



An Analysis of Islamic Law in the Perspective of Contemporary Fiqh

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Abstract

The rapid development of the times has given rise to various contemporary issues that were previously unimaginable. This demands a dynamic and contextual interpretation and application of Islamic law to the current context. In response to these challenges, contemporary fiqh emerges as a discipline that actively interprets and applies Islamic law in the modern context. This study aims to analyze Islamic law in the perspective of contemporary fiqh through a library research method. Library research is conducted by collecting, analyzing, and synthesizing various related literature, such as classical fiqh books, works of contemporary scholars, scientific journals, and other reliable sources. This study is expected to contribute to an understanding of the important role of contemporary fiqh in responding to various contemporary issues and maintaining the relevance of Islamic law in the modern era. In addition, this study is expected to be a reference for academics, Islamic law practitioners, and the general public in understanding Islamic law more comprehensively and contextually.

I. INTRODUCTION

This journal aims to navigate the vast sea of contemporary jurisprudence, offering a profound and insightful analysis of the legal status of painting in Islam. It highlights the intricate relationship between art and faith, emphasizing the importance of context in understanding Islamic teachings regarding visual representation. By examining various interpretations of relevant hadiths and tracing the evolution of contemporary thought, this journal seeks to foster a nuanced dialogue on the role of painting within Islamic culture.

As we continue to explore the boundaries of artistic expression, it is crucial to engage with the diverse perspectives that have emerged throughout history. Recognizing the significant contributions of Muslim artists and the ways in which their work reflects both spiritual and cultural dimensions enriches our appreciation of Islamic art. This journal encourages further scholarship and discussion to deepen our understanding of the ethical and aesthetic implications of painting in Islam, ultimately promoting a more inclusive and reflective approach to the appreciation of visual arts in Muslim societies.

II. RESEARCH METHODS

This research falls under the category of library research, where data is gathered from

literary sources such as books, notes, previous research reports, and similar documents to establish a theoretical foundation for the study. The research materials have been collected, understood, summarized, and classified from various available sources, both in print and digital formats. This study does not require data collection through field research. The library research method plays a crucial role in building a solid theoretical framework for future research.

By exploring the findings of previous studies, researchers can identify areas that require further investigation. This approach not only motivates deeper exploration but also contributes new insights to the development of knowledge. Library research involves techniques for data collection by reviewing literature, notes, books, theoretical studies, and various reports related to the issues at hand. It is recommended that future studies continue to leverage the strengths of library research to enhance their theoretical frameworks and identify gaps in the existing literature. This can lead to more comprehensive and impactful research outcomes, fostering further advancements in the field. Additionally, integrating diverse sources of information can enrich the analysis and provide a broader perspective on the topics being studied (Pringgar & Sujatmiko, 2020).

III. RESULTS AND DISCUSSION

The term for "image" in Arabic is *tashwir* (التصوير), encompassing the concepts of creating, drawing, and imagining (Fathoni & Murni, 2022). For instance, the term *al-mushawwir*, one of the names of Allah (*asmaul husna*), describes Allah as the Supreme Creator who intricately designs all beings with wisdom. By bestowing unique forms and characteristics upon each creation, Allah distinguishes them from one another, resulting in a remarkable diversity.

Al-Mushawwir exemplifies Allah's ability to create everything with perfection and a profound understanding of each being's unique traits. This reflects the unparalleled marvel of His creation and His boundless wisdom in crafting a world filled with diversity and harmony.

It is suggested that further exploration of the concept of *tashwir* in Islamic thought can enhance our understanding of the relationship between creation and creativity. By studying how this term relates to artistic expression and the divine act of creation, we can gain deeper insights into the role of art and representation in the context of faith. Engaging with these themes not only enriches our appreciation of Islamic art but also encourages a broader dialogue about the interplay between spirituality and creativity in the human experience (Redjeki, 2022).

Among the verses of the Quran that highlight the theme of creation is Surah Al-A'raf: 11, which states:

سُبْحَانَ الَّذِي خَلَقَكَ مِنْ نَفْسٍ وَاحِدَةٍ، وَصَوَّرَكَ فِي الْأَرْحَامِ كَيْفَ يَشَاءُ

"Indeed, We have created you (Adam), and then We fashioned your body. Then We commanded the angels, 'Prostrate to Adam.' They prostrated, except for Iblis; he was not among those who prostrated."

Additionally, in Surah Ali Imran: 6, it is stated:
هُوَ الَّذِي يُصَوِّرُكُمْ فِي الْأَرْحَامِ كَيْفَ يَشَاءُ ۚ لَّا إِلَهَ إِلَّا هُوَ الْعَزِيزُ الْحَكِيمُ

"He (Allah) who shapes you in the wombs as He wills. There is no deity except Him, the Exalted in Might, the Wise."

Painting is an artistic experience that employs color and line to create two-dimensional fields. Portraits, in particular, resemble self-portraits, where the artist is depicted as the main subject of the artwork, using facial expressions to convey emotions. In their artistic work, the author elevates this personal spirit (Rofi et al., 2022).

All artistic mediums, including painting, undergo evolution alongside societal changes. Historically, paintings were created on stone or

cave walls; today, artists utilize canvases, paper, and boards. There is a greater variety of colors and forms beyond just red and black. Modern paintings can be created digitally, yet many artists still occasionally use traditional materials like canvas, watercolors, and dried leaves.

Moreover, some painters record photographs of objects they find intriguing to replicate on canvas in their studios. Creating portraits, of course, requires considerable time and effort to achieve exceptional quality.

It is recommended that further exploration of the connection between the divine concept of creation in Islam and the evolution of painting could deepen our understanding of art as a reflection of divine creativity. Engaging with this intersection may inspire contemporary artists to incorporate spiritual themes into their works, enriching the depth and meaning of their artistic expressions in today's cultural landscape (Malna, 2019).

A. Allowed Painting In Islam

Art is an expression that engages the senses, allowing us to see, hear, and feel. Art manifests itself in various forms, such as dance art, which combines body movements and expressions; music art, which utilizes vocal and instrumental sounds to express emotions and stories; and painting art, which employs canvas and various colors to create captivating visual images.

Art is a combination of skills and thought that involves physical skills and the final product presented in the form of form or movement. Thus, art is a process. Generally, this process can be divided into three stages. The first stage is thought or idea. An artwork cannot be created without a prior idea or thought. After obtaining an idea or thought, the artwork enters the second stage, the production process. Because a work of art is a quality product reflected in its refinement, beauty, motifs, and so on, its production process requires skilled workers to create extraordinary and beautiful products. In the final stage, art is a combination of thought, skills involving physical abilities, and the final result manifested in a grand and symbolic artwork, such as the Bahal Portibi temple (Intan, 2024).

Art that involves hearing presents the wonders of sound, from instruments like the violin and piano that fill spaces with beautiful melodies, to symphonic orchestras that combine various instruments in magnificent harmony. Not only that, the rhythmic lyrics of poetry or the non-rhythmic prose also become part of this art,

depicting deep meanings and emotions. Meanwhile, visual art, such as painting, showcases mastery in capturing the beauty of worldly objects with a rich color palette. Through brush strokes and fine details, paintings bring imagination to life and inspire their observers. With all its diversity and uniqueness, art offers a profound aesthetic experience that touches the soul, enriching our lives with beauty and a deeper understanding of the world around us (Saaduddin, 2023).

Therefore, art serves as a medium to convey feelings that cannot be expressed with words. This can include feelings of sadness, joy, happiness, or crying. All can be expressed through art.

The Quran speaks about art, among others:

أَفَلَمْ يَنْظُرُوا إِلَى السَّمَاءِ فَوْقَهُمْ كَيْفَ بَنَيْنَاهَا وَزَيَّنَّاهَا وَمَا لَهَا مِنْ فُرُوجٍ

"Do they not look at the sky above them, how We have built it and adorned it, and there are no cracks in it?" (Al-Quran, Surah Qaf, Ayat 6 [50])

Even when the sky was created, many forms of art were within it. Humans are very close to art.

انْظُرُوا إِلَى ثَمَرِهِ إِذَا أَثْمَرَ وَيَنْعِهِ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يُؤْمِنُونَ

"Observe its fruit when it ripens and becomes ripe. Indeed, in that are signs for a people who believe." (Surah Al-An'am, Ayat 99)

Allah SWT not only created the sky but also maintains it. Not only hifzhan (preservation) but also zinatan (beautiful adornment) (Izal, 2019).

يَعْمَلُونَ لَهُ مَا يَشَاءُ مِنْ مَحَارِبٍ وَتَمَائِيلٍ وَجِفَانٍ كَالْجَوَابِ وَقُدُورٍ رُسُوبٍ اِعْمَلُوا آلَ دَاوُدَ شُكْرًا وَقَلِيلٌ مِّنْ عِبَادِيَ الشَّكُورُ

"They (the jinn) worked for Solomon whatever he wished, including high-rise buildings, statues, and large dishes like reservoirs and permanent pots on the stove. Work, O family of David, in gratitude! But few of My servants are grateful." (QS. Saba' : 13)

This verse clearly shows that the jinn, the followers of Prophet Solomon, made statues for him. And there is no rule prohibiting or forbidding it. Although this occurred during the time of Prophet Solomon, those individuals believe that the shariah that Allah SWT revealed in the past is also applicable to us, the Ummah of Muhammad SAW.

In one narration, it is also explained:

"Indeed, the Messenger of Allah saw, one day asked Aisha: What is this? Aisha answered: This is my daughter's (my little doll); then the Messenger of Allah asked again: What is in the middle? Aisha answered: A horse. The Messenger of Allah asked again: What is on top of it? Aisha

answered: Those are its two wings. The Messenger of Allah said: Is there a horse with wings? Aisha replied: Have you not heard that Solomon son of David a.s. has horses that have several wings? Then the Messenger of Allah laughed until his molars were visible." (Abu Daud)

The hadith shows that Prophet Muhammad did not forbid children's toys that have images or statues of living beings. This is because if it were forbidden, the Prophet would have prohibited Aisha from playing with the toys.

Based on the sources above, art is essentially mubah and jaiz according to Islamic law. This means that if art is used to achieve goodness (worship), it is allowed, but if used for destruction (faith), it is forbidden. Art is considered an act of worship in Islam if done in the right way.

This hadith indicates that the Messenger of Allah SAW did not strictly prohibit toys shaped like animals, including winged horses. This is in line with the opinion of the majority of scholars who permit animal toys as long as they do not cause harm or lead to shirk. Animal dolls can serve as media for learning and developing children's creativity. In the context of contemporary jurisprudence, the educational and psychological aspects of children should be considered in reviewing the law of a toy. However, there are certainly still limitations on the use of living beings. Other hadiths prohibit the making of realistic images of living beings because they fear leading to shirk. However, the hadith of Aisha's doll indicates flexibility for non-realistic children's toys that are not intended for worship. In contemporary jurisprudence, interpreting hadith about images of living beings needs to consider the context and purpose of their creation. Educational or artistic images that are not intended to imitate the reality of living beings may be permitted. The hadith of Aisha's doll shows that Islam is not rigid in addressing children's toys. Educational toys that do not lead to shirk can be permitted. In contemporary jurisprudence, it is essential to consider educational aspects, children's psychology, and the context of the times in reviewing the law of a toy. Parents play a crucial role in selecting toys that align with Islamic values and educating children about tawhid.

Yusuf al-Qaradawi permits the painting of living beings even though he states that its ruling is only makruh. He argues that the subject of the image affects its permissibility or prohibition. For instance, images whose subjects contradict religious principles, rules, and general decorum of

religion are prohibited in Islam. Additionally, paintings made to oppose Allah's creation are also forbidden (Guntara, 2020). Therefore, Islam allows painting images as long as the intention is solely for decoration and not intended to rival or be worshipped other than Allah. The validity of a painting depends on the depicted object and the purpose of its creation. As long as the painting does not contain elements that contradict Islamic principles, such as idolatry or inappropriate depictions, then painting art can be accepted and appreciated in Islam.

Consequently, any form of art that contradicts Islamic law is forbidden. Clear guidelines regarding art that aligns with human reason and aims for safety and happiness are provided by Islam. Islam was created to guide humans and provide examples of how to attain true happiness both in this world and in the hereafter. One way to answer human nature, which seeks tranquility and beauty, is through art. However, in Islam, art should only be practiced if it remains within the set boundaries. Allowed art must contain moral principles and not have a negative impact on society or individuals. The resulting art must provide benefits and not lead to harm or misery. Moreover, art must always adhere to religious regulations. Art that violates the norms and ethics taught by Islam, such as art that promotes pornography, violence, or insults to religion, is not permitted. Art in Islam must promote goodness, peace, and harmony, in accordance with the principles taught in the Quran and hadith.

Thus, art holds an important place in the lives of Muslims, as long as it is used as a means to spread positive messages, inspire, and reinforce the values of faith. Art that aligns with the corridors of Islam can be a powerful tool for conveying moral messages, educating, and entertaining, without violating the boundaries set by religion.

B. Prohibited Imagery In Islam

Islam allows for artistic expression, but this is not without clear limitations. The Qur'an and Hadith provide strict guidelines regarding art. The Qur'an specifically prohibits the creation of three-dimensional sculptures intended for worship by humans. This emphasizes that in art, Islam teaches to avoid forms of worship that may lead to spiritual deviations. As stated in Surah As-Saffat, verses 95-96:

قَالَ أَتَعْبُدُونَ مَا تَنْجُتُونَ - وَاللَّهُ خَلَقَكُمْ وَمَا تَعْمَلُونَ

He (Ibrahim) said, "Do you worship what you carve? While Allah has created you and what you do." (Surah As-Saffat - 95-96)

In a Hadith, it is also mentioned that:

"Those who will receive the most severe punishment from Allah on the Day of Judgment will be the painters." (HR. Ahmad)

Images in Arabic are referred to as "tashwir" (تصوير), which means to make, draw, and imagine. For example, one of the Asmaul Husna, the term "al-mushawwir," indicates Allah as the Supreme Creator. Allah creates all creatures and organizes them perfectly, giving them unique forms and characteristics. With His wisdom, Allah creates diversity and beauty in this world, showcasing His greatness as a Creator who is not limited by time and space (NISA, 2023).

In the Lisanul Arab dictionary, the term "Timtsal" is defined as an image, with its plural form being "Tamatsil." More deeply, "Timtsal" refers to anything created that resembles the work of Allah, highlighting the wonders and uniqueness in creation (Asta, 2020).

Scholars categorize images into two main types:

- Images that produce shadows, such as statues cast from iron, brass, stone, and other materials.
- Images that do not produce shadows, such as paintings created on paper, wood, carved on walls, mats, cushions, and other media (Asta, 2020).

Mushawwir, or painters, as mentioned in the above Hadith, refers to mushawwir timthal, which means painters who create artworks resembling the creations of Allah. This Hadith emphasizes painters who attempt to imitate the forms of life created by Allah. According to Islamic teachings, this action is viewed as an imitation of the Creator's work, who has exclusive rights over the creation of life. This prohibition aims to preserve monotheism and prevent deviations from religious teachings, ensuring that the art created does not violate the boundaries set by Allah.

In Islam, there are several prohibitions and norms related to drawing. These guidelines serve as instructions for Muslims not to go overboard in artistic expression. Some of the norms that must be followed in the arts include:

- Prohibited to paint images that are pornographic or depict living beings.
- Prohibited to create stories that contain elements of deities or criticize God.
- Prohibited to sing songs with inappropriate or vulgar lyrics.

- d. Prohibited to play music that incites sensual movements.
- e. Prohibited to embrace between men and women in dance.
- f. Prohibited to present dramas and films that contain violence, hatred, and cruelty.
- g. Prohibited to wear clothing that exposes aurat (Almunadi & Zulfikar, 2023).

Therefore, Islam prohibits all forms of art that violate the law. Islam was revealed to guide and provide direction to humanity for achieving happiness in this world and the hereafter. It also offers artistic guidelines that align with human reason and are oriented towards safety and happiness. Peace is an integral part of human nature and is crucial to art. Thus, art can only be accepted if it adheres to the limits set. Art must contain moral values so that its outcomes do not result in suffering. Art must also comply with religious rules and must not exceed the limits.

Scholars disagree with one another regarding the legality of images and art. There are at least three main opinions on this issue. Some consider it absolutely forbidden, some allow it absolutely, and others occupy a middle ground, meaning they permit images and paintings in certain situations and prohibit them in others.

The view that allows paintings absolutely can be considered overly bold. This is based on many Hadiths that explicitly discuss paintings and their creators; some even mention severe punishment for those who paint. This opinion has a strong foundation, although it seems extreme to allow images and paintings to be created. One of these is the verses found in the Qur'an that explain the laws applied to past communities (Nurdin, 2021).

Among Islamic scholars, there are two main groups with differing views regarding the legality of visual art. The first group completely prohibits paintings and images of living beings, while the second group entirely prohibits images in three-dimensional media (statues, paper, and canvas) (Kudhori & Syifa' Muhammadun, n.d.). The majority of scholars from the Hanafi, Shafi'i, and Hanbali schools support this view. Although the Maliki school does not prohibit images on flat surfaces, Imam Nawawi even considers this view as *ijma'* (consensus of scholars).

The Hanbalis explicitly categorize forbidden images as major sins (*al-kabir*) due to the threats against the creators of images. This prohibition is based on two main reasons: textual (*dhahir*) understanding of religious texts and a cautious attitude to avoid polytheism (Fauzi, 2021).

In the midst of the debate about the legality of visual art in Islam, there exists a group of scholars who take a moderate position. This group does not absolutely prohibit or permit images and paintings but considers various factors and conditions to determine their legality. In other words, this moderate opinion does not negate the prohibition of images and paintings in certain situations but retains their permissibility in other circumstances. According to the Maliki school and Ibn Hamdan from the Hanbali school, images become haram if they meet the following criteria: human or animal statues in three-dimensional form, such as idols or sculptures. However, painting them on walls, paper, or canvas is not haram and is *makruh*. Imam Nawawi also stated that only three-dimensional statues (*timtsal*) are prohibited. ("Terjemah Hasyiyah Ad Dasuqi," n.d.) Images created are not haram according to the Maliki school if they do not have complete body parts like a severed head or a torn abdomen. Shafi'i and Hanbali scholars hold the same view. The Shafi'i school focuses only on the head. Therefore, if only the feet or abdomen are cut off, it is still considered haram. To create statues, materials like stone, metal, wood, etc., are prohibited. However, if one uses easily damaged materials, such as cheese, fruits, or creates a statue in beach sand, it is not haram (Zainuddin, 2024).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Scholars have diverse views regarding the law of visual art, or what is known as *tashwir*. There are several points agreed upon as haram, such as the creation of statues and idols that are used as objects of worship. On the other hand, images that do not possess the complete anatomy, whether in two-dimensional or three-dimensional forms, are agreed upon as permissible. However, there are also several points that remain debated, one of which is the law regarding the creation of images of living beings, both humans and animals, in the form of *musathah* (flat surfaces). Each opinion on these disputed matters is based on evidence that needs to be studied and understood thoroughly. This difference of opinion reflects the complexity of understanding Islamic law related to visual art. It is important to explore various perspectives and evidence related to reach a comprehensive understanding aligned with Islamic values.

The law of painting in Islam cannot be simplified into black and white; rather, it is a complex area that requires in-depth and

contextual analysis. Several elements must be considered to determine the law of painting: First, the purpose of creating the painting becomes a crucial point. Is the painting made for the purpose of worship, decoration, or commercial use? This purpose affects Islam's perspective on the validity and spiritual value of a painting. Second, the level of realism in the painting is another consideration. To what extent does the painting imitate real life and create representations resembling living beings? Islam pays special attention to realistic representation that may lead to excessive imitation of Allah's creations. Third, the use of the painting is also a significant factor.

B. Suggestion

Based on the complexities and nuances surrounding the law of visual art, particularly tashwir, in Islam, it is essential to approach this topic with a mindset that embraces scholarly discourse and contextual understanding. Engaging in comprehensive dialogue among scholars can illuminate diverse interpretations while highlighting shared principles. Additionally, fostering educational initiatives that address the historical, theological, and contemporary aspects of visual art will equip individuals with the knowledge necessary to navigate these complexities.

Furthermore, it is crucial to establish clear guidelines that encourage creative expression within the framework of Islamic teachings, allowing artists to explore their craft while remaining respectful of religious values. This balanced approach can lead to a richer appreciation of visual art as a form of cultural expression that aligns with Islamic principles. By nurturing an environment of mutual respect and understanding, we can pave the way for innovative artistic endeavors that contribute positively to both the artistic community and society at large.

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