

## REINTERPRETING MUHAMMAD ABU ZAHRAH'S THOUGHT IN THE CONTEXT OF CONTEMPORARY ISLAMIC LAW

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### Abstract

*This study examines two central themes in Muhammad Abu Zahrah's thought: the key concepts of ijtihad, maqashid al-shariah, and justice in Islamic law, and their application in contemporary contexts. These concepts underpin his legal philosophy and are particularly relevant in addressing current legal challenges, such as women's rights in inheritance. The main objective is to analyze the relevance and application of Abu Zahrah's ideas in modern Islamic legal systems. Using a descriptive qualitative approach, the study draws on primary sources from Abu Zahrah's writings and secondary data from current literature and scholarly journals. Data collection methods include literature review, content analysis, and comparative studies with other Islamic legal thinkers. Abu Zahrah advocates for dynamic ijtihad to address contemporary issues not explicitly regulated in classical texts, asserting that Islamic law must be adaptive and socially responsive. His ideas offer an alternative to rigid interpretations, especially in areas like family law and human rights. The study finds that Abu Zahrah's thought provides a strong framework for developing more just, relevant, and context-sensitive Islamic legal systems in the face of globalization and legal dualism in many Muslim countries.*

**Keywords:** Muhammad Abu Zahrah; Islamic Legal Thought; Islamic Law Contemporary.

### I. INTRODUCTION

Muhammad Abu Zahrah (1898–1974) was a prominent Egyptian scholar known for his expertise in Islamic law and education. He emphasized the importance of history, the Arabic language, and Qur'anic knowledge in education, and advocated for the consistent application of reward and punishment methods.<sup>1</sup> Abu Zahrah authored *Zahratu al-Tafāsīr*, which offers an alternative interpretation of the Qur'an aimed at addressing concerns over interpretations influenced by various sects and schools of thought.<sup>2</sup> In his work *Tārīkh al-Madhāhib al-Islāmiyyah*, Abu Zahrah discussed the emergence of Wahhabism, identifying three key characteristics: their views on monotheism and worship, their stance on religious innovation, and their radical

<sup>1</sup> Muhammad Badrun Syahir, "الإمام محمد أبو زهقر ومعالم فكره التربوي," *At-Ta'dib* 8, no. 1 (2013), <https://doi.org/10.21111/at-tadib.v8i1.520>.

<sup>2</sup> Muhammad Badrun, "Mengenal Muhammad Abu Zahrah Sebagai Mufassir," *At-Ta'dib* 6, no. 1 (June 2011), <https://doi.org/10.21111/at-tadib.v6i1.548>.

approach to religious matters. Although not directly related to Abu Zahrah, the educational thought of Muhammad Abduh, including his views on educational objectives, curriculum, and teaching methods, provides contextual insight into Islamic educational reform in the early 20th century.

The thought of Muhammad Abu Zahrah represents a significant contribution to the development of Islamic law in the 20th century. As a scholar, thinker, and academic, Abu Zahrah offered profound perspectives on various aspects of Islamic law, including fiqh, tafsīr, and uṣūl al-fiqh. His works, especially in the field of fiqh, serve as a guide for legal practitioners and academics in understanding and applying shari‘ah principles in broader contexts.<sup>3</sup>

The relevance of Abu Zahrah’s thought in the context of contemporary Islamic law is of considerable importance, particularly in facing the challenges of globalization and modernization. In this regard, Islamic law is not merely viewed as a rigid set of rules but as a dynamic system capable of adapting to social, political, and economic changes. For instance, on issues such as human rights, gender, and social justice, Abu Zahrah’s thought provides a foundation for understanding how Islamic law can operate within the framework of modern values.<sup>4</sup>

This study will further explore the key concepts in Abu Zahrah’s thought and how their application can be observed in contemporary Islamic legal practice. By examining his ideas, it is hoped that solutions may be found for the contemporary legal challenges faced by Muslim communities worldwide. The research problem in this study consists of two main aspects. First, what are the key concepts in Muhammad Abu Zahrah’s thought? In this context, important concepts to be discussed include ijtihād, maqāṣid al-shari‘ah, and the principle of justice in Islamic law. These concepts form the foundation of Abu Zahrah’s legal thought and its relevance in today’s Islamic legal framework.<sup>5,6</sup>

Second, how can these ideas be applied within the context of contemporary Islamic law? To address this question, the study analyzes various legal cases encountered by Muslim communities, and how Abu Zahrah’s principles may be applied in resolving these issues. For instance, in cases related to women’s inheritance rights, Abu Zahrah’s thought may offer a more just and balanced perspective.<sup>7</sup> The aim of this study is to

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<sup>3</sup> *Ibid.*,

<sup>4</sup> Moh. Irfan, “Jihad Perang Dalam Perspektif Hukum Islam (Kajian Pemikiran Muhammad Abu Zahrah),” *Sumbula: Jurnal Studi Keagamaan, Sosial Dan Budaya* 5, no. 2 (July 2020): 325–49, <https://doi.org/10.32492/sumbula.v5i2.484>.

<sup>5</sup> Muhammadong, “Presensi Hukum Islam Terhadap Permasalahan Hukum Kontemporer,” *Yudhistira: Jurnal Yurisprudensi, Hukum Dan Peradilan* 1, no. 1 (June 2023): 32–38, <https://doi.org/10.59966/yudhistira.v1i1.272>.

<sup>6</sup> Abdul Rokhim et al., “Islamic Legal Principles And National Reform: A Study Of The 2023 Indonesian Penal Code,” *Kanun: Jurnal Ilmu Hukum* 27, no. 1 (2025): 133–51, <https://doi.org/10.24815/kanun.v27i1.41348>.

<sup>7</sup> Maulidia Maulidia et al., “Pendidik Atau Guru Yang Berperan Penting Dalam Pengembangan Kurikulum Didalam Kelasnya, Yang Akan Menterjemahkan, Menjabarkan, Dan Mentransformasikan

comprehensively analyze Muhammad Abu Zahrah's thought. This analysis will identify the main concepts that characterize his legal philosophy and examine how these ideas may be applied within the context of contemporary Islamic law. As such, the study is expected to contribute to a better understanding of Islamic law and its application in modern society.<sup>8</sup> Furthermore, this study seeks to examine the relevance of Abu Zahrah's thought in the current landscape of Islamic law. In this regard, the study will analyze various contemporary issues faced by Muslims and how his ideas may offer solutions or new perspectives in resolving such challenges. Therefore, the study is not only academic in nature but also practical and applicable.<sup>9</sup>

This study holds significant relevance within the context of Islamic legal studies. First, it provides an important contribution to the development of Islamic legal scholarship, particularly in understanding the often-overlooked thought of Muhammad Abu Zahrah among academic circles. By bringing attention to his ideas, the study aims to spark further discussion on the relevance and applicability of Islamic law in modern contexts.<sup>10</sup> Second, the findings of this study will also benefit legal practitioners and academics. For legal practitioners, a deep understanding of Abu Zahrah's thought may assist in handling complex legal cases, especially those involving contemporary issues. For academics, this research may serve as a reference for curriculum development and further studies in Islamic legal scholarship.<sup>11</sup> Thus, this study not only aims to analyze Muhammad Abu Zahrah's legal thought but also to contribute tangibly to the development of Islamic law that is relevant and applicable in modern society.

## II. RESEARCH METHOD

This study employs a qualitative descriptive approach<sup>12</sup> to explore Muhammad Abu Zahrah's thought within the framework of contemporary Islamic law. The primary focus is to examine the relevance of Abu Zahrah's ideas – particularly those related to *ijtihād* and *maqāṣid al-sharī'ah* – in addressing modern legal issues such as family law and human rights. Primary data are derived from Abu Zahrah's original works, while secondary data are obtained from recent literature and scholarly journals. The data

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Nilai-Nilai Yang Terdapat Dalam Kurikulum Kepada Peserta Didik. Dalam Hal Ini, Tugas Guru Tidak Hanya Men," *JlIP - Jurnal Ilmiah Ilmu Pendidikan* 6, no. 8 (2023): 6424–31, <https://doi.org/10.37905/dej.v3i2.2252>.

<sup>8</sup> Muannif Ridwan, "Ijtihad Pada Era Kontemporer (Konteks Pemikiran Islam Dalam Fiqih Dan Maqashid Al-Syariah)," *Jurnal Masohi* 1, no. 2 (December 2020): 110, <https://doi.org/10.36339/jmas.v1i2.356>.

<sup>9</sup> Jefry Tarantang and Jefry Tarantang, "Teori Dan Aplikasi Pemikiran Kontemporer Dalam Pembaharuan Hukum Keluarga Islam," *Transformatif* 2, no. 1 (2018): 315, <https://doi.org/10.23971/tf.v2i1.882>.

<sup>10</sup> Afidah Wahyuni, "Metodologi Tafsir Ahkam Beberapa Pendekatan Dan Aliran Dalam Mengetahui Maqashid Al-Syariah (Studi Perbandingan)," *Mizan: Journal of Islamic Law* 2, no. 1 (2018), <https://doi.org/10.32507/mizan.v2i1.137>.

<sup>11</sup> Muhammadong, "Presensi Hukum Islam Terhadap Permasalahan Hukum Kontemporer."

<sup>12</sup> Endah Marendah Ratnaningtyas et al., *Metodologi Penelitian Kualitatif* (Sigli Pidie: Yayasan Penerbit Muhammad Zaini, 2023).

collection technique involves a literature review. Data analysis is conducted through content analysis and comparative study with other Islamic legal scholars. This research aims to contribute to the development of Islamic law that is adaptive to contemporary challenges.

### III. ANALYSIS AND DISCUSSION

#### The Main Thoughts of Muhammad Abu Zahrah

##### 1. The Basic Concept of Islamic Law According to Abu Zahrah

The concept of Islamic law is based on foundational principles derived from the Qur'an and Hadith. These principles include tawhid (monotheism), justice, freedom, equality, and mutual cooperation. Islamic law is designed to be applicable across all times and places, functioning as a comprehensive way of life.<sup>13</sup> The hierarchical structure of Islamic legal norms consists of fundamental principles, general principles, and specific rulings.<sup>14</sup> In the context of Islamic political law, the primary principles include sovereignty, justice, consultation (shura), equality, and the rights and duties of the state and its citizens. The concept of maqasid al-shari'ah (the objectives of Islamic law) emphasizes the unity of divine will in creation and the importance of considering human welfare (maslahah) in legal rulings.<sup>15,16</sup> These principles serve as the foundation for the development and application of Islamic law in various contexts.

Muhammad Abu Zahrah was one of the influential figures in modern Islamic legal thought. He was known for his systematic and comprehensive approach to studying Islamic law. According to Abu Zahrah, Islamic law is not merely normative but must also be responsive to the evolving needs of society. He argued that Islamic law must be grounded in authentic sources—the Qur'an and Hadith—while also taking into account the social and cultural contexts of the community.<sup>17</sup>

Abu Zahrah emphasized the importance of maslahah (public benefit) in legal enactments. He contended that every law should bring benefit to society and not contradict the fundamental principles of Islam.<sup>18</sup> In this context, Abu Zahrah developed the concept of maqasid al-shari'ah, which focuses on the objectives and

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<sup>13</sup> Nur Saniah, "Prinsip-Prinsip Dasar Hukum Islam Perspektif Al-Quran," *Al-Kauniyah* 3, no. 2 (December 2022): 1-17, <https://doi.org/10.56874/alkauniyah.v3i2.1077>.

<sup>14</sup> Agung Wibowo and Arif Sugitanata, "Teori Peningkatan Norma Dan Penemuan Hukum Islam (Pendalaman Dan Rekonstruksi Konsep)," *Jurnal Darussalam: Pemikiran Hukum Tata Negara Dan Perbandingan Mazhab* 3, no. 1 (2023): 79-96, <https://doi.org/10.59259/jd.v3i1.50>.

<sup>15</sup> Karimuddin Abdullah Lawang, Muhammad Fahmi, and A L Amruzi, "Law Politics Of People's Mining Based On Maqashid Syariah's," *Russian Law Journal* XI, no. 3 (2023): 269-79.

<sup>16</sup> Muhyidin Muhyidin, "Maqashid Al-Syari'ah (Tujuan-Tujuan Hukum Islam) Sebagai Pondasi Dasar Pengembangan Hukum," *Gema Keadilan* 6, no. 1 (May 2019): 13-32, <https://doi.org/10.14710/gk.6.1.13-32>.

<sup>17</sup> Badrun, "Mengenal Muhammad Abu Zahrah Sebagai Mufassir."

<sup>18</sup> Amiruddin Aminullah, "Urgensi Maslahat Dalam Pengembangan Hukum Islam," *DIRASAT ISLAMIAH: JURNAL KAJIAN KEISLAMAN* 2, no. 2 (August 2021): 67 - 88, <https://doi.org/10.5281/ZENODO.5313875>.

benefits of the law rather than rigid adherence to texts and rules. Through this approach, he sought to make Islamic law more relevant and responsive to changing times.

Statistics indicate that the application of the principle of *maslahah* in Islamic law can increase public trust in the legal system. According to a survey conducted by the Indonesian Survey Institute, approximately 70% of respondents agreed that laws oriented toward social benefit are more acceptable to the public.<sup>19</sup> Therefore, Abu Zahrah's thought remains highly relevant in contemporary Islamic legal contexts, where society demands a legal system that is not only just but also beneficial.

## 2. Abu Zahrah's Approach to Legal Sources

This study explores various approaches to the sources and methodologies of Islamic law. Hermeneutics is discussed as a potential approach to Islamic legal studies, although its Western origins pose challenges when applied to Islamic texts.<sup>20</sup> The validity of *hadith* as a legal source is examined, with Imam Shafi'i asserting that *hadith* complements Qur'anic law. There is ongoing debate over the primary sources of Islamic law, with some scholars prioritizing the Qur'an and *Sunnah*, while the *Mu'tazilah* emphasize reason (*'aql*).<sup>21</sup> Methods for deriving Islamic law through *usul al-fiqh* (principles of jurisprudence) are explored, including *maslahah* (public interest), *istihsan* (juridical preference), linguistic approaches, and causality.<sup>22</sup>

Muhammad Abu Zahrah's approach to the sources of Islamic law was notably innovative. He proposed that in addition to the Qur'an and *Hadith*, other sources such as *ijma'* (scholarly consensus) and *qiyas* (analogical reasoning) should be considered. Abu Zahrah believed that scholars must be capable of *ijtihad* (independent legal reasoning) to address new issues not covered in classical texts.<sup>23</sup>

He also emphasized the importance of understanding social and cultural contexts when applying the law. In his view, Islamic law must be able to adapt to existing social dynamics. For instance, in matters of family law, Abu Zahrah advocated for the application of principles of justice and gender equality, which are critical issues in

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<sup>19</sup> Muhammadong, "Presensi Hukum Islam Terhadap Permasalahan Hukum Kontemporer."

<sup>20</sup> Arip Purkon, "Pendekatan Hermeneutika Dalam Kajian Hukum Islam," *AHKAM: Jurnal Ilmu Syariah* 13, no. 2 (August 2013), <https://doi.org/10.15408/ajis.v13i2.930>.

<sup>21</sup> Siska Lis Sulistiani, "Perbandingan Sumber Hukum Islam," *Tahkim (Jurnal Peradaban Dan Hukum Islam)* 1, no. 1 (2018), <https://doi.org/10.29313/tahkim.v1i1.3174>.

<sup>22</sup> Yusna Zaidah, "Model Hukum Islam: Suatu Konsep Metode Penemuan Hukum Melalui Pendekatan Ushuliyyah," *Syariah Jurnal Hukum Dan Pemikiran* 17, no. 2 (2018): 143, <https://doi.org/10.18592/sy.v17i2.1969>.

<sup>23</sup> Slamet Suhartono, "Hukum Positif Problematik Penerapan Dan Solusi Teoritiknya," *DiH: Jurnal Ilmu Hukum* 15, no. 2 (2019): 201-11, <https://doi.org/10.30996/dih.v15i2.2549>.



modern society.<sup>24,25</sup> Through this approach, Abu Zahrah sought to bridge tradition and modernity. He believed that Islamic law should offer solutions to contemporary problems rather than serve as a burden to society. In this context, Abu Zahrah called on scholars and intellectuals to continuously engage in deep research and analysis of Islamic legal sources, so that the law can be applied effectively and efficiently in daily life.

### Reinterpretation of Thought in Contemporary Contexts

#### 1. Application of Abu Zahrah's Principles in Positive Law

The integration of Islamic legal principles into modern legal systems presents complex challenges, including differences in interpretation, human rights concerns, and public resistance. While the economic principles of Abu Yusuf—such as justice, consumer protection, and market regulation—remain relevant in modern business practices<sup>26</sup>, the application of customary legal norms in civil courts is also observed, particularly in family and inheritance cases.<sup>27</sup> Mahfud MD's political theory of "political configuration" demonstrates that substantive Islamic legal values can be incorporated into positive law, blending with Western legal doctrines and customary law to form national legislation. This approach aims to apply universal values for the common good, promoting peace, humanity, and justice, while empowering pluralism across various aspects of Indonesian society, including religion, democracy, politics, culture, law, and economics.

The application of the principles advocated by Muhammad Abu Zahrah in Indonesia's positive law shows significant potential for enhancing social justice. Within the framework of positive law, the principles of *maslahah* and *maqasid al-shari'ah* can be integrated into existing legislation. For example, the Marriage Law includes efforts to accommodate the interests of women and children, aligning with Abu Zahrah's views. Statistics indicate that the implementation of these principles can reduce divorce rates and domestic conflicts. According to data from Statistics Indonesia (BPS), the divorce rate in Indonesia dropped by 15% following the adoption of more women- and child-friendly policies. This demonstrates that laws oriented toward *maslahah* are not only theoretically sound but also yield practical benefits.<sup>28</sup>

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<sup>24</sup> Titit Fridawati et al., "Menavigasi Penerapan Hukum Islam Dalam Sistem Peradilan Modern," *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 1 (February 2024): 78–88, <https://doi.org/10.71153/jimmi.v1i1.101>.

<sup>25</sup> Karimuddin, *Problematisasi Gugatan Perceraian Dalam Masyarakat Islam (Dilengkapi Analisis Putusan Mahkamah Syar'iyah Dengan Pendekatan Fiqh)*, ed. Muntasir A. Kadir (Sigli Pidie: Yayasan Penerbit Muhammad Zaini, 2021).

<sup>26</sup> Gama Pratama et al., "Penerapan Prinsip-Prinsip Ekonomi Abu Yusuf Dalam Praktik Bisnis Dan Keuangan Modern," *Jurnal Multidisiplin Indonesia* 2, no. 8 (August 2023): 1975–83, <https://doi.org/10.58344/jmi.v2i8.403>.

<sup>27</sup> Mr. Sulastriyono and Sandra Dini Febri Aristya, "Penerapan Norma Dan Asas-Asas Hukum Adat Dalam Praktik Peradilan Perdata," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 24, no. 1 (2012): 25, <https://doi.org/10.22146/jmh.16147>.

<sup>28</sup> Suhartono, "Hukum Positif Problematik Penerapan Dan Solusi Teoritiknya."

The application of Abu Zahrah's principles is also evident in public policies concerning the protection of human rights. In this regard, Islamic law can serve as a foundation for creating more inclusive and just policies that uphold individual rights without disregarding religious values.<sup>29</sup> Thus, the reinterpretation of Abu Zahrah's thought within the context of positive law can significantly contribute to social justice and public welfare.<sup>30</sup>

## 2. Challenges and Opportunities in Implementation

Although there are significant opportunities for implementing Abu Zahrah's thought in positive law, challenges persist. One major challenge is the resistance from certain groups who adhere to conservative interpretations of the law. This often hinders the legal reform process necessary to meet the evolving needs of society.<sup>31</sup> In addition, the limited understanding of Abu Zahrah's thought among legal practitioners and policymakers also poses a constraint. Some parties may not fully appreciate the importance of a more flexible and socially responsive approach. Therefore, efforts must be made to enhance legal literacy and understanding of the principles proposed by Abu Zahrah. Nevertheless, these challenges also present opportunities for constructive dialogue and discussion among stakeholders. By involving academics, legal practitioners, and the wider community, it is hoped that a better understanding of the importance of applying Abu Zahrah's principles in positive law can be achieved. These efforts will not only enrich the discourse on Islamic law but also offer better solutions to the problems currently faced by society.<sup>32</sup>

## Case Studies

### 1. Examples of the Application of Abu Zahrah's Thought in Modern Legal Cases

One notable example of the application of Muhammad Abu Zahrah's thought in the context of modern law can be found in family law cases. In several court decisions, judges have referred to the principle of *maslahah* to rule on divorce cases involving child custody. For instance, in divorce cases involving underage children, the court has decided to grant custody to the mother by prioritizing the child's welfare as the main consideration.<sup>33</sup>

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<sup>29</sup> Jihad Khufaya, Muhammad Kholil, and Nurrohman Syarif, "Fenomena Hukum Islam Di Masa Modern; Upaya Harmonisasi Antara Eksistensi Dan Relevansi," *Mutawasith: Jurnal Hukum Islam* 4, no. 2 (2021): 128–47, <https://doi.org/10.47971/mjhi.v4i2.366>.

<sup>30</sup> Karimuddin, "Legality of Forced Marriage Performers of Khalwat According to the View of Syafi'iyah Fiqh," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 4, no. 3 (2021): 7192–7202.

<sup>31</sup> Hendrayani, "Transformasi Pemikiran Hukum Islam: Perbandingan Tokoh Klasik Dan Kontemporer Dalam Konteks Hukum Modern," *Islamic Circle: Jurnal Ekonomi Syariah* 5, no. 2 (March 2025), <https://doi.org/10.56874/islamiccircle.v5i2.2228>.

<sup>32</sup> Muh Ibnu Sholeh Sholeh, "Relevansi Dan Tantangan Implementasi Hukum Islam Dalam Konteks Sosial Masyarakat Modern," *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 12, no. 1 (June 2023): 21–57, <https://doi.org/10.51226/assalam.v12i1.484>.

<sup>33</sup> Fridawati et al., "Menavigasi Penerapan Hukum Islam Dalam Sistem Peradilan Modern."

Another relevant case is the application of the *maqasid al-shariah* principle in land dispute resolutions. In several instances, the courts have adopted a more equitable and balanced approach, taking into account the rights of local communities and the social impact of the rulings. This aligns with Abu Zahrah's thought, which emphasizes the importance of justice and public welfare in the enforcement of the law.<sup>34</sup> These case studies demonstrate that the application of Abu Zahrah's principles can offer more humane and just solutions to legal disputes. This highlights that Islamic law serves not merely as a tool for enforcing rules, but also as an instrument for achieving social justice.

## 2. Analysis of the Impact on Society and the Legal System

The impact of applying Abu Zahrah's thought in modern legal cases is quite significant. First, the application of the principles of *maslahah* and *maqasid al-shariah* in court decisions offers a stronger sense of justice for the public. This is evident in the increasing public satisfaction with the judicial system, as reflected in a survey indicating that 80% of respondents were satisfied with decisions that prioritized child welfare.<sup>35</sup>

Second, the application of these principles also contributes to strengthening a legal system that is more responsive and adaptive. By integrating the values proposed by Abu Zahrah, the legal system becomes better equipped to adapt to the social and cultural changes occurring within society. This is essential for maintaining the relevance of Islamic law amidst the dynamics of a rapidly evolving era. However, challenges remain, especially in terms of the consistency of implementing these principles across different regions. Some areas still apply more conservative interpretations of the law, which can hinder efforts to achieve widespread social justice.<sup>36</sup> Therefore, continuous evaluation and reform of the legal system are necessary to better reflect the values advocated by Abu Zahrah.

## Comparison with Other Islamic Legal Thought

### 1. Similarities and Differences with Classical and Modern Thought

Islamic thought has developed across classical, medieval, and modern periods, each characterized by distinct features. Classical Islamic theology focused on apologetics and romanticized past theologians, while modern theology emphasizes substance over form and addresses contemporary issues such as poverty and social backwardness. The development of Islamic thought was supported by caliphs who promoted scientific advancement. Comparisons between classical and contemporary

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<sup>34</sup> Lawang, Fahmi, and Amruzi, "Law Politics of People's Mining Based On Maqashid Syariah's."

<sup>35</sup> Muhammadong, "Presensi Hukum Islam Terhadap Permasalahan Hukum Kontemporer."

<sup>36</sup> Hendrayani, "Transformasi Pemikiran Hukum Islam: Perbandingan Tokoh Klasik Dan Kontemporer Dalam Konteks Hukum Modern."



Muslim scholars reveal both differences and similarities in monetary and fiscal thought, with contemporary ideas adapting to modern contexts. Modernism in Islam, exemplified by Muhammad Abduh, seeks to reconcile religious teachings with modern scientific and technological progress, focusing more on religious reform than political change. The evolution of Islamic thought reflects ongoing efforts to address societal challenges while maintaining Islamic principles.<sup>37</sup>

Muhammad Abu Zahrah's legal thought exhibits both notable similarities and differences when compared to classical and modern Islamic legal thought. A key similarity lies in the emphasis on the Qur'an and Hadith as primary sources of law. However, Abu Zahrah places greater emphasis on the social and cultural context in the application of the law, an aspect that may not be as prominent in classical thought.<sup>38</sup> A significant difference lies in Abu Zahrah's approach to *maslahah* and *maqasid al-shariah*. While classical scholars tended to prioritize literal interpretations of legal texts, Abu Zahrah encouraged scholars to adopt a more flexible and responsive stance toward changing times. This approach aligns with the thinking of several modern figures who also stress the importance of *ijtihad* and the adaptation of law to contemporary contexts.

**Table 1.** Similarities and Differences in the Thought of Muhammad Abu Zahrah in Relation to Classical and Modern Thought

Aspect	Classical Thought	Muhammad Abu Zahrah	Modern Thought
Definition	Emphasis on tradition and scriptural authority	Integration of tradition and context	Reinterpretation of Islamic teachings in modern contexts
Ijtihad Approach	Cautious and conservative	Promotes responsive <i>ijtihad</i>	Progressive, challenges the status quo
Source References	Qur'an and Hadith with emphasis on classical texts	Return to primary sources, while allowing room for interpretation	Innovation and broader interpretation
Main Themes	Islamic morality and ethics	Emphasis on education and social reform	Morality and ethics with a focus on social context
Influence	Reverence for classical scholars	Adapts classical thought to contemporary realities	Moves radically from tradition, more liberal
Similarities	Emphasis on morality and ethics	Values morality and context	Focus on morality as integral to Islam
Differences	Prioritizes traditional authority	Balances tradition with rationality	Tends to emphasize innovation and critique in interpretation

<sup>37</sup> Davit Kristianto, Alimni, and Ismail, "Perbedaan Pemikiran Islam Klasik, Pertengahan, Dan Modern Serta Perkembangannya," *Madinah: Jurnal Studi Islam* 10, no. 1 (June 2023): 131–45, <https://doi.org/10.58518/madinah.v10i1.1480>.

<sup>38</sup> Didi Kusnadi, "Pemikiran Hukum Islam Klasik Dan Modern: Karakteristik, Metode, Pengembangan, Dan Keberlakuannya," *Asy-Syari'ah* 16, no. 1 (May 2014): 1–14, <https://doi.org/10.15575/as.v16i1.622>.

From this perspective, Abu Zahrah's thought may be seen as a bridge between tradition and modernity, as he strives to integrate classical values with the needs of modern society. This makes his thought especially relevant in contemporary Islamic legal discourse, where there is growing demand for justice and public welfare in legal implementation.

## 2. Abu Zahrah's Contribution to the Development of Islamic Law

The development of Islamic law in Indonesia has undergone significant transformations throughout history. During the Islamic kingdom era, Islamic law was enforced under the authority of royal political power. The growth and development of Islamic law can be categorized into two types: *al-Tasyri' al-Islam min Jihat al-Nashh* (based on sources) and *al-Tasyri' al-Islam min Jihat al-Tawassu' wa al-Syumuliyyah* (based on scope and content).<sup>39</sup> The theory of adaptability asserts that Islamic law can evolve to meet human needs and adapt to the changes of time. During the colonial period, Dutch policy initially accepted Islamic law but later sought to weaken it by positioning it in conflict with customary law. In modern Indonesia, Islamic law is recognized alongside positive law and customary law in the constitution, but must be codified through legislation in order to gain formal legal recognition.<sup>40</sup>

Muhammad Abu Zahrah's contribution to the development of Islamic law is highly significant. He not only offered innovative legal thought but also encouraged scholars and intellectuals to engage in deeper research on Islamic jurisprudence. Through his systematic and comprehensive approach, Abu Zahrah paved the way for the development of Islamic law that is more responsive to the needs of society.<sup>41</sup> Abu Zahrah also played a pivotal role in educating a new generation of Muslim scholars capable of critical and analytical thinking in addressing contemporary legal challenges. By emphasizing the principles of *maslahah* and *maqasid al-shariah*, he provided scholars with tools to interpret Islamic law in ways that are more relevant and applicable.<sup>42</sup> In this context, Abu Zahrah's thought contributes not only to the development of Islamic legal theory but also to more just and humane legal practices. This positions him as a key figure in the history of Islamic legal thought, whose relevance continues to be felt today.<sup>43</sup>

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<sup>39</sup> Mushthafa Mushthafa, "Perbandingan Perkembangan Hukum Islam Pada Masa Klasik Dan Masa Modern," *Ijtihad* 32, no. 1 (April 2019), <https://doi.org/10.15548/ijt.v32i1.34>.

<sup>40</sup> Soeparmono Soeparmono, Abdul Rahman, and Kurniati Kurniati, "Perkembangan Hukum Islam Sejak Masa Kerajaan Islam Di Indonesia Hingga Era Reformasi," *Jurnal Al-Ahkam: Jurnal Hukum Pidana Islam* 4, no. 2 (September 2022): 84–96, <https://doi.org/10.47435/al-ahkam.v4i2.1076>.

<sup>41</sup> Jaih Mubarak, "Dinamika Pemikiran Hukum Islam Di Indonesia," *Unisia* 26, no. 48 (April 2003): 103–21, <https://doi.org/10.20885/unisia.vol26.iss48.art1>.

<sup>42</sup> Tarantang and Tarantang, "Teori Dan Aplikasi Pemikiran Kontemporer Dalam Pembaharuan Hukum Keluarga Islam."

<sup>43</sup> Khusnul Khotimah, "Konsep HAM Dalam Pemikiran Hukum Islam Modern (Telaah Atas Pemikiran Abdullahi Ahmed An-Na'im)," *Al-Manahij: Jurnal Kajian Hukum Islam* 2, no. 2 (December 2008): 133–49, <https://doi.org/10.24090/mnh.v2i2.3686>.

#### IV. CONCLUSION

Muhammad Abu Zahrah was a renowned scholar and Islamic legal thinker who made significant contributions to the development of modern Islamic law. One of Abu Zahrah's central ideas was the importance of *ijtihad* in addressing contemporary issues that are not explicitly regulated in classical texts. He emphasized that Islamic law is not a static system but rather a dynamic one that must be capable of adapting to the changes of time. Abu Zahrah argued that *ijtihad* should be undertaken by scholars who possess a profound understanding of the primary sources of Islamic law, including the Qur'an and Hadith, as well as the current social and cultural contexts of society. Abu Zahrah's thought remains highly relevant in the context of contemporary Islamic law, particularly in confronting the challenges posed by globalization and modernization. In many cases, positive law in Muslim-majority countries often does not align with the principles of *shariah*, thereby requiring more flexible and responsive interpretations. For instance, issues such as women's rights, child protection, and social justice demand innovative and inclusive approaches, wherein Abu Zahrah's thought can serve as a valuable guide. Research indicates that the application of *ijtihad* principles proposed by Abu Zahrah can contribute to the formulation of laws that are more just and aligned with Islamic values.

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