



The Reconstruction of Islamic Law from a Sociological Perspective

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Article info:	Abstract
Keywords: <i>Normative authority, Reconstruction, Religious law, Sociology of law, State law</i>	Normative authority no longer relies solely on sacred texts, but is dynamically negotiated through power relations, social practices and collective consciousness. This study aims to analyse the reconstruction of Islamic law from a sociological perspective by examining the relationship between legal norms, social dynamics, power structures and interactions between actors in the formation of legal legitimacy. This study employs a qualitative approach with a critical socio-legal design that integrates a normative analysis of Islamic law with the empirical realities of society. The findings indicate that the legitimacy of Islamic law no longer rests solely on textual authority, but is shaped through an ongoing process of negotiation between the text, the social context, and legal actors within an increasingly pluralistic and digitalised society. The novelty of this study lies in developing a framework for the reconstruction of Islamic law that integrates living law, legal pluralism, digital transformation, and an orientation towards <i>maqāṣid al-shari'ah</i> as the foundation for law that is both adaptive and transformative. These findings underscore the need for legal reform through an interdisciplinary approach, strengthening religious legal literacy, and developing a more participatory legal authority to ensure that Islamic law remains relevant in the face of social change. Nevertheless, this study still has limitations in terms of the scope of cross-contextual empirical evidence and has not yet tested the proposed reconstruction model in institutional practice. Therefore, further research needs to conduct empirical validation through comparative studies and implement the model across various legal systems and public policies.
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Introduction

In the context of contemporary society, characterised by rapid social change, the globalisation of values, and the complex interrelationships between religion, the state, and society, Islamic law faces the challenge of remaining relevant without losing its normative authority. Social transformations involving changes in economic structure, social mobility, technological development, and a growing awareness of human rights have given rise to new issues that classical formulations of Islamic law cannot always adequately address.¹

In the sociology of law, law is understood as a social institution that constantly interacts with values, culture, power, and social structures.² This perspective offers a broader analytical framework for Islamic law, allowing it to be understood not merely as a product of revelation but also as the result of human *ijtihad* influenced by specific socio-historical contexts. This line of thought aligns with the views of modern scholars who emphasise the importance of contextualising Islamic law, such as the *maqāṣid al-sharī'ah* approach, which places public interest as the primary objective of the law.³ Nevertheless, in practice, there remains a dominant tendency to maintain a rigid textualist approach, meaning that Islamic law often faces tensions when confronted with an ever-changing social reality. These tensions are evident, for example, in contemporary issues such as gender equality,⁴ legal pluralism, minority rights, and the relationship between religious law and state law.

Several previous studies have examined these dynamics from various perspectives. Studies in the field of contemporary Islamic law indicate a paradigm shift from a normative-doctrinal approach towards a more contextual and interdisciplinary approach. Research on the reform of Islamic family law,⁵ for instance, reveals that regulatory changes in various Muslim countries are often influenced by social, political, and economic factors, rather than solely by theological considerations.⁶ Meanwhile, studies in the sociology of law highlight how the practice of Islamic law at the community level often differs from its normative formulations, as custom, local power structures, and social negotiations among actors influence it.

Other studies also indicate that the implementation of Islamic law within national legal systems faces various challenges, particularly in pluralistic states that must accommodate diverse values and interests.⁷ Nevertheless, a review of the current literature suggests that most studies remain partial and have not yet fully integrated a comprehensive sociological perspective into efforts to reconstruct Islamic law. Many studies remain focused on normative or historical analysis without deeply linking them

¹ Suud Sarim Karimullah, Sulastris Sulastris, and Kamsi Kamsi, "Islamic Law and the Regulation of Human Rights Issues in Separatist Conflicts," *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman* 10, no. 2 (2024): 373–94, <https://doi.org/10.24952/fitrah.v10i2.12260>.

² Lita Tyesta Addy Listya Wardhani, Muhammad Dzikirullah H Noho, and Aga Natalis, "The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems," *Cogent Social Sciences* 8, no. 1 (2022): 2104710, <https://doi.org/10.1080/23311886.2022.2104710>.

³ Zumiyati Ibrahim et al., "Integration of Maqasid Al-Shariah in the Criminal Law Reform to Achieve Justice and Human Dignity," *Jurnal Hukum Islam* 23, no. 1 (2025): 105–44, <https://doi.org/10.28918/jhi.v23i1.04>.

⁴ Suud Sarim Karimullah et al., "Rethinking Gender In Islamic Law," *Musāwa Jurnal Studi Gender Dan Islam* 23, no. 1 (2024): 99–113, <https://doi.org/10.14421/musawa.2024.223.99-113>.

⁵ Hijriatu Sakinah et al., "Legal Policy on Women's Protection in the National Family Law System," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 19–35, <https://doi.org/10.65586/ingefal.v1i1.2>; Rizqa Febry Ayu et al., "Legal Analysis of the Position of Women as Heads of Households in National Law," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 52–68, <https://doi.org/10.65586/ingefal.v1i1.4>.

⁶ Cahaya Rembulan et al., "The Impact of the Digital Economy on Economic Empowerment Models for Muslim Youth in Indonesia," *Jurnal Lentera Insani* 1, no. 1 (2025): 48–63, <https://doi.org/10.65586/jli.v1i1.17>.

⁷ Achmad Hariri and Basuki Babussalam, "Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia," *Walisono Law Review (Walrev)* 6, no. 2 (2024), <https://doi.org/10.21580/walrev.2024.6.2.25566>.

to contemporary social dynamics.⁸ On the other hand, studies employing a sociological approach to law often fail to explicitly examine their implications for the epistemological reconstruction of Islamic law itself.⁹ In other words, there is a tendency towards a dichotomy between normative studies of Islamic law and sociological empirical analysis, thus failing to produce a complete and integrative theoretical framework. Furthermore, most studies still focus on specific contexts, such as family law or Islamic criminal law, and therefore do not provide a broader picture of the reconstruction of Islamic law across various aspects of social life.

Another limitation is the lack of attention to the dimensions of power and social relations in the formation and application of Islamic law. From a sociological perspective, law cannot be separated from the power structures that influence who holds the authority to interpret and apply the law. Previous studies have tended to overlook how factors such as legal politics, ideological hegemony, and the interests of specific groups influence the process of reconstructing Islamic law.¹⁰ Consequently, the proposed reconstructions are often normative-ideal in nature, without taking into account complex social realities.¹¹ Furthermore, the methodological approaches used in previous studies remain limited, with a dominance of descriptive qualitative methods that have not been optimally combined with more critical and reflective analytical approaches.

This study aims to address a research gap arising from the limited number of studies that systematically integrate the normative dimensions of Islamic law with the perspective of the sociology of law. To date, most studies of Islamic law have focused primarily on normative and doctrinal aspects, whilst analyses of how social, cultural and power-related factors influence the processes of formation, change and application of Islamic law within society have yet to be examined in depth. Furthermore, an interdisciplinary approach linking the theory of sociology of law with the methodology of Islamic law studies still requires further development to yield a more contextual understanding of the dynamics of Islamic law amid social change.

This study aims to analyse the reconstruction of Islamic law through the perspective of the sociology of law, with an emphasis on the relationship between Islamic legal norms and the surrounding social reality. The study focuses on how social factors, changes in societal values, power structures, and interactions among actors shape and influence the reconstruction of Islamic law. Its novelty lies in the attempt to construct an integrative understanding of the reconstruction of Islamic law, which is viewed not only as a process of interpreting normative sources but also as a social phenomenon influenced by historical, cultural, and societal conditions. The sociological approach to law is employed as an analytical perspective to understand how Islamic law undergoes processes of negotiation, adaptation, and actualisation within social life.

⁸ Hafiz Falak Shair Faizi and Hafiz Sfarish Ali, "The Core Principles of Islamic Jurisprudence within Legal Theory: A Comprehensive Analysis," *Online Journal of Research in Islamic Studies* 11, no. 2 (2024): 57-72, <https://doi.org/10.22452/ris.vol11no2.4>.

⁹ Arief Fahmi Lubis et al., "The Culture of Nepotism in Bureaucratic Recruitment Through Legal Sociology Analysis," *Jurnal Pelita Raya* 2, no. 1 (2026): 16-29, <https://doi.org/10.65586/jpr.v2i1.59>.

¹⁰ Rizal Al Hamid et al., "Political Conflict between Islamic Law and National Law in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 48-62, <https://journal.mahkotascience.org/index.php/insani/article/view/4>; M Rafli Kurniawan et al., "Political Analysis of Islamic Law on the Regulation of Interfaith Marriage in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 32-47, <https://journal.mahkotascience.org/index.php/insani/article/view/2>.

¹¹ Nur Insani and Suud Sarim Karimullah, "Justice for Nature: Integrating Environmental Concerns into Legal Systems for Adequate Environmental Protection," *Jurnal Hukum Dan Peradilan* 12, no. 1 (2023): 129-58, <https://doi.org/10.25216/jhp.12.1.2023.129-158>; Suyuti Dahlan Rifa'i et al., "Qur'anic Narratives on Nature and Ecological Activism in Indonesia," *Jurnal Lentera Insani* 1, no. 2 (2025): 126-40, <https://doi.org/10.65586/jli.v1i2.27>.

Methods

This study employs a qualitative approach based on a critical socio-legal framework, integrating a normative analysis of Islamic law with empirical realities from the perspective of the sociology of law. This approach was chosen to gain an in-depth understanding of the reconstruction of Islamic law resulting from the interaction between legal norms, the actors involved, and the surrounding social context. Data collection was carried out through a documentary study of various regulations, rulings, fatwas, and relevant academic literature. It was subsequently supplemented by semi-structured, in-depth interviews with key informants to understand the process of reconstructing Islamic law in practice.

The collected data were analysed interactively through data reduction, data presentation, thematic categorisation, and iterative conclusion-drawing. The analysis combined a legal hermeneutics approach to understand the normative meaning of Islamic legal texts with legal sociology theory to explain the influence of social factors on the process of legal reconstruction. The integration of these two approaches not only makes it possible to explain how Islamic law undergoes change and adaptation within society, but also to identify the social factors that influence this process.

Result and Discussion

The Reconstruction of Islamic Law Based on Living Law and Legal Pluralism

Within the framework of the sociology of law, law is understood as the product of a dialectic between norms, culture, and social practices that both shape and are shaped by society. Consequently, the validity of the law is determined not only by formal or theological legitimacy, but also by social acceptance and its effectiveness in regulating everyday life.¹² This perspective opens up space for a reinterpretation of Islamic law as living law, that is, law that is alive, practised, and negotiated within a specific social context so that its existence cannot be separated from the dynamics of local culture, power relations, and the ever-evolving needs of society. In this context, the living law approach shifts the focus of analysis from law as text to law as practice, thereby enabling an exploration of how Islamic norms are internalised, modified, or even transformed within society.¹³ This aligns with the view that Islamic law, in practice, is never monolithic, but is always diverse according to the social and cultural contexts in which it develops.

The reconstruction of Islamic law based on the living law approach is not intended to diminish the authority of the text, but rather to rearticulate its normative relevance within a concrete social context. Within this framework, fundamental principles such as justice (*'adl*), public interest (*maṣlahah*), and ease (*taysir*) serve as an epistemological foundation that allows for flexibility in legal interpretation without losing its normative essence.¹⁴ Therefore, the reconstruction of Islamic law is not merely an effort at textual reinterpretation, but also a process of reactualising normative values within the framework of a complex social reality.

¹² Judith Hahn, "The Effectiveness of the Law," in *Foundations of a Sociology of Canon Law* (Springer, 2022), 179–222, https://doi.org/10.1007/978-3-031-01791-9_6.

¹³ Suud Sarim Karimullah, "From Tradition to Mainstream: Understanding the Integration of Islamic Law in Various Global Settings," *Justicia Islamica* 20, no. 2 (2023): 214–40, <https://doi.org/10.21154/justicia.v20i2.6478>.

¹⁴ Suud Sarim Karimullah, "Comparison of the Concept of Justice in Islamic Law and Western Law," *UNISKA LAW REVIEW* 4, no. 2 (2023): 145–73, <https://doi.org/10.32503/ulr.v4i2.4379>; Suud Sarim Karimullah, "Humanity and Justice: Exploring Human Rights in the Context of Islamic Law," *TAJ DID* | 30, no. 2 (2023): 166–87, <https://doi.org/10.36667/tajdid.v30i1.1497>.

The integration of Islamic law and legal pluralism is becoming increasingly relevant in the context of a multicultural society such as Indonesia, where various legal systems, namely state law, customary law, and religious law, operate simultaneously and interact with one another.¹⁵ Legal pluralism in this context not only reflects the diversity of norms but also indicates a space for negotiation among various legal systems, each with its own legitimacy.¹⁶ In this context, Islamic law cannot be understood exclusively as a self-contained system but rather as part of a broader legal configuration that interacts with customary law and state law.

This approach demands the ability to manage tensions and potential conflicts among legal systems through dialogical and integrative mechanisms, thereby producing legal formulations that are more responsive to society's needs. In practice, the integration of Islamic law and legal pluralism can be observed in various local contexts, including Minangkabau society, known for the principle of "*adat basandi syarak, syarak basandi kitabullah*." This principle reflects the dialectical relationship between adat and Islamic sharia, wherein both complement and reinforce one another in regulating community life. In this context, adat is not viewed as an entity in conflict with Islamic law, but rather as a social medium that facilitates the internalisation of Islamic values in daily life. Consequently, Minangkabau adat practices can be understood as a concrete manifestation of living law, representing the integration of religious norms and local culture. For example,

within the matrilineal kinship system adopted by Minangkabau society, there is an interpretative adaptation of Islamic inheritance law, which is textually patrilineal, yet in practice is adapted through social mechanisms that uphold the principles of justice and balance in the distribution of resources. This phenomenon demonstrates that a community's religious practices can serve as a crucial foundation for reconstructing Islamic law in a more contextual and adaptive way. From a sociological perspective on law, such local practices cannot be regarded as deviations from the norm, but rather as concrete manifestations of the process of internalising and actualising the law within a specific social context.¹⁷ Therefore, the reconstruction of Islamic law must take the empirical dimension of community religious practices seriously, so as not to become trapped in rigid normative formalism. This approach allows for the recognition of the diversity of Islamic legal practices as part of an epistemological richness that can enrich the body of Islamic law itself.

The shift from a text-oriented to a context-oriented approach to legal reasoning is a logical implication of this perspective. A textual approach that emphasises the literalism and rigidity of norms is often unable to address the complexity of contemporary issues involving various social, economic, and cultural dimensions.¹⁸ Conversely, the contextual approach allows for a more flexible interpretation of the law that is responsive to society's needs, whilst remaining faithful to the fundamental principles of Islamic law. Within this framework, the method of *ijtihad* is no longer understood

¹⁵ Suud Sarim Karimullah, "Agus Moh. Najib's Project and Ushul Fiqh Redesign: Interlinking of Islamic Law and Legal Sciece," *Al-Mazaahib: Jurnal Perbandingan Hukum* 11, no. 2 (2023): 139–60, <https://doi.org/10.14421/al-mazaahib.v11i2.3151>; Muhajir Muhajir et al., "Agus Moh Najib's Thoughts on the Interconnection of Islamic Law and National Law," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 86–103, <https://doi.org/10.30984/jis.v21i1.2321>.

¹⁶ Karimullah, "From Tradition to Mainstream: Understanding the Integration of Islamic Law in Various Global Settings"; Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21, no. 2 (December 27, 2022): 213–44, <https://doi.org/10.21093/mj.v21i2.4800>.

¹⁷ Nur Insani et al., "Islamic Law and Local Wisdom: Exploring Legal Scientific Potential in Integrating Local Cultural Values," *Kanun Jurnal Ilmu Hukum* 26, no. 1 (2024): 101–24, <https://doi.org/10.24815/kanun.v26i1.32930>.

¹⁸ Ngurah Wisnu Murthi et al., "Indonesia's Inclusive Economic Diplomacy Based on the Pancasila Ideology," *Jurnal Pelita Raya* 1, no. 3 (2025): 152–65, <https://doi.org/10.65586/jpr.v1i3.30>.

narrowly as an individual activity of interpreting texts, but rather as a collective process involving various social actors, including scholars, academics, and the wider community.

The contextual approach also opens the door to the use of various social science theories and methods in the analysis of Islamic law, thereby enabling a more comprehensive understanding of the factors influencing the formation and application of the law. For instance, an analysis of power relations can help explain how authority to interpret the law is distributed within society and how specific interests may influence the formulation of the law. Similarly, an anthropological approach can provide insights into how legal norms are internalised within local cultures, whilst an economic approach can explain the material implications of applying specific laws.¹⁹ The integration of these various perspectives enriches the analysis of Islamic law and enables the development of more comprehensive and practical models of reconstruction.

In the context of legal pluralism, the legitimacy of adaptive Islamic legal practices becomes a crucial issue. Historically, legal legitimacy has often been measured by conformity with normative texts or formal authorities, meaning that local practices that differ from classical formulations have tended to be regarded as illegitimate or even as deviations.²⁰ However, from a living law perspective, legitimacy is also determined by social acceptance and the law's effectiveness in regulating community life. Therefore, Islamic legal practices that are adaptive to social realities can gain legitimacy provided they remain grounded in the fundamental principles of sharia. This approach reconciles the need for flexibility with the demand for normative consistency, thereby producing legal formulations that are more inclusive and just.

The legitimisation of adaptive Islamic legal practices also has significant implications for national legal development. Within Indonesia's legal system, which recognises the diversity of legal sources, integrating Islamic law, customary law, and state law is key to creating a responsive and sustainable legal system. In this regard, reconstructing Islamic law through the living law approach can significantly strengthen its social legitimacy and enhance the effectiveness of its implementation. Furthermore, this approach can help reduce conflicts between various legal systems by fostering constructive dialogue and compromise.

The Transformation of Authority and the Production of Islamic Law in the Digital Age

Authority in Islamic law predominantly rests with the ulama as holders of epistemic legitimacy derived from mastery of structured Islamic disciplines, and with fatwa institutions that function as formal bodies in establishing legal norms based on established *ijtihad* methodologies.²¹ However, in the context of digital society, this authority structure faces significant disruption due to the emergence of new public spaces that enable the horizontal distribution of knowledge and active public participation in legal production and interpretation. These changes are not merely technological but also epistemological and sociological, as they alter the relationship between authority, knowledge, and legitimacy within Islamic law.

¹⁹ Eka Sutisna et al., "The Geopolitics of Critical Minerals and the Future of National Economic Sovereignty," *Jurnal Pelita Raya* 2, no. 1 (2026): 1–15, <https://doi.org/10.65586/jpr.v2i1.43>.

²⁰ Jeferson Tadeu de Souza and Luciano Rossoni, "How the Congruence between Public Servants' Schemas and Legal Legitimacy Affects Top-down Public Policy Implementation," *Frontiers in Sociology* 10 (2025): 1505494, <https://doi.org/10.3389/fsoc.2025.1505494>.

²¹ Eka Sutisna et al., "Artificial Intelligence and Ethical Ijtihad in the Production of Islamic Knowledge," *Jurnal Lentera Insani* 1, no. 2 (2025): 111–25, <https://doi.org/10.65586/jli.v1i2.26>.

From a sociological perspective, law cannot be separated from the configurations of power and the production of knowledge that surround it.²² Thus, the transformation of Islamic legal authority in the digital age must be understood as part of broader social structural change. Digitalisation has created spaces for interaction that have expanded the range of actors involved in the discourse on Islamic law, from a previously limited group of ulama and formal institutions to one now including individuals from diverse backgrounds who produce, disseminate, and interpret religious content via digital platforms. In this context, authority is no longer singular and hierarchical but fragmented and distributed, with legitimacy determined not only by scholarly credentials but also by visibility, popularity, and communicative ability in digital space. This phenomenon indicates that the production of Islamic law has undergone decentralisation, thereby presenting both opportunities and challenges in maintaining the quality and normative consistency of the law.

The phenomenon of digital fiqh, or cyber fatwa, is a concrete manifestation of this transformation, in which fatwas are no longer produced solely through formal institutional mechanisms, but also through spontaneous interactions in digital spaces involving various actors.²³ In practice, cyber fatwas are often presented in a more concise, communicative, and responsive format to the public, thereby achieving wide and rapid reach. Platforms such as YouTube and TikTok have become the primary channels for disseminating Islamic legal content, allowing individuals to easily access diverse legal perspectives without undergoing a lengthy formal learning process. On the one hand, this phenomenon broadens access to Islamic legal knowledge and enables inclusivity within religious discourse; on the other hand, it also poses risks of simplification, fragmentation, and even distortion of complex legal principles.

This shift also indicates a transfer of authority from formal institutions to a more open and fluid digital public sphere. Fatwa institutions, which previously held a central position in determining the direction of Islamic law, must now share the space with new actors who gain legitimacy through digital social mechanisms, such as follower counts, user interactions, and platform algorithms. In this context, authority becomes performative, where the ability to attract attention and build public trust becomes a key factor in determining one's influence within the discourse of Islamic law. This aligns with the sociology of knowledge, which emphasises that the legitimacy of knowledge is determined not only by epistemic validity but also by the social processes that construct trust in its source.

Within the sociology of law, this phenomenon can be understood as a rearticulation of the relationships among power, knowledge, and legal legitimacy in the digital sphere. Power in this context is no longer monopolised by formal institutions but is dispersed across digital networks, enabling various actors to participate in the production of law. Islamic legal knowledge is no longer produced solely through academic or institutional mechanisms, but also through discursive practices on social media, which are often informal and interactive.²⁴ Meanwhile, legal legitimacy arises from social negotiations in

²² Eirik Hovden, "Understanding and Framing Change in Islamic Law: Potentials and Possible Pitfalls of the Concepts of Canonization and Codification," *Oxford Journal of Law and Religion* 12, no. 3 (2023): 289-313, <https://doi.org/10.1093/ojlr/rwae020>.

²³ Muammar Bakry and Abdul Syatar, "Digital Transformation of Fatwa Authorities: Comparative Analysis of MUI, Bahtsul Masail, and Muhammadiyah Tarjih," *Parewa Saraq: Journal of Islamic Law and Fatwa Review* 4, no. 2 (2025): 82-100, <https://doi.org/10.64016/parewasaraq.v4i2.58>.

²⁴ Muhammad Shuhufi et al., "Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 823-43, <https://doi.org/10.22373/sjhk.v6i2.15011>.

digital spaces, where users act as both consumers and producers of knowledge (prosumers).

This transformation is also closely linked to globalisation, which accelerates the exchange of religious ideas and practices across geographical and cultural boundaries. Through digital media, Muslims across the globe can access diverse legal perspectives from various madhhab traditions and social contexts, thereby enriching yet simultaneously complicating the landscape of Islamic law.²⁵ In this context, local authorities face the challenge of maintaining their relevance amidst the tide of globalisation, which presents alternative interpretations of the law. This drives a process of selection and adaptation that allows Islamic law to develop in a more pluralistic and contextual manner. However, globalisation can also trigger a certain homogenisation that disregards local diversity, thereby creating tension between universality and particularity within Islamic law.

The active involvement of the public in the production and interpretation of Islamic law through social media reflects the emergence of a new form of public participation in religious discourse. The public is no longer merely the object of legal application, but also a subject that plays a role in shaping and articulating legal norms. This aligns with the concept of living law, which positions social practice as a key source in the formation of law. In the digital context, this practice is expanded through virtual interactions that enable the rapid and widespread exchange of ideas. However, this participation also requires a clear ethical and methodological framework to ensure that the process of law-making remains grounded in scientific principles and the underlying normative values.

The reconstruction of Islamic law within the context of the information society and globalisation must therefore take into account the new dynamics arising from digitalisation. The approach required is not merely normative but must also reflect the social changes affecting how law is produced and applied. In this regard, integrating classical approaches in *usul al-fiqh* with sociological analysis of digital practices is essential for producing relevant and credible legal formulations. Furthermore, efforts are needed to rebuild scholarly authority in a more adaptive form, for example, by strengthening religious digital literacy, developing credible official platforms, and collaborating among religious scholars, academics, and media practitioners.

The Reconstruction of Islamic Law Based on Social Justice and *Maqāṣid al-Sharī'ah*

Integrating *maqāṣid al-sharī'ah* with modern social justice theory offers a strategic approach to developing a framework for reconstructing Islamic law that is more responsive to societal change. From the perspective of modern social justice theory, justice is not merely understood as equality before the law, but also encompasses the proportional distribution of resources, recognition of diversity, protection for vulnerable groups, and equal opportunities in decision-making processes.²⁶ This orientation has strong points of convergence with the primary objectives of *maqāṣid al-sharī'ah*, which place the public interest (*maṣlaḥah*) as the foundation for the protection of religion, life, reason, lineage, and property.²⁷ Consequently, the reconstruction of Islamic law can no

²⁵ Gulseren Kozak-Isik, "Contemporary Legal Pluralism, the Modern Metropole, and Immigrant Integration: Negotiating the Law and Legal Institutions in Immigrant Contexts," *Social & Legal Studies* 34, no. 2 (2025): 224-53, <https://doi.org/10.1177/09646639241257589>.

²⁶ Suud Sarim Karimullah, "For True Humanity: Harmonization of Islamic Law and Human Rights Towards Universal Justice," *Matan: Journal of Islam and Muslim Society* 5, no. 2 (2023): 40-56, <https://doi.org/10.20884/1.matan.2023.5.2.9125>.

²⁷ Suud Sarim Karimullah, "The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 8, no. 1 (2023): 83-98, <https://doi.org/10.22515/alakhkam.v8i1.7654>.

longer rely solely on a legal-formal, textual approach. Rather, it must integrate empirical analysis of social realities so that the resulting law retains both normative legitimacy and social effectiveness.

The need for such a reconstruction becomes all the more apparent when considered in relation to various global development indicators. A report by the United Nations Development Programme shows that inequalities in human development remain a major challenge in many countries, particularly regarding access to education, healthcare, social protection and economic opportunities. Meanwhile, World Bank data indicates that income inequality in various countries remains relatively high. South Africa has a Gini coefficient above 0.60, Brazil around 0.52, Colombia around 0.54, whilst Indonesia has been in the range of 0.34–0.36 in recent years. Although Indonesia's figure is relatively lower than that of some of these countries, the level of inequality still indicates an uneven distribution of prosperity, which has the potential to affect people's access to social justice.

This phenomenon is also observed in various countries with Muslim-majority populations. In Malaysia, economic development has improved people's quality of life. However, income disparities persist between urban and rural areas, as well as between ethnic groups. In Pakistan and Bangladesh, issues of poverty, limited access to education, and weak social protection remain challenges in the implementation of social justice. In Middle Eastern countries, such as Saudi Arabia and the United Arab Emirates, economic modernisation is proceeding rapidly. However, various studies indicate that social transformation has created a need to reinterpret certain provisions of Islamic law, particularly those relating to labour, women's rights, the digital economy, and governance.²⁸ These conditions indicate that social structures are changing more rapidly than legal frameworks, thus necessitating a reconstructive approach that remains grounded in the principles of Sharia.

On the issue of gender equality, the need to reconstruct Islamic law is gaining increasing empirical legitimacy.²⁹ Data from UN Women show that, globally, women still face various forms of inequality in access to decent work, political leadership, legal protection and economic opportunities. In Indonesia, women hold only around 21.9 per cent of seats in the national parliament, whilst around 8.9 per cent of women aged 15–49 have experienced physical or sexual violence at the hands of a partner in the past 12 months. Furthermore, 16.3 per cent of women aged 20–24 were married before the age of 18, indicating that the issue of gender equality has not yet been fully resolved.

Similar phenomena are also evident in other Muslim-majority countries. Pakistan continues to face an educational gap between men and women. Afghanistan imposes restrictions on women's access to higher education and employment, whilst Morocco and Tunisia have, conversely, demonstrated progress through family law reforms that strengthen the protection of women's rights.³⁰ These differences demonstrate that the

²⁸ Suud Sarim Karimullah et al., "The Concept of Nāfaqah in Islamic Law and Women's Right to Financial Support," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 5, no. 2 (2024): 222–42, <https://doi.org/10.24042/el-izdiwaj.v5i2.23534>; Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 88–117, <https://doi.org/10.18860/j-fsh.v16i1.26159>.

²⁹ Mahrus Alwi Hasan Siregar, Abdeldzhilil Abdeldzhilil, and M Hamim, "Reconstructing the Concept of Gender Justice in Indonesia's Family Law System Based on Constitutional Values," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 1–18, <https://doi.org/10.65586/ingefal.v1i1.1>.

³⁰ Maulana Hayatullah et al., "Implementation of Gender Equality Principles in Religious Court Decisions Related to Divorce," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 36–51, <https://doi.org/10.65586/ingefal.v1i1.3>; Suyuti Dahlan Rifa'i et al., "Reformulation of Marriage Law Based on a Gender

interpretation of Islamic law is influenced by social and cultural dynamics, as well as state policy.³¹ From a sociological perspective on law, these facts underscore that the law does not operate in a neutral sphere, but is always influenced by power relations, shifting societal values, and evolving political configurations.

Social change is also evident in environmental issues.³² Reports from the Intergovernmental Panel on Climate Change indicate that rising global temperatures have increased the risk of flooding, drought, forest fires, declining food productivity, and biodiversity loss. Indonesia is among the countries with a high level of vulnerability to climate change, owing to its extensive coastal areas and tropical forest regions that are susceptible to degradation.³³ Meanwhile, countries such as Bangladesh face the threat of rising sea levels.³⁴ Pakistan has experienced severe flooding affecting millions of people, whilst the Middle East is facing an increase in extreme temperatures that threaten the availability of clean water.³⁵ These conditions demonstrate that the concept of *ḥifẓ al-bi'ah* warrants development as an extension of the *maqāṣid al-sharī'ah*, as environmental protection is a prerequisite for protecting life, property, and the sustainability of human existence.³⁶

From an economic perspective, the reconstruction of Islamic law is also supported by a strong empirical basis. Reports by Oxfam International consistently show that the majority of the world's wealth remains concentrated amongst a very small segment of society, whilst low-income groups have limited access to productive assets. In Indonesia, although the Gini coefficient has fallen to around 0.344 by 2025, income distribution still reveals disparities between regions as well as a gap between urban and rural areas. On the other hand, Malaysia has successfully developed a *zakat* system integrated with social welfare policies, thereby enhancing the effectiveness of aid distribution to people experiencing poverty. This experience demonstrates that Islamic economic instruments hold great potential when supported by transparent and accountable institutional governance.³⁷ Therefore, the concepts of *zakat*, *infaq*, *sadaqah* and *waqf* are no longer

Justice Perspective," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 69–85, <https://doi.org/10.65586/ingefal.v1i1.5>.

³¹ Rizal Al Hamid, Arif Sugitanata, and Suud Sarim Karimullah, "Sinkronisasi Pendekatan Sosiologis Dengan Penemuan Hukum Islam Sui Generis Kum Empiris," *Bertuah Jurnal Syariah Dan Ekonomi Islam* 4, no. 1 (2023): 48–60, <https://doi.org/https://doi.org/10.56633/jsie.v4i1.553>.

³² Salmah Harun, "Environmental Fiqh as a Framework for Social Sustainability," *Jurnal Lentera Insani* 1, no. 2 (2025): 96–110, <https://doi.org/10.65586/jli.v1i2.25>.

³³ Suyuti Dahlan Rifa'i et al., "Deconstructing Colonial Law Through Critical Race Theory in Indonesian Regulations," *Jurnal Pelita Raya* 1, no. 1 (2025): 46–60.

³⁴ Md Ashrafuzzaman et al., "Dynamics and Causes of Sea Level Rise in the Coastal Region of Southwest Bangladesh at Global, Regional, and Local Levels," *Journal of Marine Science and Engineering* 10, no. 6 (2022): 779, <https://doi.org/10.3390/jmse10060779>.

³⁵ Waseem Ishaque, Rida Tanvir, and Mudassir Mukhtar, "Climate Change and Water Crises in Pakistan: Implications on Water Quality and Health Risks," *Journal of Environmental and Public Health* 2022, no. 1 (2022): 5484561, <https://doi.org/10.1155/2022/5484561>.

³⁶ Suud Sarim Karimullah, "Humanitarian Ecology: Balancing Human Needs and Environmental Preservation in Islamic Law," *Asy-Syari'ah* 26, no. 2 (2024): 97–116, <https://doi.org/10.15575/as.v26i2.38177>; Suud Sarim Karimullah, "Reflections on Human-Nature Relations: A Critical Review in Islamic Humanities," *Jurnal Adabiyah* 23, no. 2 (2023): 189–206, <https://doi.org/10.24252/jad.v23i2a5>; Achmad Fathor Rosyid et al., "The Value of Local Spirituality in Indonesian Society as the Basis for Managing Religious Ecotourism," *Jurnal Lentera Insani* 1, no. 2 (2025): 80–95, <https://doi.org/10.65586/jli.v1i2.24>; Arif Hidayat et al., "Human-Nature Relations in Nusantara Cosmology and Ecological Solutions," *Jurnal Pelita Raya* 2, no. 1 (2026): 55–65, <https://doi.org/10.65586/jpr.v2i1.61>.

³⁷ Haerunnisa Haerunnisa, Arif Sugitanata, and Suud Sarim Karimullah, "Analisis Strukturalisme Terhadap Peran Katalisator Instrumen Keuangan Syariah Dalam Mendorong Pembangunan Berkelanjutan Dan Tanggung Jawab Sosial," *Al-'Aqdu: Journal of Islamic Economics Law* 3, no. 2 (2023): 124–34, <https://doi.org/10.30984/ajiel.v3i2.2853>; Zikri Rahmani et al., "Implementation of Sharia Economic Principles in the Globalization Era," *ASY SYAR'ITYAH: JURNAL ILMU SYARI'AH DAN PERBANKAN ISLAM* 8, no. 2 (2023): 185–200, <https://doi.org/10.32923/asy.v8i2.3516>.

viewed merely as individual obligations, but rather as public policy instruments that can support efforts to reduce poverty and social inequality.³⁸

The reconstruction of Islamic law must be carried out through an interdisciplinary approach that combines normative and empirical analysis. In this model, *maqāṣid al-sharī'ah* serves as an ethical and philosophical framework that provides direction for the formulation of law, whilst the sociology of law plays a role in explaining how these norms interact with social, cultural, economic and political structures, as well as power relations. The integration of these two approaches enables Islamic law to develop dynamically without losing its theological legitimacy. The reconstruction process also becomes more participatory as it involves religious scholars, academics, policymakers, civil society organisations and local communities as actors contributing to the formation of the law.

Conclusion

The reconstruction of Islamic law from a sociological perspective marks a shift from a normative-textual approach towards a framework that is more contextual, dynamic, and oriented towards living law, legal pluralism, and the substantive objectives of *maqāṣid al-sharī'ah*. Islamic law is understood as the result of a dialectic between text, actors and social reality, including shifts in authority and the production of law in the digital sphere. The novelty of this study lies in the formulation of a reconstruction model that integrates normative legitimacy, social acceptance, practical effectiveness, public participation and demands for social justice without undermining its theological foundations. These findings underscore the importance of strengthening digital religious legal literacy, revitalising fatwa institutions to foster greater dialogue, and integrating Islamic law into public policy that is sensitive to local contexts and social inequalities. Nevertheless, the study's limitations regarding cross-regional empirical variation and quantitative analysis of digital dynamics highlight the need for further research through comparative studies, digital data analysis, and testing the model within institutional practice and legal policy.

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³⁸ Mu'adil Faizin et al., "Development Of Zakat Distribution In The Disturbance Era," *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan* 10, no. 2 (2023): 186–97, <https://doi.org/10.29300/mzn.v10i2.9721>; Akmal Bashori, Arif Sugitanata, and Suud Sarim Karimullah, "Dekonstruksi Pemaknaan Mualaf Sebagai Penerima Zakat Di Indonesia," *DIKTUM: Jurnal Syariah Dan Hukum* 22, no. 1 (2024): 11–23, <https://doi.org/10.35905/diktum.v22i1.5027>; Zainal Arifin et al., "Transformation of Productive Zakat for the Empowerment of Urban Poor Families," *Jurnal Pelita Raya* 1, no. 2 (2025): 137–51, <https://doi.org/10.65586/jpr.v1i2.23>.

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