

CONFERENCE : CONTEMPORARY THOUGHTS IN MODERN FATWA AND IJTIHAD

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Abstract: *This paper discusses contemporary thinking in modern fatwas and ijthad as a response to the rapid development in the fields of science, technology, medicine, economics and social life today. Various new issues faced by Muslims such as digital finance, artificial intelligence, bioethics and social media are not directly discussed in classical Islamic sources. Therefore, modern ijthad is essential to ensure that Islamic law remains relevant and able to be applied in the current context. This paper describes the concept of fatwa and ijthad, the need for modern ijthad as well as the contemporary approach used by scholars in issuing fatwas. In addition, some examples of current issues and challenges in the fatwa institution were also discussed. In conclusion, the balance between sharia sources and current reality is very important to preserve sharia objectives.*

Introduction

In the contemporary era characterized by globalization and rapid technological progress, the Muslim community is faced with various changes in almost all aspects of life. Developments in the fields of science, technology, medicine, economics and communication have triggered a variety of new issues that have never been specifically discussed in classical Islamic sources. Among these issues include digital finance, artificial intelligence, medical bioethics, social media and increasingly complex modern lifestyle changes. This situation demands a new approach in understanding and applying Islamic law so that it remains relevant and practical in the current context.

Islam as a comprehensive and universal religion is always suitable to be practiced at all times and places. However, this compatibility does not mean that Islamic law is static without any adjustments. On the other hand, Islam provides the mechanism of ijthad and fatwa as a tool to deal with the changing times. Through contemporary ijthad and fatwas, sharia principles can be dynamically applied to deal with modern issues without affecting the fundamentals and main values of religion.

Therefore, contemporary thinking in modern fatwas and ijthad plays a very important role in ensuring that Islamic law continues to function as a comprehensive life guide. This paper aims to discuss the concept of fatwa and ijthad, the need for modern ijthad in facing current challenges as well as the role of contemporary thinking in issuing fatwas today.

Definition Of Fatwa And Ijthad

Fatwa generally refers to the view or explanation of Islamic law issued by a mufti or an authoritative fatwa institution. Fatwas are issued based on the main sources of sharia such as al-Quran, al-Sunnah, ijmak and qiyas. The main purpose of fatwas is to provide guidance to

individuals or the Muslim community in solving legal problems that are not clear or that cause confusion in everyday life.

In the context of modern society, fatwa not only functions as a legal answer, but also as a social instrument that helps stabilize the life of the Muslim community. The issued fatwa needs to take into account the current situation, the public interest and the long-term impact on society. Therefore, fatwas should not be issued hastily without thorough research.

Ijtihad, on the other hand, refers to the earnest intellectual effort by a qualified scholar to issue Islamic law on issues that do not have a clear and specific text. Ijtihad requires deep mastery in various disciplines such as Arabic, usul fiqh, al-Quran, hadith as well as an understanding of the current reality and context. Not everyone is qualified to do ijthihad because mistakes in ijthihad can lead to confusion and misguidance in society.

The Need For Modern Ijtihad

Modern life has introduced many new situations that never happened in the early days of Islam. These include organ donation and transplantation, test tube baby technology, the use of cryptocurrencies, online business and digital contracts that cross national borders. These issues are not mentioned literally in the Quran and hadith, but the general principles of Sharia can still be applied through the process of ijthihad.

Without ijthihad, Islamic law will be seen as rigid and unable to adapt to changing times. This perception may cause the younger generation to consider Islam as a religion that is irrelevant to modern life. Therefore, modern ijthihad serves as a bridge between the sharia text and current reality, thus ensuring that Islam continues to be a practical and competitive guide to life.

In addition, modern ijthihad is also important in safeguarding maqasid sharia, which is the main objective of Islamic law such as safeguarding religion, life, intellect, offspring and property. By understanding the maqasid of sharia, scholars can issue laws that are not only valid from the point of view of evidence, but also bring benefits to the community and avoid harm.

Contemporary Thinking In Fatwa Issuance

Contemporary thought in the issuance of fatwas emphasizes a balance between scriptural evidence (dalil naqli) and current realities. Modern scholars do not rely solely on the literal texts of the Qur'an and Hadith, but also take into account public interest (maslahah), social impact, scientific findings, local culture, and the long-term implications for society. This approach ensures that the rulings issued are not only valid from the perspective of Shariah, but also practical and easily accepted by the community.

The approach of collective ijthihad (ijthihad jama'i) has increasingly become an important practice in contemporary fatwa issuance. Through collective ijthihad, fatwas are no longer issued by a single mufti, but involve experts from various fields such as medicine, economics, technology, law, and the social sciences. For example, the issue of organ donation requires the views of both religious scholars and medical specialists to ensure that the ruling issued is safe, ethical, and aligned with Shariah principles. Similarly, fatwas related to cryptocurrency and digital contracts require the involvement of experts in economics and information technology. This approach ensures that fatwas are more holistic and relevant to modern life.

In addition, contemporary thought also emphasizes flexibility in facing social changes. Today's scholars need to adapt Islamic rulings to address emerging challenges such as social media, which influences ethics and social interactions, or bioethical issues that arise from advancements in medicine.

Methodology Of Modern Ijtihad

Modern ijtihad employs various methodologies to maintain the validity of Islamic rulings while ensuring they are suitable for contemporary contexts. Among them are:

1. Maqasid al-Shariah – emphasizing the primary objectives of Shariah, including the protection of religion, life, intellect, lineage, and property.
2. Maslahah and Mafsadah – assessing the benefits and harms of an action within the context of society.
3. Qiyas (analogy) – comparing new issues with situations that already have established rulings in Shariah texts.
4. Sadd al-Zara'i (blocking the means to harm) – ensuring that a method or action does not open the door to potential harm.
5. Urf (customs and common practice) – considering local customs that do not contradict Shariah in order to facilitate the application of rulings.

These methodologies enable ijtihad to move beyond sole reliance on textual rulings by also taking into account factors such as reality, science, technology, economics, and social conditions.

Examples Of Contemporary Issues That Require Ijtihad

Several modern issues that require ijtihad include:

1. Organ donation and organ transplantation – involving ethical considerations, medical safety, and the preservation of life.
2. In vitro fertilization (IVF) – issues related to lineage, parental rights, and the use of technology.
3. Cryptocurrency and fintech – requiring scholars' views on digital transactions and Shariah compliance.
4. Cosmetic surgery and physical alterations – needing assessments of benefits, harms, and intentions.
5. Artificial intelligence and automation – issues concerning responsibility, work ethics, and social impact.
6. Social media and digital content – involving matters of ethics, information dissemination, and societal influence.

Each of these issues requires thorough study, not only from the perspective of Shariah, but also from scientific and social viewpoints. Through contemporary approaches, the fatwas issued become more practical and relevant.

Challenges In Contemporary Fatwa Issuance

The issuance of contemporary fatwas faces various challenges that can affect their effectiveness and credibility. One of the main challenges is the difference of opinions among scholars. Each scholar may emphasize different methods or principles, resulting in multiple views that can sometimes confuse the public. These differences do not arise from weaknesses in Islamic law, but from the diversity of ijtihad approaches and contextual understanding.

In addition, the spread of unauthenticated fatwas through social media is an increasingly serious modern challenge. In the digital era, information spreads rapidly, including fatwas that have not gone through proper scrutiny. This can lead to confusion, fear, or misunderstandings within the Muslim community, especially among younger generations who may be less critical of information sources.

Political and cultural influences are also factors that can affect the objectivity of fatwas. In some cases, political pressure or vested interests may influence the fatwa-issuing process, resulting in rulings that are not entirely impartial or fair. For example, fatwas related to economic or legal matters are sometimes tied to government policies or corporate interests, raising questions about credibility and transparency.

Moreover, the public's lack of understanding of the fatwa-issuing process is another challenge. Many people assume that fatwas are issued spontaneously without rigorous research, when in reality they require scholarly investigation, discussions among scholars, and comprehensive understanding of contemporary issues. This misconception can lead to skepticism toward fatwas, and in some cases, people may ignore authentic fatwas in favor of personal opinions or the views of certain groups.

Finally, tensions between conservative and liberal approaches also pose challenges. Some groups emphasize strict adherence to classical texts without considering modern contexts, while others adopt overly liberal approaches that risk altering the intended meaning of the rulings. These differing approaches can lead to prolonged debates within society, requiring scholars to consistently uphold a balance between the textual foundations of Shariah and contemporary realities.

Conclusion

In conclusion, contemporary thinking in fatwa and modern *ijtihad* plays a crucial role in ensuring that Islamic rulings remain relevant and practical for the Muslim community in today's world. Through approaches grounded in *maqasid al-shariah*, *maslahah*, *qiyas*, and other established principles, fatwas are able to maintain the authenticity of Islamic law while adapting to current challenges and changes.

Contemporary fatwa methodology emphasizes a balance between Shariah evidence and modern realities, ensuring that the rulings issued are not only legally valid but also widely accepted and beneficial to society. Through modern *ijtihad*, scholars can address emerging issues in a scholarly, holistic, and relevant manner, thereby safeguarding the credibility of fatwa institutions.

Therefore, Muslims are encouraged to respect and refer to authoritative fatwa institutions and to follow authentic guidance so that their practices remain aligned with Islamic teachings. Professionally issued fatwas, based on sound modern *ijtihad* methodologies, not only help Muslims face contemporary challenges but also ensure that Islamic law remains dynamic, living, and functional as a comprehensive guide for the well-being of individuals and society.

With wise, balanced, and knowledge-based fatwa issuance, Islam can continue to uphold its role as a religion that is relevant, practical, and effective in navigating globalization, technological advancements, and social change while preserving the enduring principles of Shariah across time.