

The Urgency of Contemporary Fiqh Muamalah in Addressing Modern Socio-Economic Problems

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Abstract: *The development of science demands the actualization of humanity in various aspects of life. The most obvious impact of this modernization is the emergence and growth of various new problems, especially within the scope of Islamic law. Often, the various problems we face require us to seek solutions from a Muslim perspective. In response to these disappointments, contemporary fiqh has emerged as a discipline worthy of in-depth study. This paper contains an explanation of the implicit form of contemporary fiqh, both in terms of its meaning, object, and field of study, the differences between contemporary fiqh and fiqh fiqh, and the importance of studying contemporary fiqh for every Muslim. The research technique used is documentary research with a descriptive and clear background, with the aim of explaining the study precisely and in-depth. The conclusion of this study is that contemporary fiqh (Islamic jurisprudence) is a problem in Islamic law that exists in the current or contemporary era and was not encountered in the era of the Prophet Muhammad or his companions. Therefore, its legal status must be determined through the ijihad process of mujtahids, referring to fundamental sources of Islamic law, such as the Quran, hadith, and others.*

Keywords: *Contemporary Fiqh, Ijtihad, Legal Problems.*

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Abstrak: Perkembangan ilmu pengetahuan menuntut aktualisasi kemanusiaan dalam berbagai aspek kehidupan. Dampak paling nyata dari modernisasi ini adalah munculnya dan berkembangnya berbagai masalah baru, terutama dalam lingkup hukum Islam. Seringkali, berbagai masalah yang kita hadapi mengharuskan kita untuk mencari solusi dari perspektif Muslim. Sebagai tanggapan atas kekecewaan ini, fiqh kontemporer telah muncul sebagai disiplin ilmu yang layak untuk dipelajari secara mendalam. Makalah ini berisi penjelasan tentang bentuk implisit fiqh kontemporer, baik dari segi makna, objek, dan bidang studinya, perbedaan antara fiqh kontemporer dan fiqh fiqh, serta pentingnya mempelajari fiqh kontemporer bagi setiap Muslim. Teknik penelitian yang digunakan adalah penelitian dokumenter dengan latar belakang deskriptif dan jelas, dengan tujuan menjelaskan penelitian secara tepat dan mendalam. Kesimpulan dari penelitian ini adalah bahwa fiqh kontemporer (yurisprudensi Islam) merupakan masalah dalam hukum Islam yang ada di era sekarang atau kontemporer dan tidak ditemukan di era Nabi Muhammad atau para sahabatnya. Oleh karena itu, status hukumnya harus ditentukan melalui proses ijtihad para mujtahid, dengan merujuk pada sumber-sumber dasar hukum Islam, seperti Al-Quran, hadits, dan lainnya.

Kata kunci: Fiqih Kontemporer, Ijtihad, Masalah Hukum.

INTRODUCTION

The times have undergone so many changes that they have implications and influence human lifestyles and behavioral developments. Often, these developments in human lifestyles also clash with legal issues, both positive law and Islamic Sharia law. From a positive legal perspective, when a problem is encountered but there is no definitive and comprehensive legal regulation governing the matter, the judge is required to seek and adapt that law. Furthermore, in positive law, if an event requires a law, then a statutory

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regulation or other legal rules can be formed. However, from an Islamic perspective, the Quran and Hadith, the primary sources of Islamic law¹, are considered very limited in addressing current issues. Therefore, resolving contemporary problems requires ijthihad in determining an appropriate law.

Globalization and modernization have influenced all aspects of human life, both structurally and culturally.² Whether from an economic, social, political, religious, ideological, or other perspective, new discoveries concerning these issues should not be confronted directly with textual evidence, but rather, answers should be found through a process of ijthihad.³ ProsIjthihad, as the result of human thought in response to revelation on the one hand, and social facts on the other, demonstrates the flexibility and dynamism of Islamic jurisprudence. The implementation of the ijthihad method as a means of determining Islamic law is essential for establishing the law on contemporary issues whose laws and solutions did not exist during the time of the Prophet Muhammad⁴.

Fikih indeed reflects and encourages the spirit of thinking through ijthihad and the interpretation of scholars in responding to a problem by referring to the surrounding reality.⁵ Contemporary Islamic jurisprudence certainly needs to

¹ Zulhamdi Zulhamdi, "Pembaharuan Hukum Islam Di Indonesia Dan Tokoh-Tokohnya," *Jurnal Ilmiah Islam Futura* 19, no. 2 (December 28, 2019): 239, <https://doi.org/10.22373/jiif.v19i2.4414>.

² H Sudirman, *Fiqh Kontemporer: Contemporary Studies of Fiqh* (Publica Indonesia Utama, 2024).

³ 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.

⁴ Khusnul Fikriyah, "Dinamika Modernisasi Agama : Eksplorasi Penafsiran Baru, Adaptasi Praktik, Dan Menghadapi Tantangan Kontemporer," *Socio Religia* 5, no. 2 (December 30, 2024), <https://doi.org/10.24042/sr.v5i2.22716>.

⁵ Abd Razak et al., "Debt-Based Hajj Financing Models: Legal Foundations and Socio-Economic Implications in DSN-MUI Fatwa," *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman* 11, no. 2 (December 29, 2025): 175–96, <https://doi.org/10.24952/fitrah.v11i2.17601>.

continue to be developed in responding to the development of human civilization in the realities of modern life as it is today. MRemembering that fiqh as a study of Islamic law is an important thing to study and study for Muslims themselves.⁶

This article will be presented simply and will attempt to comprehensively explain contemporary fiqh, starting with its definition, object of study, and scope. The purpose of this article is to expand the knowledge of Islam, particularly in the fields of Islamic law and fiqh.

METHODS

The research technique used in compiling this article is qualitative documentation using a descriptive analysis framework. The author attempts to examine the background of the subject matter and explain it clearly and in detail by referring to evidence from specialized literature. In this paper, the author analyzes the definition of contemporary fiqh, its object and origins, the differences between contemporary and conventional fiqh, and proposes research on contemporary fiqh.

RESULTS AND DISCUSSION

1. Understanding Contemporary Jurisprudence

Etymologically, the word fiqh comes from the words faqiha, yafqahu, and fiqhan, which mean understanding or comprehension, or can also be called "deep understanding." Terminologically, the book Jam'u al-Jawami' explains that fiqh is a discipline related to Islamic law that is practical and is quoted based

⁶ Zulhamdi Zulhamdi, "Kedudukan Fiqh Di Indonesia Pasca Kemerdekaan," *At-Tafkir* 11, no. 1 (October 20, 2018): 1–30, <https://doi.org/10.32505/at.v11i1.526>.

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on tafsili evidence.⁷ With the above understanding, fiqh is described as a science. However, fiqh itself is zanni, because it is the result of the ijthihad process of scholars (mujtahids). However, knowledge in general contains a definite determination called qath'i.⁸

Kontemporary fiqh cannot separated from Masailul Fiqhiyyah. The etymological definition of masailul fiqhiyyah itself is new problems that arise due to developments in time and age, and these problems are related to issues of Islamic jurisprudence that require answers and legal provisions.⁹ This definition, in terms of validity, then gave birth to the term masailul fiqhiyyah, namely current Islamic legal problems whose legality is then questioned by Muslims because the Qur'an and the Hadith have not explicitly explained these problems.¹⁰

Law in contemporary Islamic jurisprudence is the result of ijthihad, referring to texts, in upholding norms and moral obligations related to Islamic law. The resulting consideration of Islamic values, norms, and morality is formalized into legal provisions binding on every Muslim, addressing contemporary problems, based on Islamic jurisprudence and law. The mujtahid's efforts in contemporary ijthihad should accommodate the culture, diversity, and

⁷ Zulhamdi Zulhamdi, "Periodisasi Perkembangan Ushul Fiqh," *At-Tafkir* 11, no. 2 (December 29, 2018): 62–77, <https://doi.org/10.32505/at.v11i2.735>.

⁸ Mappasessu Mappasessu and Andi Muhammad Akmal, "Studying Fiqh Based on the Quran and Hadith in the Modern Era by Revisiting the Methodology of Legal Istinbat," *Nuris Journal of Education and Islamic Studies* 5, no. 2 (April 21, 2025): 151–67, <https://doi.org/10.52620/jeis.v5i2.119>.

⁹ Sophia Aryani and Anwar Hafidzi, "Pendekatan Doktrinal Dan Rasional Dalam Penetapan Hukum Islam: Analisis Terhadap Praktik Ijthihad Kontempore," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 4, no. 1 (2026): 210–19.

¹⁰ Muhammad Sukri, *Masailul Fiqhiyyah Wal Hadisah (Fikih Kontemporer) Jilid 1* (CV Jejak (Jejak Publisher), 2022).

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plurality of Indonesian society.¹¹ Furthermore, contemporary Islamic jurisprudence should also facilitate the well-being of global life by prioritizing humanitarian values and humanistic aspects.¹²

Simply put, contemporary fiqh (Islamic jurisprudence) is the latest problematic phenomena that arose and were discovered after the revelation of the Quran and Hadith and the death of the Prophet Muhammad (peace be upon him). At that time, there was no law that definitively regulated these issues, or the issues had not yet been discovered. Therefore, finding legal sources requires ijtihad and the agreement of mujtahid scholars in answering these problems by referring to the main sources of Islamic law, namely the Quran, Hadith, ijma' and qiyas.¹³

Another definition of contemporary fiqh or masailul fihiyyah is also juxtaposed with the meaning or understanding of waqi' fiqh, namely the results of ijtihad that are based objectively on the realities of life and then implemented in everyday life. Seen from its implementation, waqi' fiqh begins with an understanding of an event or phenomenon in the life of society. Then the problem is studied and carefully researched using scientific methodology to find the core of the problem, after which the source of law is examined based on the Quran, hadith, ijma' and qiyas.¹⁴

¹¹ Syafaul Mudawam, "Syari'ah-Fiqih-Hukum Islam: Studi Tentang Konstruksi Pemikiran Kontemporer," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 46, no. 2 (2012).

¹² Imam Mustofa, *Contemporary Jurisprudence Study (Islam's Answer to Various Contextual Problems of the Ummah)*, (Yogyakarta: Idea Press, 2019), p. 27

¹³ Muhammad Hamdan, "Metode Studi Fikih Kontemporer Telaah Pemikiran Muhammad Syahrur," *Jurnal Landraad* 3, no. 1 (March 31, 2024): 250–62, <https://doi.org/10.59342/jl.v3i1.521>.

¹⁴ Mizar Aulia, "Kajian Fikih Kontemporer: Ruang Lingkup Dan Urgensitas Di Era Modernisasi," *Jurnal Al-Nadhair* 2, no. 2 (December 30, 2023): 22–34, <https://doi.org/10.61433/alnadhair.v2i2.36>.

so it can be understood Contemporary fiqh is a modern era of Islamic jurisprudence, the legal issues and arguments for which were not yet discovered during the Prophet's lifetime. Contemporary and classical fiqh are clearly very different, as can be seen from the period in which the laws were enacted. Furthermore, contemporary fiqh derives its laws based on the ijthihad of mujtahid scholars.

2. Object and Scope Study

Referring to various literature and books specifically discussing contemporary fiqh (Islamic jurisprudence), the object and scope of discussion are quite broad, encompassing all aspects of social life, particularly in the present day. These increasingly complex problems require comprehensive legal analysis. Therefore, the scope and objects of contemporary fiqh studies are grouped into several areas.¹⁵

First, family aspects or In Islamic jurisprudence, the study of Ahwal Al-Syakhsiiyyah (Islamic jurisprudence), has undergone significant developments in the modern era, giving rise to new issues that require legal analysis. Topics discussed include family planning (KB), marriage contracts by telephone, inheritance distribution, domestic violence, women's equality, career women, and others.

Second, Economic aspects are also an interesting topic when examined from an Islamic legal perspective. In Islamic economics, it's called muamalah, which addresses online buying and selling, issues of usury (riba), online loans, taxation or pawnshops, productive zakat (alms), zakat on shares or investments, credit or insurance, and so on.

¹⁵ H Ismail, *Fikih Kontemporer* (PT Indonesia Delapan Kreasi Nusa, 2025).

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Third, health aspects or Medical science. The advancement of science, particularly in the fields of health and medicine, is unstoppable and requires serious attention from an Islamic jurisprudence perspective. It can be argued that the discussion of health is one of the most comprehensive, requiring in-depth study from both a legal and scientific perspective. Commonly discussed topics include in-vitro fertilization (IVF), blood donation, vaccination, gender identity, women's health, cosmetic surgery, breast milk banking, and various other aspects.

Fourth, The aspect of worship is also quite interesting to discuss because in this contemporary era, patterns of worship to Allah SWT have begun to develop. These include issues related to savings for the Hajj and Umrah, Hajj and Umrah through travel agencies, tayammum (purification) with something other than land, female Hajj and Umrah pilgrims without a mahram, qurban (sacrificial offering) with money, and so on.

Various other aspects are also discussed in this contemporary study of Islamic jurisprudence, such as political aspects that often intersect with Islamic law, such as the ideals of establishing an Islamic state or caliphate, female leaders, and various other contemporary discussions. The aspect of technological development is also examined because human life today cannot be separated from technology. The ease of technology often gives rise to new legal issues, such as slaughtering animals using modern methods using machines and so on.¹⁶

Upon closer examination, the interplay between Islamic jurisprudence and the realities of social life is a driving force for studying Islamic jurisprudence, not monotheism or Sufism. Islam, from the beginning, has been considered a perfect religion, possessing Islamic law as the ultimate knowledge

¹⁶ Luqman Al Hakim, "Isu-Isu Islam Kontemporer," n.d.

and governing all aspects of human life, as best as theology has achieved. This is what led Western Orientalists to assume that "it is inevitable to understand Islam without understanding Islamic law" in relation to this issue of Islamic jurisprudence.¹⁷

Based on the explanation above, It can be seen that contemporary fiqh, in its scope and object of study, has touched on all aspects of human life, particularly contemporary issues. As a legal stipulation in Islam, fiqh is deemed necessary to study and analyze because understanding Islamic law is the best way to understand Islam itself.

3. The Difference Between Contemporary Fiqh and Classical Fiqh

Over time, human life has evolved, impacting the growth and advancement of science. This progress requires humans to adapt to changes from the past to the modern era, which is no longer relevant. These changes naturally lead to differences in human characteristics and behavior, resulting in different social situations and conditions, as well as differing laws between the two eras.

The most fundamental differenceThe difference between classical jurisprudence and contemporary jurisprudence is seen in terms of the period when the legal process of jurisprudence occurs. Classical jurisprudence began from the time of the Prophet until the later period. The process of developing jurisprudence in this prophetic period began with the Prophet's preaching and the revelation of the Koran, then ended in the first period with the death of the Prophet Muhammad. in the 11th year of Hijriah.¹⁸The classical period lasted from 611 to 1258 AD. Unlike the classical period, the contemporary period

¹⁷ Pauzi Muhammad et al., *Metode Ijtihad Kontemporer Fazlur Rahman* (PT Arr Rad Pratama, 2022).

¹⁸ Syafaul Mudawam, "Syari'ah-Fiqih-Hukum Islam," *Studi Tentang Konstruksi Pemikiran Kontemporer* 46, no. 2 (2012).

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lasted from the death of the Prophet Muhammad until now and continues to develop as long as humans think and innovate regarding the development of world civilization.

Classic fikih when foundIf a problem related to a particular law arose, the resolution would be handed over directly to the Prophet Muhammad (peace be upon him). The Companions, or Muslims at that time, would directly ask the Prophet Muhammad, who would then speak or provide answers or solutions to the problem. During this period, the determination and development of Islamic law were absolutely under the Prophet's control.

One example of determinationThe law of the classical period was when the Prophet Muhammad and his companions were faced with the problem of prisoners of war at Badr. At that time, in search of a solution, the Prophet Muhammad held a deliberation with his companions to resolve the problem. During the deliberation, two opinions emerged: those of Umar ibn Khattab and those of Abu Bakr al-Siddiq. Umar believed in killing all the prisoners of war at Badr, while Abu Bakr believed it would be better to take fidyah, or a ransom, from the prisoners.¹⁹Faced with these two opinions, the Prophet Muhammad preferred Abu Bakr's opinion, which proposed taking ransom from prisoners of war. This legal determination is called Fiqh al-Nabi or Ijtihad Nabi because in this case, the Prophet Muhammad adopted and established one opinion while overruling the other opinion of his companions.

according to Harun NasutionThe thinking methodology of classical scholars tends to be directly related to the Quran and Hadith, thus creating many qualitative ijti had. Umar ibn Khattab was one of the Prophet's companions who

¹⁹ Umar Sulaiman al-Syaqar, *Tasyri' al-Fiqh al-Islami*, (Kuwait: Maktabah al-Falah, 1982), p.11

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exemplified this method. This scientific way of thinking was also used by scholars and imams of madzhab (schools of thought) such as Imam Shafi'i, Malik ibn Anas, Imam Abu Hanifah, and Ibn Hanbal. Furthermore, the mutakallimin also used this method of thinking, such as Al-Ghazali, Wasil ibn Atha', al-Jubbai, al-Ash'ari, and al-Maturidi. Islamic philosophers such as Ibn Sina, Al-Kindi, Ibn Rushd, and al-Ghazali also used the same method of thinking.²⁰

Contemporary jurisprudence is the study of Islamic jurisprudence related to current or contemporary issues. Simply put, Islam is attempting to address the significant changes that have occurred in Islamic law over the past few decades. The changing times have led to a constant need for new and relevant methods of thinking, one of the impacts of these significant changes.²¹

Contemporary Islamic jurisprudence (fiqh) is inseparable from the currents of modernization that have swept across the globe. Modernization has led to changes in human lifestyles that appear to marginalize Muslims and their religious values. Contemporary Islamic jurisprudence (fiqh) is a practical form of Islamic jurisprudence (fiqh) that addresses contemporary issues. Legal determination in contemporary Islamic jurisprudence is carried out through *ijtihad* (practical judgment) by *mujtahid* (Islamic scholars). By using *ijtihad*, scholars play a significant role in reaching a legal consensus.²² Of course, *ijtihad* is carried out using the basis of Islamic law, namely the Koran, Hadith, *Ijma'* and *Qiyas*.

²⁰ Muhammad Azhar, Contemporary Fiqh, Paper on the National Seminar on Islamic Brotherhood, (Medan: IAIN North Sumatra), p. 19

²¹ Muannif Ridwan, *Ijtihad in the Contemporary Era (The Context of Islamic Thought in Fiqh and Maqashid al-Syariah)*, Jurnal Masohi, Vol.1 (2). 2020, pp.113-114

²² Gibtiah, Contemporary Fiqh, (Jakarta: Prenadamedia, 2016), p.7

Based on the explanation above It is clear that the most striking difference between classical and contemporary fiqh is the period in which the fiqh laws were established and the legal sources used in determining them. Although contemporary fiqh often faces challenges, the direction and implementation of contemporary fiqh and the maqashid sharia certainly find concrete steps to achieve development and a golden age.

4. The Purpose of Studying Fiqh Contemporary

See the urgency of contemporary jurisprudence in facing development and modernization in human life. Of course, it is necessary to study and study contemporary jurisprudence so that Muslims do not lose direction, lose religious values and their lives are more guided by Islamic law which is able to protect humans from negligence and actions that invite harm.

Contemporary or contemporary *ikhFiqh* can eliminate the limitations and gaps between theoretical jurisprudence and the practical realities of social life that have existed for a long time. These limitations arose from the long-standing habit of blind imitation, which weakened people's critical thinking and the spirit of *ijtihad* in resolving problems. This period saw Muslims constrained by the texts or fatwas of previous jurists in resolving issues that required the determination of Islamic law without considering the context and time. Worse, Muslims at that time often placed the views of scholars on the same level as the primary sources of Islamic law, namely the Quran and Hadith. Therefore, the empirical reality that has necessitated a more comprehensive understanding has led Muslims to contextualize Islamic teachings, particularly in the field of Islamic law. This is absolutely necessary, as otherwise, limitations and gaps will continue to arise and widen, and Muslims will become increasingly alienated from Islamic values and law.

Islamic jurisprudence not only While focused on determining a law for contemporary issues, the Fiqh issue plays a more important role in guiding Muslims to understand the perspectives that underlie their opinions. This demonstrates the importance of the Fiqh issue, as it has positive implications for principles related to attitudes toward the ijihad findings of previous scholars and jurists. This means critically and dynamically interpreting the results of these ijihad findings when determining a law in order to create the public interest through the maqasid sharia. The study of contemporary fiqh can also broaden the body of knowledge, particularly in the field of Islamic fiqh law.

The explanation above demonstrates the importance of studying contemporary Islamic jurisprudence as a discipline. Addressing the changes occurring in modern life necessitates legal knowledge of new issues whose legal implications are still uncertain from an Islamic perspective. Studying the issues of Islamic jurisprudence can enhance the critical thinking and intellectual capacity of Muslims, enabling them to cite the opinions of scholars or fuqaha (jurists) when issuing a fatwa on a matter.

CONCLUSION

Contemporary jurisprudence addresses issues encountered today in Islamic law that were not previously encountered during the time of the Prophet Muhammad (peace be upon him) or his companions. Jurisprudence is then used to determine the law based on the primary sources of Islamic law, namely the Qur'an, hadith, ijma', and qiyas. The object of study or scope of contemporary jurisprudence encompasses all aspects of contemporary human life, such as technology, worship, economics, social issues, politics, and various aspects of society.

The main aim of studying contemporary jurisprudence is to prepare oneself to face developments over time and the increasingly rapid modernization of life. Humans will be faced with new legal problems that are increasingly complex to resolve. Studying masailul fihiyyah can also increase critical power in deriving a law from the opinions of ulama so that taqlid does not happen again among Muslims

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