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Understanding and Implementing Islamic Law: Challenges and Solutions in Modern Contexts

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ABSTRACT

Sharia law is an important element in Islamic law that includes rules and principles that govern various aspects of Muslim life, including worship, muamalah, and social ethics. This article analyzes the basic concept of sharia law which is divided into taklifi and wadh'i laws, as well as how relevant they are in answering challenges in the modern era. In Indonesia, the implementation of sharia law is faced with internal challenges such as stagnation of ijtihad, diversity of interpretations, and lack of trust in sharia legal institutions. External challenges include friction with the secular legal system, globalization, and human rights issues. To overcome this problem, it is necessary to update thinking through contextual ijtihad, strengthening education and literacy of sharia law, reforming legal institutions, and harmonizing sharia law with the national legal system. With a progressive and inclusive approach, sharia law can continue to be relevant in creating a just and prosperous society, as well as making a significant contribution to shaping global ethics that support social justice and sustainable development. This article offers an applicative solution to ensure that sharia law remains a relevant moral guideline in the midst of dynamic social change.

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1. INTRODUCTION

Islamic law (Sharia) has been an integral legal system in the lives of Muslims since the time of the Prophet Muhammad PBUH (Drajat et al., 2024). Based on the Qur'an and Sunnah, Islamic law not only aims to regulate individual behavior but also to form a social order that is fair, harmonious, and in accordance with divine values (Fauzan & Fata, 2018). However, in the modern context, Islamic law faces major challenges along with the social, cultural, and political changes that occur globally. This challenge is increasingly complex with technological developments, globalization, and increasing awareness of human rights in modern society.

One of the main challenges is the need to adapt Islamic law to the secular legal system implemented in many countries, including Indonesia (Zayyadi, 2020). Dualism between sharia law and national law is often a source of conflict, especially in issues such as human rights, gender equality, and individual freedom (Salim, 2008; Wardhani et al., 2022). In addition, the development of digital technology, such as the emergence of e-commerce, fintech, and cryptocurrency, raises new questions about halalness and legitimacy in a sharia perspective. This challenge is further complicated by global pressure on Muslim countries to modernize their laws to conform to international standards (Fauzan & Fata, 2018).

On the other hand, internal challenges such as the stagnation of *ijtihad* and the various interpretations of Islamic law also hinder the adaptation of sharia law to contemporary needs (Zoli et al., 2017). Many scholars tend to rely on the results of classical *ijtihad* without considering the current social context, so sharia law is often considered rigid and irrelevant. This problem is exacerbated by the low public trust in sharia law enforcement agencies due to integrity and transparency issues. For example, the Judicial Commission's report shows that there are ethical violations in religious courts that affect the credibility of the institution (Rudiansah, 2024).

Socially, Muslim society today lives in a constantly changing world. Globalization has created new challenges, such as the increasing cross-cultural interaction that affects views on law and ethical values. On the other hand, many Muslim countries have adopted a secular legal system, thus creating a dualism between Islamic law and national law (Fauzan & Fata, 2018; Salim, 2008). For example, in the case of family law in some Muslim countries, sharia principles are still used, but criminal and civil law are often adopted from the Western legal system (Alotaibi, 2021; Fauzan & Fata, 2018). This creates a gap that can cause confusion among Muslims in understanding and implementing sharia law in the modern era.

A literature review shows that Islamic law has the capacity to remain relevant if it is managed adaptively. According to Berger (2018), sharia law has the characteristic of flexibility that allows adaptation to the context of the times without losing its essence. But Khufaya et al. (2021) highlighting that the lack of contemporary *ijtihad* efforts is one of the stagnation factors in the application of Islamic law. Moreover Sholeh (2023) stated that the main challenge in the implementation of Islamic law is the conflict between sharia principles and universal human rights norms. Other opinions from Efendi (2024) stated that many Muslim countries are under pressure to conform Islamic law to global standards that often contradict traditional values. Nevertheless Fitriani (2021) underlining that Islamic law can still be a solution to create a just social order through the renewal of *ijtihad*-based thinking. This literature provides an important basis for understanding how sharia law can be effectively implemented in the contemporary era.

This article aims to analyze the basic concepts of sharia law, identify internal and external challenges in its implementation, and offer solutions based on *ijtihad*, education, and dialogue between stakeholders. This research contributes to strengthening the relevance of Islamic law in the era of globalization by offering an adaptive approach that is in line with sharia principles and the needs of modern society. Thus, this research not only focuses on theory, but also provides a practical guide for the harmonization between tradition and modernity in Islamic law.

This research makes important contributions in several aspects. First, theoretically, this research adds insight into the flexibility of sharia law in responding to the challenges of the times. Second, practically, this research offers a strategic approach to integrate sharia principles with the needs of modern society. Third, this research serves as a guideline for stakeholders, such as scholars, academics, and the government, in building an inclusive, adaptive, and sustainable Islamic legal framework. Thus, this research seeks to be a bridge between the tradition of Islamic law and the demands of modernity, so that it can create a relevant, fair, and applicable legal system in the era of globalization.

2. METHODS

This research uses a qualitative approach with a descriptive-analytical design to understand the basic concepts of sharia law as well as the challenges and solutions for its implementation in the modern context (Arfa & Marpaung, 2018). The data used came from primary and secondary sources. Primary data includes a study of the Qur'an, Sunnah, as well as classical and contemporary works in Islamic law. Secondary data consists of scientific literature, journals, books, and legal documents that discuss the implementation of sharia law in various social contexts (Karčić, 2019). Data collection is carried out through literature study and document analysis. Literature studies are used to explore sharia legal theories and their applications, while document analysis involves reviewing relevant laws, fatwas, and legal cases. The collected data was analyzed qualitatively using a descriptive-analytical approach, which involved data reduction, data presentation in specific themes, and drawing conclusions to answer the research objectives. To increase the validity of the research results, the source triangulation method was used by comparing various data from classical, contemporary, and empirical literature. In addition, the hermeneutics of Islamic law and the sociological approach of law are applied to understand sharia texts in the modern context, as well as analyze the social challenges that affect the practical implementation of Islamic law (Kadi, 2022). This approach is expected to provide contextual and applicable recommendations.

3. RESULTS AND DISCUSSION

Basic Concept of Sharia Law'

Sharia law, as a key element in the Islamic legal system, has definitions and concepts rooted in the Qur'an and Sunnah. Etymologically, the word "sharia" comes from an Arabic root meaning "way" or "way," which indicates the rules that guide humans in living their lives (Syarifuddin, 2014). Terminologically, Abdul'Al (2014) Revealing the law of sharia is defined by the experts of ushul fiqh as a decree of Allah related to the deeds of mukallaf (a person who has reached puberty and has reason), either in the form of orders, prohibitions, or choices, as well as in the form of certain conditional decrees. This perspective emphasizes that sharia law is not only a set of normative rules, but also a comprehensive guide that includes aspects of worship, muamalah, and social ethics.

In the view of ushul fiqh experts, sharia law consists of laws that are taklifi and wadh'i. Taklifi law includes commands (obligatory and sunnah), prohibitions (haram and makruh), and abilities (mubah) (Karčić, 2019). For example, the obligation to perform five prayers or the prohibition of consuming liquor is a form of implementation of taklifi law. Meanwhile, wadh'i law regulates provisions that are conditions, causes, or obstacles to the enactment of a law. For example, the entry of the month of Ramadan is the reason for the obligation to fast, while ablution is a valid condition for prayer. These two categories show that sharia law is designed not only to regulate human behavior but also to create order through a system of logical causes and effects.

The difference of views between ushul fiqh experts and fiqh experts is also interesting to study further. Ushul fiqh scholars view sharia law in terms of principles and methodologies, focusing on the discovery of legal sources through ijihad (Abdul'Al, 2014; Turmudzi et al., 2025). In this approach, law is understood as a dynamic framework, allowing adaptation to the conditions of the times without sacrificing basic principles. On the contrary, fiqh experts emphasize the results of

the excavation of sharia law, which is a stipulation that has been formulated clearly and in detail. This difference illustrates how sharia law can be interpreted both as a normative principle and as a practical rule.

The historical context is also important in understanding sharia law. In the early days of Islam, the Prophet PBUH functioned as the main interpreter of sharia law, connecting revelation with the practical life of the people. After the death of the Prophet, this role was continued by the companions and the next generation of scholars, who developed the method of *usul al-fiqh* to dig up the law from its main sources (Goldziher, 2021). This process emphasizes the importance of wisdom and *maqasid sharia* (sharia purpose) in the formation of law, namely to create benefits and prevent damage to humanity. With this approach, sharia law not only functions as a control tool, but also as a grace that provides moral and ethical guidance.

Sharia law is also based on the basic principles that form its basic principles. One of these rules is "*al-ashlu fi al-asya' al-ibahah*" (basically everything is allowed unless there is a prohibition). This rule shows the flexibility of Islamic law in regulating human life. In addition, principles such as "*La Darara wa la dirar*" (There should be no danger and no harm) is also an important pillar in the application of sharia law' (Drajat et al., 2024; Syarifuddin, 2014). This principle emphasizes that Islamic law always considers benefits and prevents harm in every provision.

In the modern era, sharia law faces the challenge of remaining relevant without losing its essence. The flexibility shown through the *istinbath* method provides a great opportunity for sharia law to adapt to the needs of the times. For example, in research Kausar et al. (2024) He explained that contemporary *ijtihad* plays an important role in overcoming new issues such as digital law, sharia economics, and bioethics. With an adaptive approach, sharia law can continue to be a relevant and applicable guideline in regulating the lives of Muslim communities in the era of globalization.

This basic concept of sharia law shows the intellectual property and flexibility possessed by the Islamic legal system. As a dynamic legal framework, sharia law is able to adapt to various social, cultural, and political contexts without losing its universal values. Therefore, a deep understanding of this concept is an important foundation in an effort to answer the challenges and opportunities for the implementation of Islamic law in the modern era.

Challenges of Sharia Law Implementation in the Modern Era

Sharia law faces increasingly complex challenges in the modern era. These challenges include internal and external aspects, which interact with each other and affect the successful implementation of Islamic law in the lives of Muslim communities. These challenges stem not only from the internal dynamics of Muslims, but also from global changes that affect the social, cultural, and political structures in various countries.

1. Internal Challenges

One of the main internal challenges is the stagnation of *ijtihad*, which causes Islamic law to often be unable to respond optimally to the development of the times. Many contemporary scholars tend to rely on the results of *ijtihad* of previous scholars without making adjustments to the current social context (Alotaibi, 2021). A clear example of this stagnation can be seen in the application of sharia criminal law in the country of Saudi Arabia, where corporal punishment such as amputation or caning is still used, although it often comes under international criticism because it is considered incompatible with modern human rights values (Ssenyonjo, 2024).

In addition, the variety of interpretations of sharia law is also a significant challenge. For example, differences of opinion between schools in family law, such as the issue of *talaq* three at a time, often cause confusion among Muslims. In Indonesia, these differences of views can make

it difficult to settle family cases in religious courts, which often have to adjust their decisions to various interpretations of the existing sects (Kharlie, 2020). Public trust in sharia law enforcement agencies is also an important issue. Corruption cases and judicial mafias involving several religious court judges in Indonesia have tarnished the image of the institution. According to the 2023 Judicial Commission report, there are 18 cases of alleged violations of the code of ethics involving religious court judges in various regions (Alwi, 2024). This shows the need for reform in the enforcement of Islamic law so that public trust can be restored.

2. External Challenges

The biggest external challenge is the friction between Islamic legal principles and universal values such as human rights. Many Muslim countries face pressure from the international community to align sharia law with global standards. For example, hudud punishments such as stoning for adulterers in Afghanistan are often considered human rights violations by international organizations such as Amnesty International (Kamali, 2015). This friction puts Muslim countries in a difficult position, between defending sharia values or adjusting to international demands.

Globalization has also exacerbated this challenge by bringing in cultural values that are contrary to Islamic principles. For example, the global campaign for the legalization of same-sex marriage is creating social pressure in many Muslim countries. In 2023, massive protests broke out in Malaysia after several international organizations criticized the country's sharia law banning homosexual relationships (Chan, 2024). This reflects how globalization can affect the application of Islamic law at the national level.

Digitalization adds a new dimension to the challenges of implementing Islamic law. For example, the phenomenon of cryptocurrency transactions raises questions about its halalness from a sharia perspective. Until now, there has been no global consensus among scholars on the legal status of cryptocurrencies, leading to confusion among Muslims (Shovkhalov & Idrisov, 2021). Data from Statista (2023) shows that in 2022, more than 10 million Muslims worldwide used cryptocurrencies, although most are still skeptical about its legal status.

3. Solutions to Internal and External Challenges

Facing these challenges, the renewal of thinking through contextual *ijtihad* is the main key. Ulama need to adopt a more dynamic approach in exploring sharia law, taking into account the social, cultural, and technological context of modern (Sholeh, 2023). According to Amen (2022) Education also plays an important role in improving people's understanding of Islamic law. Educational programs on sharia law that are oriented towards universal values, such as justice and humanity, can help reduce misconceptions and resistance to Islamic law. In addition, dialogue between Muslim countries and the international community is needed to bridge the gap between sharia principles and global standards (Syawitri & Iryanti, 2024). This approach can help create a common understanding and balanced solutions, so that sharia law can remain relevant and widely accepted in the modern era.

Solutions for the Implementation of Sharia Law'

The implementation of sharia law in Indonesia faces major challenges, considering that the country has the largest Muslim population in the world, with a very wide diversity of cultures, traditions, and religious interpretations (Goldziher, 2021). To answer these challenges, solutions are needed that are not only based on sharia principles but also relevant to the social, cultural, and legal needs in Indonesia (Efendi, 2024). This solution must include the renewal of thinking, education, strengthening Islamic legal institutions, and harmonization of sharia law with the national legal system.

1. Updating Thinking Through Contextual Ijtihad

Updating thinking through contextual ijtihad is an urgent need in facing modern challenges in Indonesia. Scholars need to explore sharia law by considering the local context and social changes that occur. For example, in the field of sharia economics, the National Sharia Council (DSN) MUI has successfully issued fatwas related to modern financial instruments such as sukuk, sharia fintech, and sharia insurance (Awaluddin, 2024). This step shows how contextual ijtihad can be a solution to answer the needs of the Indonesian Muslim community in the era of globalization.

However, contextual ijtihad still faces obstacles in the form of resistance from some people who tend to maintain traditions without considering their relevance. Therefore, dialogue between scholars, academics, and community leaders needs to be strengthened to create consensus in the reform of sharia law. In addition, an inclusive approach involving various schools and views is also important to ensure that the resulting solutions are widely accepted.

2. Sharia Law Education and Literacy

Education plays a key role in improving people's understanding of sharia law. The many misconceptions about Islamic law in Indonesia, especially among the younger generation, show the importance of a comprehensive and relevant educational curriculum. The Ministry of Religious Affairs, through Islamic madrasas and universities, can play a strategic role in introducing the concept of sharia law which is not only normative but also applicable.

For example, several Islamic universities such as UIN Syarif Hidayatullah Jakarta and UIN Sunan Kalijaga Yogyakarta have developed Islamic law study programs that are oriented to contemporary needs, including sharia economics, digital law, and gender issues in Islam (Irham, 2023; Sidiq, 2017). In addition, legal counseling activities by religious courts can also be improved to provide education to the public about their rights and obligations based on sharia law.

However, formal education alone is not enough. The spread of sharia legal literacy through digital platforms is also an important solution. For example, applications such as Al-Qibla and Zakatpedia have helped people understand the laws of worship and muamalah in a simple and accessible way (Amin, 2022). These steps can help build awareness of sharia law among the wider community.

3. Strengthening Islamic Legal Institutions

Islamic legal institutions, such as religious courts and the National Sharia Council (DSN), play an important role in ensuring the effective implementation of sharia law in Indonesia. Religious courts, for example, not only deal with family cases such as marriage and inheritance but have also begun to include modern aspects, such as mediation in sharia economic disputes. Data from the Supreme Court shows that in 2022, more than 70% of sharia economic dispute cases were successfully resolved through mediation in religious courts (Sunarsi et al., 2018).

However, strengthening this institution requires deep reforms. The problem of corruption and lack of transparency in some religious courts, as revealed by the Judicial Commission's report, needs to be taken seriously. Professional training for judges and employees of religious courts, as well as stricter supervision, are important steps to increase the credibility of this institution.

In addition, DSN-MUI can continue to play a strategic role in developing sharia legal standards that are relevant to modern needs. For example, DSN's fatwa on sharia e-commerce is an important reference in the development of digital business in Indonesia (Alim et al., 2022). This step shows that Islamic legal institutions can adapt quickly to the changing times if supported by adequate regulations.

4. Harmonization of Sharia Law with the National Legal System

One of the major challenges in the implementation of sharia law in Indonesia is how to harmonize sharia principles with the national legal system based on Pancasila and the constitution. This harmonization is important to prevent conflicts between Islamic law and positive law, which is often a source of tension in society.

A clear example of this harmonization is the regulation of marriage law in Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) (Ma'u, 2023). Although sharia-based, KHI is designed to be in line with Pancasila principles, such as justice and gender equality. Similar measures can be applied to other fields, such as economic and criminal law, while respecting sharia values and national interests.

In addition, there needs to be a wider space for dialogue between scholars, academics, and policymakers to ensure that the resulting regulations are not only normative but also applicable. This harmonization effort can also be strengthened through a multicultural approach that respects the diversity of local traditions and cultures in Indonesia.

The solution to the implementation of sharia law in Indonesia requires a holistic approach that includes renewing thinking, education, strengthening Islamic legal institutions, and harmonization with the national legal system. With these steps, sharia law can not only answer the challenges of the times but also become a relevant and useful guideline for the Indonesian people. These measures, if carried out consistently, can ensure that Islamic law remains an adaptive, inclusive, and sustainable system in the modern era.

The Relevance of Sharia Law in the Modern Era

Sharia law has a very strong relevance in the modern era, not only as a legal system for Muslims but also as a universal ethical guideline that offers the values of justice, humanity, and equality. In the era of globalization marked by technological advancements, social changes, and new challenges in human life, sharia law remains relevant because of its flexibility and capacity to adapt to the needs of the times (Ssenyonjo, 2024). This is supported by the basic principles in sharia which emphasize the main goal (maqasid sharia), which is to protect religion, soul, intellect, descendants, and property. These five goals have a remarkable alignment with modern values such as human rights, social welfare, and sustainable economic development.

One of the main relevance of sharia law in the modern era is its ability to provide solutions to ethical and legal challenges that arise due to technological developments and globalization. For example, sharia law has successfully adapted to digital economic phenomena, such as e-commerce transactions, sharia fintech, and cryptocurrency. The fatwas of the National Sharia Council (DSN) on the use of electronic money, contracts in fintech, and sharia-based investments show how Islamic legal principles can be applied in a modern context. In addition, the approach of sharia law to bioethical issues, such as organ transplantation and artificial insemination, also reflects the relevance of this law in answering complex moral questions in the age of science and technology (Kamali, 2015; Statista, 2023).

In the social context, sharia law remains relevant as a normative framework that shapes the behavior of individuals and society. In Indonesia, for example, sharia law plays an important role in regulating family life, such as marriage, divorce, and inheritance. The Compilation of Islamic Law (KHI) applied in religious courts has provided clear and measurable solutions for Muslims in resolving family problems. However, sharia law is not only limited to the family aspect; He also contributes to promoting ethical values, such as honesty, transparency, and fairness in various aspects of life, including in the world of business and politics. In an era where corruption and injustice are still serious problems, sharia law provides a strong moral guideline to create a more integrity society.

The relevance of sharia law in the modern era also lies in its ability to be a liberation tool for marginalized groups. In the context of gender, for example, sharia law has become the basis for efforts to increase the role of women in society. Although often considered conservative, Islamic law has great potential to promote gender equality, especially through progressive interpretations. Several organizations in Indonesia, such as Fatayat NU and Muslimat Muhammadiyah, have used sharia principles to fight for women's rights in education, economics, and politics. With an inclusive and maqasid sharia based approach, Islamic law can continue to be relevant in encouraging a more just and egalitarian social transformation.

In addition, sharia law has relevance in building global ethics that are able to answer the challenges of modernity. Values such as justice, compassion, and universal brotherhood contained in sharia law are very relevant in addressing various global problems, such as climate change, economic disparities, and conflicts between nations. For example, Islamic principles of distributive justice in natural resource management can be an inspiration for sustainable environmental policies. In the context of international conflicts, sharia values on peace and peaceful dispute resolution also make a significant contribution to efforts to create a more harmonious world.

However, in order for sharia law to remain relevant, continuous renewal efforts are needed. Scholars, academics, and policymakers need to work together to develop an interpretation of sharia law that is in accordance with the modern context without sacrificing the essence of sharia. Contextual hermeneutics and collective ijtihad approaches can be used to address emerging new issues, such as digital trade, LGBTQ rights, and global policies on public health (Chan, 2024). Thus, sharia law is not only a relevant legal system for Muslims, but also a universal ethical guideline that can be applied in a multicultural society.

The relevance of sharia law in the modern era can also be seen from its ability to maintain the cultural and spiritual identity of Muslims in the midst of globalization. In Indonesia, sharia law has become part of the national identity that integrates religious values with national principles. For example, the application of sharia economics in the banking and financial sectors shows how Islamic law can provide an ethical and sustainable alternative to global capitalism. It also reflects how sharia law can be a source of innovation that encourages more inclusive economic development (Khufaya et al., 2021).

Overall, the relevance of sharia law in the modern era lies in its flexibility, adaptability, and universal values. With a progressive and inclusive approach, sharia law can continue to be a relevant guideline for creating a just, prosperous, and dignified society. However, to achieve the full potential of sharia law, a strong commitment from all stakeholders, both at the local and global levels, is needed to apply sharia principles contextually and applicatively. This effort will ensure that sharia law not only survives but also develops as a relevant legal and ethical system in the modern world.

4. CONCLUSION

Sharia law is a legal system that includes universal values such as justice, humanity, and welfare, so that it remains relevant in the modern era. With a foundation derived from the Qur'an and Sunnah, sharia law regulates various aspects of human life, both in the context of worship, muamalah, and social. In its implementation, sharia law is divided into taklifi law, which includes obligations and prohibitions, and wadh'i law, which regulates the causes, conditions, and obstacles to the enactment of the law. The principle of maqasid sharia, which aims to safeguard religion, soul, intellect, descendants, and property, ensures that sharia law is not only normative but also flexible in responding to the needs of modern society. This concept provides the foundation for Islamic law to adapt to social changes, technology, and global challenges, making it a relevant guideline in the midst of the dynamics of the times.

However, the implementation of sharia law in Indonesia faces major challenges, both internal and external. Internal challenges include the stagnation of *ijtihad*, the diversity of sharia interpretations that often trigger conflicts, and low trust in Islamic law enforcement agencies due to transparency and integrity issues. External challenges arise from the pressure of harmonization with the secular legal system, the influence of globalization, and friction with human rights values. However, various efforts have been made to overcome these challenges, such as contextual *ijtihad* in sharia economics, strengthening Islamic law education in universities, and reforming religious courts to increase public trust. This effort shows that sharia law has the capacity to develop and adapt to the needs of the times without losing its essence.

The solution to the implementation of sharia law in Indonesia involves a holistic and adaptive approach. Updating thinking through *ijtihad*, inclusive education, and strengthening sharia legal institutions are strategic steps to ensure that sharia law remains relevant and applicable. In addition, the harmonization of sharia law with the Pancasila-based national legal system is important to prevent legal conflicts in society. With this progressive approach, sharia law is not only a guideline for Muslims but also contributes to the formation of a global ethics that supports social justice and sustainable development. The joint commitment of scholars, academics, governments, and the wider community is indispensable to maintain the relevance of sharia law in the modern era and ensure that it remains a lasting moral inspiration.

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