



From Ushul Fiqh to Modern Islamic Legal Theory: The Transformation of Legal Discovery Methodology in the Islamic Intellectual Tradition

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Abstract

The development of modern society has given rise to various increasingly complex legal problems that require a renewal in the methodology of Islamic law discovery. In the classical Islamic intellectual tradition, *ushul fiqh* serves as the main methodological framework in understanding and establishing laws derived from the Qur'an and Sunnah. This research aims to analyze the transformation of legal discovery methodology from the framework of *classical ushul fiqh* to the development of modern Islamic legal theory in the Islamic intellectual tradition. This study uses *the library research method* with a historical and normative approach. Data was obtained through a study of the classical literature of *ushul fiqh* and the works of modern Islamic legal thinkers. The historical approach is used to trace the development of the methodology of the establishment of law in the Islamic tradition, while the normative approach is used to analyze methodological concepts in Islamic legal theory and their relevance to contemporary issues. The results of the study show that *classical ushul fiqh* builds a methodology of legal discovery that is oriented to textual analysis of the source of revelation as well as the use of legal analogy as a rational instrument in expanding the scope of law. However, the complexity of modern problems raises criticism of the limitations of this approach. In the development of contemporary thought, modern Islamic legal theory seeks to integrate *the maqashid al-shariah approach*, *the principle of benefit*, and social analysis as a more contextual methodological framework in the process of legal discovery. This study concludes that the transformation of the methodology of legal discovery in the Islamic tradition is a process of intellectual evolution that aims to maintain the relevance of Islamic law in the face of changing times. Therefore, the development of Islamic legal methodologies needs to continue to be directed at the integration between normative principles of sharia and analysis of the social reality of modern society.

I. INTRODUCTION

Introduction to the study of Islamic law cannot be separated from the central role *Ushul Fiqh* as a discipline that regulates the methodology of law determination (Khotimah, 2025). Since the early days of Islamic intellectual development, the need to formulate rules for understanding the shari'a has prompted scholars to develop a systematic methodological framework to ensure that the process of establishing laws remains based on the main sources of Islamic teachings, namely the Qur'an and the Sunnah. In this context, *Ushul Fiqh* It serves as an epistemological tool that explains how normative texts are interpreted, how postulates are understood, and how laws are drawn from their sources rationally and methodologically (Dermawan, Syahnan, Khair, & Tanjung, 2025). This scholarly tradition classically acquired a mature form through the monumental work of scholars, especially Muhammad ibn Idris al-Shafi'i in his work Al-

Risalah, which is considered the initial foundation of the systematization of Islamic legal methodology (Ruslan, Hanief, & Mubarak, 2025). Through these works, principles such as the authority of the Qur'an, the position of the Sunnah, *ijma'*, and *qiyas* are formulated conceptually as the main instruments in the process of *Istinbath Al-Ahkam* (legal excavation).

Theologically, the legitimacy of the legal reasoning process in Islam also has a normative basis in the Qur'an. One of the verses that is often used as a reference is the word of Allah in QS. An-Nisa' verse 59 which commands the believers to obey Allah, the Messenger, and *ulil amri*, and return every dispute to the Qur'an and Sunnah. This verse shows that the determination of law does not only stop at the literal text, but also requires a process of understanding and interpretation of the sources of sharia. In addition, the principle of using reason in understanding the law is also reflected in QS. Al-Hashr verse 2 which

states, "*fa'tabirū yā ulil abshār*" (so take a lesson, O you who have views). This verse is often interpreted by scholars as legitimacy for the use of analogy and rational reasoning in establishing laws, which later developed into the method of qiyas in *ushul fiqh*.

In addition to the evidence of the Qur'an, the methodological basis of the discovery of the law is also strengthened by the hadith of the Prophet narrated in the dialogue between the Prophet and Mu'adh ibn Jabal when he was sent to Yemen (Fahrul & Sa'diyah, 2024). In the hadith, Mu'adh explained that he would decide a matter based on the Qur'an, then the Sunnah, and if it was not found in both, then he would do ijihad with *Bloodyher*. The Prophet then justified the method. This hadith epistemologically shows that the process of ijihad is a legitimate mechanism in the Islamic legal tradition to answer problems that are not explicitly found in the nash. Thus, since the beginning of the development of Islam, the discovery of law has involved the interaction between the text of revelation and the intellectual activity of man.

As history progresses, discipline *Ushul Fiqh* not only developed as a technical method of law-making, but also became the theoretical foundation for the construction of Islamic law as a whole (Mukti, 2026). Scholars from various schools then enriched this methodology through various approaches, both based on language analysis, legal rationality, and consideration of benefits. The contribution of the thought of figures such as Abu Hamid al-Ghazali through the works of Al-Mustasfa min Ilm al-Usul and Abu Ishaq al-Shatibi in Al-Muwafaqat shows that *Ushul Fiqh* continues to experience conceptual development. Especially through theory *Maqashid al-Shariah*, scholars began to emphasize that the main purpose of Islamic law is to realize the benefits of human beings by safeguarding religion, soul, intellect, descent, and property.

Nevertheless, the development of modern society brought about very rapid and complex social changes. Globalization, technological developments, economic transformation, and the emergence of various new forms of social relations have raised legal problems that have not been directly found in classical literature. Phenomena such as digital finance, medical bioethics, intellectual property rights, and the global economic system present methodological challenges to Islamic law. In this context, some people consider that the classical *ushul fiqh*

approach that is very oriented to the analysis of texts and qiyas is sometimes not enough to comprehensively answer the complexity of contemporary problems.

This condition encouraged the emergence of various methodological reconstruction efforts in the Islamic intellectual tradition. Modern thinkers are trying to develop new approaches that remain rooted in classical traditions, but are more open to dynamic social realities. The idea of reforming the methodology of Islamic law was developed by a number of thinkers such as Fazlur Rahman with the concept *Double Movement Theory*, as well as Muhammad Iqbal who emphasized the importance of reconstructing religious thought in Islam (Hidayati & Nurhalisa, 2025). These ideas essentially seek to bridge the gap between the classical methodological heritage and the legal needs of modern society.

Thus, the transformation from *classical ushul fiqh* to modern Islamic legal theory cannot be understood as a break with tradition, but rather as a process of intellectual evolution in response to the changing times. This study of the transformation of the methodology of legal discovery is important to trace how the Islamic intellectual tradition adapts to social dynamics without losing its normative foundation. Therefore, research on the relationship between *classical ushul fiqh* and the development of modern Islamic legal theory has great academic significance, especially in understanding how the methodology of legal discovery can continue to develop contextually while remaining rooted in the basic principles of sharia.

II. RESEARCH METHODS

This study uses the Library Research by examining various literature sources relevant to the study *Ushul Fiqh* and modern Islamic legal theories (Saebani, 2023). Research data were obtained from primary literature in the form of works of classical scholars in the field of *Ushul Fiqh* as well as the writings of contemporary thinkers who discuss the development of the methodology of legal discovery in Islam. In addition, this research also utilizes secondary sources such as books, scientific journal articles, and other academic works that have relevance to the research topic.

The approach used is a historical and normative approach (Suyanto, 2023). A historical approach is used to trace the development of methodological thought in the tradition *Ushul*

Fiqh, starting from the initial formulation formulated by Muhammad ibn Idris al-Shafi'i to the development of Islamic legal thought in the modern era. Through this approach, it is possible to understand the intellectual dynamics behind the transformation of the methodology of legal discovery in the Islamic tradition.

Meanwhile, a normative approach is used to analyze methodological concepts in ushul fiqh and their relevance in the development of modern Islamic legal theory. The analysis is carried out by examining the basic principles of the discovery of law derived from the Qur'an, Sunnah, ijma', and qiyas, then examining how these principles have been reinterpreted in the thought of contemporary Muslim scholars such as Fazlur Rahman. Through these two approaches, this study seeks to understand the transformation of the methodology of legal discovery in the Islamic intellectual tradition systematically and comprehensively.

III. RESULTS AND DISCUSSION

A. The Birth of Ushul Fiqh as a Methodology for Legal Discovery in the Classical Islamic Tradition

Birth *Ushul Fiqh* In the intellectual tradition of Islam, it cannot be separated from the need for Muslims to understand and interpret the sources of sharia law systematically. In the early days of Islam, the law was basically derived directly from revelation conveyed through the Qur'an and explained through the practice and words of the Prophet Muhammad. However, after the death of the Prophet, Muslims faced new problems that were not always explicitly explained in the text of revelation (Arifuddin et al., 2023). This condition requires the birth of a methodology that is able to explain how the law can be drawn from sharia sources in a rational, systematic manner, and still based on the authority of revelation. It is in this context that *Ushul Fiqh* developed as an epistemological framework in the discovery of Islamic law (*Istinbath Al-Ahkam*) (Dermawan et al., 2025).

The normative basis for legal reasoning activities has actually been reflected in the Qur'an. One of the verses that is often used as a methodological basis is QS. An-Nisa' verse 59 which commands the believers to obey Allah, the Messenger, and the authority holders among them, and to return every dispute to the Qur'an and the Sunnah. This verse shows that the process of establishing law in Islam should always refer to

the primary source of the sharia, but at the same time requires intellectual activity to understand and interpret the text in a variety of different situations. The principle of the use of reasoning is also strengthened by QS. Al-Hashr verse 2 which states "*fa'tabirū yā ulil abshār*" (so take a lesson, O you who have views), which is interpreted by scholars as the legitimacy of the use of analogies and rational considerations in understanding the law.

In addition to the Qur'an, the methodological basis of ijtiḥad can also be found in the hadith of the Prophet regarding the dialogue with Mu'adh ibn Jabal when he was sent as a judge to Yemen. In the hadith, Mu'adh explained that he will decide the case based on the Qur'an, then the Sunnah, and if no clear provisions are found, then he will do ijtiḥad with his own opinion. The Prophet Muhammad later approved the method. This hadith is often understood as the initial legitimacy for the use of ijtiḥad in the discovery of Islamic law and as the foundation for the development of methodology *Ushul Fiqh* (Fahrul & Sa'diyah, 2024).

In historical practice, the methodology of the discovery of law during the time of the Companions and Tabi'in has not been systematically compiled as a stand-alone discipline. The Companions used a variety of approaches in understanding the law, such as adhering directly to the text of the Qur'an and the Sunnah, making analogies to similar cases, or considering the interests of the community. These methods then developed differently in various centers of Islamic scholarship, such as Medina which emphasized more of the hadith tradition, and Kufa which emphasized the use of legal rationality. This difference in approach shows that since the beginning of Islamic history, there have been methodological dynamics in the process of legal discovery.

The attempt to systematize the methodology reached an important stage in the second century of the hijri through the thought of Muhammad ibn Idris al-Shafi'i (Arafat, 2016). In his work *Al-Risalah*, he formulated the basic principles of the discovery of law which later became the foundation for the discipline *Ushul Fiqh*. Within his frame of thought, the sources of Islamic law are arranged in a hierarchical manner which includes the Qur'an, Sunnah, ijma', and qiyas. Al-Shafi'i also emphasized the importance of the validity of the hadith as an explanation of the Qur'an and limited the use of ra'yu in order to

remain within a methodological framework that can be accounted for. Through this approach, *Ushul Fiqh* began to develop as a discipline that not only discussed substantive law, but also the method by which it was discovered.

Further developments show that *Ushul Fiqh* continues to experience conceptual enrichment through the contribution of scholars from various sects. Islamic jurists not only discuss the sources of law, but also develop the principles of text interpretation, legal language theory, and the principles of rationality in the determination of law. Abu Hamid al-Ghazali's thoughts in *Al-Mustasfa min Ilm al-Usul*, for example, provide an in-depth elaboration on the relationship between the shari'a postulate and the purpose of the law (Mu'alim, 2022). Meanwhile, Abu Ishaq al-Shatibi through *Al-Muwafaqat* expands the methodological framework *Ushul Fiqh* by emphasizing the importance of understanding the objectives of the Shari'ah (*Maqashid al-Shariah*) as a basis for the determination of the law (Khaliq & Pangestu, 2025).

From a historical perspective, these developments show that *ushul fiqh* is not just a collection of technical rules in interpreting texts, but a legal epistemological system that bridges the gap between revelation and social reality. Through this methodological framework, scholars try to ensure that Islamic law remains based on the authority of revelation while being able to answer various problems that arise in people's lives. Thus, the birth of *ushul fiqh* in the classical Islamic tradition can be understood as an intellectual response to the need for a structured, rational, and legal discovery methodology based on sharia principles.

Understanding the history of the birth of *ushul fiqh* is important because from this it can be seen that the Islamic legal tradition from the beginning has an internal mechanism for conducting legal reasoning. This methodological tradition later became the foundation for the development of Islamic legal theory in later periods, including various methodological reform efforts that emerged in modern Islamic legal thought.

B. Characteristics of the Method of Determining Law in Classical Ushul Fiqh

Method of determining the law in *Ushul Fiqh* Classical has strong epistemological characteristics, namely oriented to textual analysis of the source of revelation and the use of legal analogies as a rational instrument in

expanding the scope of law (As' ad, Musyahid, & Sultan, 2025). This characteristic was born from the awareness of scholars that Islamic law must remain based on the authority of revelation, but at the same time must be able to answer the ever-evolving problems of life. Therefore, the methodology *Ushul Fiqh* classical development developed two main approaches in the discovery of law, namely the *Hero* that emphasizes text analysis, as well as an approach *Squirming* which emphasizes the search for legal illity as the basis for the analogy.

The textual approach in *ushul fiqh* departs from the belief that the Qur'an and Sunnah are the main sources of sharia that have the highest normative authority in the determination of law. The Qur'an itself affirms the function of revelation as a legal guideline for humans, as stated in the Qur'an. An-Nahl verse 89 states that the holy book was revealed as an explanation for everything (*tibyānan li kulli shay'*). This verse is understood by scholars as legitimacy that the text of revelation has a fundamental position in determining the law. Therefore, the analysis of the structure of language, the context of the descent of the verse (*asbāb al-nuzūl*), and the relationship between texts is an important part of the methodology of legal interpretation in *ushul fiqh*.

In the classical tradition, attention to language analysis developed very strongly because Arabic was seen as the main medium in understanding the will of the sharia. Scholars *Ushul Fiqh* develop various linguistic rules for interpreting legal texts, such as the discussion of general pronunciation (*'am*), special pronunciation (*khāṣ*), absolute utterance (*muṭlaq*), and restricted utterances (*muqayyad*) (Syafa'ah & Zuhi, 2025). Through this analysis, legal experts seek to determine whether a provision is universal or limited to certain conditions. This approach shows that the methodology *Ushul Fiqh* Classical has a great deal of attention to the structure of the text as a source of legal legitimacy.

In addition to textual analysis, another important characteristic is the use of legal analogies (*Qiyās*) as a rational method in expanding the scope of the law. Qiyas is used when a matter is not found explicitly in the Qur'an or Sunnah, but has the same substance as a case that already has legal provisions (Zainuddin, 2022). The normative basis for the use of this analogy is often referred to in the QS. Al-Hashr verse 2 which commands people to learn (*i'tibār*),

which scholars understand as legitimacy for the use of analogous reasoning in understanding law.

This method of analogy developed systematically in the tradition *Ushul Fiqh* especially through the thought of Muhammad ibn Idris al-Shafi'i who gave methodological legitimacy to qiyas as a source of law after the Qur'an, Sunnah, and ijma' (Umar & Bafadhal, 2025). In the framework of qiyas, a law is determined through four main elements, namely *Al-Aṣl* (original cases that have legal provisions), *Al-Far'* (new cases that do not yet have provisions), *ḥukm al-aṣl* (legal provisions in the original case), and *'illat* (the legal reasons that are the basis for the similarity between the two). By finding similarities between the two cases, the law of origin can be applied to the new case analogously.

As a classic example often described in *ushul fiqh literature*, the prohibition of khamr consumption in the Qur'an was extended through qiyas to include various other types of intoxicating substances. In QS. Al-Ma'idah verse 90 states that khamr is an act that must be avoided because it is part of the deeds of Satan. The scholars then identified the legal ill nature of the prohibition as intoxicating nature that corrupts the intellect. Based on the illat, various other substances that have similar effects are also considered haram even though they are not explicitly mentioned in the text of the Qur'an. This example shows how qiyas function as a rational mechanism in expanding the scope of Islamic law without breaking away from its textual basis.

In addition to qiyas, classical scholars also developed other methods that remained within the framework of analogy and legal rationality, such as *Sāo Paulo*, *Maslahah Mursalah*, and *Sadd al-Dzari'ah*. Although these methods are debated among various sects, their existence suggests that the *Ushul Fiqh* Classics are not entirely textual, but they also contain a fairly strong rational dimension. The thinking of Abu Hamid al-Ghazali and Abu Ishaq al-Shatibi, for example, affirms that Islamic law basically aims to protect the welfare of human beings through the protection of the five main elements of life, namely religion, soul, intellect, descent, and property (Supiannor & Hafidzi, 2025).

Thus, the main characteristics of the method of determining law in *classical ushul fiqh* can be understood as a combination of textual authority and legal rationality. Textual analysis ensures that the law remains rooted in the source of revelation,

while the legal analogy allows for the expansion of the meaning of the law to answer issues that are not explicitly mentioned in the text. This methodological structure makes *ushul fiqh* a relatively stable system of legal reasoning in the history of Islamic civilization, as well as providing an intellectual foundation for the development of Islamic legal theory in the following periods.

C. Criticism of the Limitations of Classical Ushul Fiqh Methodology in Facing the Complexity of Modern Problems

Methodological development *Ushul Fiqh* classical studies have made a great contribution to building a systematic and structured system of Islamic legal reasoning. Through the approach of textual analysis and legal analogy, scholars have succeeded in formulating various rules that allow Islamic law to develop dynamically in the context of traditional society. However, the social dynamics of the modern era present new challenges that are much more complex than the social context of the classical period. Economic globalization, technological advancement, scientific development, and changes in social structure create various legal problems that cannot always be adequately answered through classical methodological tools oriented to the analysis of texts and qiyas alone (Supiannor & Hafidzi, 2025).

Conceptually, criticism of the limitations of classical methodology is not intended to deny validity *Ushul Fiqh*, but rather to show that such methodological frameworks are formed in a particular social and intellectual context (Nurhidayati, Rosada, Lubis, & Sidik, 2025). Some modern Islamic legal thinkers argue that too strong a focus on literal analysis of texts often leads to Islamic law being narrowly understood and less responsive to changing social realities. In certain situations, a rigid textual approach can hinder the ability of Islamic law to provide solutions to new problems that arise in modern society, such as issues of medical bioethics, the global financial system, digital technology, and human rights issues.

In this context, a number of modern Muslim thinkers have begun to propose methodological critiques of the way it works *Ushul Fiqh* classic. One of the figures who paid great attention to this issue was Fazlur Rahman. He argues that many of the products of classical fiqh reflect the historical interpretation of the text of revelation by scholars in a particular social context, so that it cannot

always be applied directly to the situation of modern society. According to him, the approach of Islamic law must be able to distinguish between the universal moral principles contained in revelation and its historical form of application. Through the concept *Double Movement Theory*, he proposed a method of interpretation that moved from the historical context of revelation to universal moral principles, and then again applied them in the contemporary social context (Syauqi, 2022).

A similar criticism also appears in the thought of Muhammad Iqbal who emphasizes the importance of reconstructing religious thought in Islam (Iqbal, 2021). According to him, the stagnation in the development of Islamic law does not lie in the teachings of Islam itself, but in the tendency of Muslims to view the results of classical *ijtihad* as something final and cannot be criticized. In fact, in the early Islamic tradition, *ijtihad* was a dynamic intellectual activity and open to social change. Therefore, he emphasized the need to revive the spirit of *ijtihad* as a mechanism for reforming Islamic law in order to be able to respond to the development of modern society.

From a normative perspective, the Qur'an itself provides a wide space for the use of reason and critical reflection in understanding the law. This is reflected in various verses that encourage humans to think and reflect on reality, such as QS. Az-Zumar verse 18 which praises those who listen to various opinions and then follows the best among them. This verse is often understood as a legitimacy for an intellectual approach that is open to criticism and evaluation of various legal views. In addition, QS. Al-Baqarah verse 286 which affirms that Allah does not burden a person but according to his ability shows that Islamic law basically has the principle of flexibility and ease in its application.

In the context of the development of modern society, the complexity of legal issues is also increasing because social relations are no longer limited to local communities, but have developed on a global scale. For example, the modern financial system involves highly complex economic instruments, such as international banking, capital markets, and cross-border digital transactions. These issues have no direct equivalent in classical *fiqh* literature, so a case-based approach to *qiyas* is often insufficient to provide a comprehensive legal solution (Zainuddin, 2022). This condition shows that the

analogy method is one of the main pillars *Ushul Fiqh* Classics have limitations when faced with completely new social phenomena.

In addition, some scholars also highlight that classical methodologies tend to be more oriented towards normative analysis of texts than analysis of social realities. In a highly complex modern society, law is determined not only by normative texts, but also by various social, economic, and political factors that affect people's lives. Therefore, a number of contemporary Islamic legal thinkers have begun to encourage the integration of the methodology of *ushul fiqh* with the approach of social sciences so that Islamic law can be more responsive to the dynamics of society.

Nevertheless, it is important to understand that criticism of classical methodology does not mean rejecting the intellectual heritage of earlier scholars. On the contrary, the criticism aims to revive the methodological spirit that is at the core of the *tradition of ushul fiqh*, which is an effort to understand the will of the sharia through a deep and contextual reasoning process. Thus, criticism of the limitations of classical methodology can be seen as part of the process of intellectual evolution in the Islamic legal tradition that seeks to maintain the relevance of sharia law in the face of changing times.

Through this perspective, it can be understood that the main challenge of Islamic law in the modern era lies not in the lack of normative sources, but in the need to develop a methodology for the discovery of laws that is able to bridge the gap between the basic principles of sharia and the complexity of contemporary reality. Therefore, the discourse on criticism of classical methodology is an important step in opening up space for the transformation of Islamic legal theory towards a more contextual and adaptive approach to the dynamics of modern society.

D. Integration of Maqashid al-Shariah, Benefits, and Social Analysis

The development of Islamic legal theory in the modern era shows that there are significant intellectual efforts to reconstruct the methodology of legal discovery to be more responsive to the dynamics of contemporary society. If in the classical tradition *Ushul Fiqh* The main emphasis lies on textual analysis and legal analogy, so in the development of modern thought there is a tendency to expand methodological approaches through integration between the

goals of the Shari'ah (*Maqashid al-Shariah*), the principle of benefit, and analysis of social reality. This approach aims to ensure that Islamic law is not only oriented towards formal conformity to the text, but is also able to realize the moral and social goals that are the essence of the sharia itself (Rachmawati, 2020).

Normatively, the idea of the purpose of sharia actually has a strong basis in Islamic teachings. The Qur'an repeatedly affirms that the Shari'ah was revealed to bring benefits and eliminate difficulties for humans. This is reflected in QS. Al-Baqarah verse 185 which states that Allah wants ease for people and does not want hardship for them. Likewise QS. Al-Anbiya verse 107 which affirms that the Prophet Muhammad was sent as a blessing for the whole world (*rahmatan lil 'alamin*). These verses show that the main goal of the Shari'ah is not only the establishment of formal rules, but also the creation of a just, balanced, and beneficial order of life for mankind.

Concept *Maqashid al-Shariah* as a methodological framework in understanding the purpose of Islamic law obtained a more systematic formulation through the thought of Abu Ishaq al-Shatibi in his work *Al-Muwafaqat* (Muchlis & Rois, 2024). He explained that all Islamic laws basically aim to protect the five main elements of human life, namely religion (*Hifz al-Din*), soul (*HUFZ al-NAFS*), Sense (*Hifz al-'aql*), descendants (*HUFZ al-Nasl*), and treasures (*Hifz al-Mal*). This frame of thought provides a new perspective in Islamic legal methodology because it places the purpose of law as the main parameter in understanding and applying the provisions of sharia. In the development of modern thought, the concept was then expanded to answer various more complex social problems, such as social justice, human rights, and community welfare.

The development of modern Islamic legal theories is increasingly visible through the contributions of contemporary Muslim thinkers who seek to integrate the maqashid approach with social analysis. One of the figures who played an important role in the development of this approach was Fazlur Rahman who emphasized the importance of understanding the moral message of the Qur'an contextually. According to him, Islamic law cannot be adequately understood through a literal approach to the text alone, but must be analyzed by considering the moral goals that revelation seeks to achieve (Hidayati & Nurhalisa, 2025). Through this approach, the process of finding law does not only focus on

finding commonality in cases as in qiyas, but also on efforts to understand the ethical values that are the basis of the provisions of sharia.

In addition, the development of modern Islamic legal theory also shows a tendency to utilize interdisciplinary approaches in the process of legal discovery. Islamic law scholars began to integrate social science perspectives such as sociology, economics, and anthropology to understand the reality of society more comprehensively (Salsabila & Fitriyah, 2025). This approach is based on the awareness that law is not born in an empty space, but always interacts with the social, cultural, and economic structure of society. Therefore, analysis of social reality is an important part of formulating Islamic law that is relevant to the needs of modern society.

In this context, the principle of benefit (*Maslahah*) has become one of the methodological instruments that is gaining more and more attention in contemporary Islamic legal theory. This concept has basically been known in the classical tradition through the thought of scholars such as Abu Hamid al-Ghazali, but in modern development the concept is used more widely as a basis for consideration in formulating legal policies that favor the public interest. A benefit-based approach allows Islamic law to provide solutions to a wide range of social problems that are not explicitly regulated in classical texts, such as modern economic regulation, environmental protection, and fair governance (Mu'alim, 2022).

The integration between maqashid, benefit, and social analysis shows a paradigm shift in the methodology of Islamic law discovery. If in the classical approach the main focus lies in the formal conformity between the new case and the textual precedent, then in the modern approach the attention is more directed to the achievement of the goals of the sharia in a concrete social context. This shift does not mean ignoring the authority of the Qur'an and the Sunnah, but rather seeks to understand the normative messages of both in a more profound and contextual way.

Thus, the development of modern Islamic legal theory can be understood as an effort to expand the methodological horizon of *ushul fiqh* to be more adaptive to the changing times. The integration between the maqashid al-shariah approach, the principle of benefit, and social analysis allows Islamic law to remain rooted in the fundamental values of sharia while being able to respond to the complexities of modern society. This approach shows that the Islamic legal

tradition has great potential to continue to evolve as a legal system that is dynamic, contextual, and relevant to the challenges of the times.

CONCLUSION AND SUGGESTIONS

A. Conclusion

The transformation of the methodology of legal discovery in the Islamic intellectual tradition shows that the development of Islamic law is not static, but undergoes a continuous evolutionary process along with the social and intellectual changes of Muslims. Ushul fiqh, which was born in the classical tradition, serves as an epistemological foundation that regulates how to understand the sources of sharia and formulate law through textual analysis and legal analogy. Through this methodological framework, scholars succeeded in building a system of legal reasoning that maintained the attachment of Islamic law to the authority of revelation while allowing the development of laws on various problems that arose at that time.

However, the development of modern society presents a much broader complexity of problems, so that classical methodological approaches are not always able to provide adequate answers to various contemporary social phenomena. The critique of the limitations of classical methodology essentially points to the need to broaden the framework of legal reasoning to be more contextual and responsive to social realities. In this context, various efforts have emerged to reconstruct modern Islamic legal theories that emphasize the importance of understanding the purposes of sharia and considering the interests of society in the process of discovering law.

The development of modern Islamic legal thought shows a tendency to integrate the maqashid al-shariah approach, the principle of benefit, and social analysis as part of the methodology of law-making. This approach does not aim to replace classical ushul fiqh, but to broaden its methodological horizons so that Islamic law remains relevant in the face of the dynamics of modern society. Thus, the transformation from ushul fiqh to modern Islamic legal theory can be understood as a process of methodological renewal that maintains the continuity of Islamic intellectual traditions while opening up space for a more adaptive and contextual interpretation of law.

B. Suggestions

The study of the transformation of the methodology of legal discovery in the Islamic tradition needs to be developed through an interdisciplinary approach that integrates the study of *ushul fiqh*, philosophy of law, and social sciences. This approach is important to enrich perspectives in understanding the relationship between sharia texts and changing social realities. In addition, the development of modern Islamic legal theory also needs to encourage the methodological revitalization of *ijtihad* so that the process of legal discovery does not stop at the reproduction of classical opinions, but is able to produce legal formulations that are relevant to the challenges of contemporary society. Further research is expected to further explore the application of the *maqashid al-shariah* approach in various areas of modern Islamic law, so that the concept is not only theoretical, but also has practical implications in the formation of law and public policy.

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