the dynamics between Islamic law and modern human rights standards.

### Bibliography

- Akbaba, B. G. (2025). Access to Justice and Human Rights: A Comparative Study of Islamic Jurisprudence and Secular Legal Systems. *Īnsan ve Toplum*, 15(2), 171–192.
- Al-Farsi, K. (2022). Exploring sharia law in Islamic jurisprudence. *Social Science Chronicle*, 2(1), 1–20.
- Assembly, U. N. G. (1948). Universal declaration of human rights. *UN General Assembly*, 302(2), 14–25.
- Athambawa, M. (2025). *Ijtihād Maqāṣidī and Legal Adaptation: A Comparative Analysis of Contemporary Islamic Jurisprudence in Responding to Emerging Issues*.
- Azam, M., Mashdurohatun, A., Firmansyah, A. N., Saktiawan, M. D., & Jaya, K. O. P. (2025). Harmonizing Contemporary International Commercial Law with Sharia-Based National Legal Systems: A Comparative Study of Pakistan, Turkey, Indonesia, Malaysia, and Saudi Arabia. *MILRev: Metro Islamic Law Review*, 4(2), 1074–1096.
- Bensaid, B., & Machouche, S. (2019). Muslim morality as foundation for social harmony. *Journal of Al-Tamaddun*.
- Bok, H. (2022). *Freedom and responsibility*. Princeton University Press.
- Bryman, A. (2016). *Social research methods*. Oxford university press.
- Castleberry, A., & Nolen, A. (2018). Thematic analysis of qualitative research data: Is it as easy as it sounds? *Currents in Pharmacy Teaching and Learning*, 10(6), 807–815.
- Faizi, H. F. S., & Ali, H. S. (2024). The core principles of Islamic jurisprudence within legal theory: A comprehensive analysis. *Online Journal of Research in Islamic Studies*, 11(2), 57–72.
- Husain, S., Ayoub, N. P., & Hassmann, M. (2024). Legal pluralism in contemporary societies: Dynamics of interaction between islamic law and secular civil law. *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah*, 1(1), 1–17.
- Hussain, N., Xi, W., Saifullah, S., & Shumaila, S. (2023). Islam and International Standards of Human Rights: An Analysis of Domestic Implementation of International Human Rights in Islamic Culture. *Assyfa Journal of Islamic Studies*, 1(1), 1–12.

- Hussain, S. M. (2025). THE INTERSECTION OF ISLAMIC LAW AND MODERN HUMAN RIGHTS. *Journal of Religion and Society*, 3(01), 382–394.
- LC, S. F. (2025). Revisiting the Legacy of Islamic Legal Scholarship: The Influence of Sharia on Contemporary Legal Systems. *Journal of Islamic Law and Legal Studies*, 2(1), 1–15.
- Luchenitser, A. J. (2016). “Religious Freedom” as a Tool to Oppress: The Explosion in Religion-Based Attacks on Civil Rights in Litigation. *Social Sciences*, 5(4), 52.
- Malik, R., Malik, A., & Mustika, M. (2024). Artificial Intelligence and Islamic Law: Ethical implications and fiqh fatwas in the digital Age. *Journal of Family Law and Islamic Court*, 3(2).
- Mohiuddin, A. (2024). Human Rights Law in Muslim Majority Countries: An Assessment. In *Human Rights Law in Egypt and Malaysia: Freedom of Religion and Expression, Volume 1* (pp. 35–74). Springer.
- Muxammadali o’g, Q. A. (2025). CHALLENGES OF PROVIDING SOLUTIONS TO MODERN ISSUES IN ISLAMIC LAW. *EduVision: Journal of Innovations in Pedagogy and Educational Advancements*, 1(3), 577–594.
- Pin, P., & Khan, M. O. (n.d.). *Women’s Testimony in Islamic Law: Addressing Common Misconceptions*.
- Rawls, J. (1971). *A theory of justice*. Rawls. The Belknap.
- Saeed, A. (2018). *Human rights and Islam: An introduction to key debates between Islamic law and international human rights law*. Edward Elgar Publishing.