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RECONSTRUCTION OF FIQH EPISTEMOLOGY, GLOBALIZATION, HUMAN RIGHTS (HAM), BIOETHICS, AND MODERN ECONOMICS

Zaleha[1], Hari Sakti[2], Muhammad Yunus[3], Rahmad Wahyudi[4], Zulfirman Sitorus[5]
[1, 2, 3, 4, 5] Institut Agama Islam Daar Al Uluum Asahan, Indonesia
[1] zaleha@iaidu-asahan.ac.id, [2] harisakti@iaidu-asahan-.ac.id, [3] muhammadyunus@iaidu-asahan-ac.id, [4] rahmadwahyudi@iaidu-asahan-ac.id, [5] zulfirmansitorus@iaidu-asahan.ac.id

Abstract

This study reconstructs the epistemology of Islamic jurisprudence (fiqh) to make it responsive to globalization, human rights, bioethics, and the modern economy. Contemporary challenges require methodological renewal through the reinforcement of maqāṣid al-sharī'ah*, interdisciplinary approaches, and the revitalization of contextual ijtihād. This research employs a qualitative library-based method with a normative-philosophical approach, utilizing descriptive-analytical and comparative methods to examine classical uṣūl al-fiqh literature and contemporary scholarship. The findings highlight the need to transform a textual-deductive epistemology into an integrative model that harmonizes scriptural sources, rational inquiry, and social realities. In the context of human rights, a maqāṣid-based approach affirms the principles of justice, equality, and human dignity. In bioethics, engagement between fiqh and modern science generates normative responses to organ transplantation, genetic engineering, and reproductive technologies. In the modern economy, the principles of justice and the prohibition of ribā are contextualized within digital financial systems and global markets. This reconstruction produces a substantive and adaptive fiqh paradigm firmly rooted in Islamic theological foundations, while oriented toward public welfare and global social justice.*
Keywords: *Reconstruction, Epistemology of Fiqh, Globalization, Human Rights, Bioethics.*

Abstrak

Penelitian ini merekonstruksi epistemologi fikih agar responsif terhadap globalisasi, Hak Asasi Manusia (HAM), bioetika, dan ekonomi modern. Problem kontemporer menuntut pembaruan metodologis melalui penguatan maqāṣid al-syarī'ah*, pendekatan interdisipliner, dan revitalisasi ijtihad kontekstual. Penelitian ini bersifat kualitatif berbasis studi kepustakaan dengan pendekatan normatif-filosofis, menggunakan metode deskriptif-analitis dan komparatif terhadap literatur ushul fikih klasik dan pemikiran kontemporer. Hasil penelitian menunjukkan perlunya transformasi dari epistemologi tekstual-deduktif menuju model integratif yang memadukan nas, rasionalitas, dan realitas sosial. Dalam isu HAM, pendekatan* maqāṣid *menegaskan prinsip keadilan, kesetaraan, dan martabat manusia. Pada bioetika, dialog fikih dan sains melahirkan respons normatif terhadap transplantasi, rekayasa genetika, dan teknologi reproduksi. Dalam ekonomi modern, prinsip keadilan dan larangan riba dikontekstualisasikan pada sistem keuangan digital dan pasar global. Rekonstruksi ini menghasilkan paradigma fikih yang substantif, adaptif, dan tetap berakar pada fondasi teologis Islam, serta berorientasi pada kemaslahatan umat dan keadilan sosial global.*
Kata Kunci: *Rekonstruksi, Epistemologi Fikih, Globalisasi, Hak Asasi Manusia, Bioetika.*

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INTRODUCTION

Global developments in the 21st century bring fundamental transformations in the social, political, economic, and cultural structure of the world's society. Globalization not only accelerates the exchange of information and human mobility, but also establishes value and regulatory systems that transcend national borders.[1] In this context, Islamic law, especially jurisprudence, faces new challenges that demand a more adaptive methodological response. Fiqh as a product of historical ijtihad was born in a certain social context, so when dealing with contemporary issues such as Human Rights (HAM), bioethics, and the digital economy, it is necessary to re-read its epistemological foundation.[2]

Epistemologically, fiqh is built on the methodology of ushul fiqh which places the Qur'an, Sunnah, ijma', and qiyas as the main source of law.[3] The classical tradition developed a deductive-textual model that emphasized the authority of nash in the process of legal istinbāṭ. This model succeeded in building a coherent and comprehensive legal system of its time.[4] However, the complex dynamics of globalization demand an expanded approach through the integration of maqāṣid al-shari'ah and consideration of benefits (maṣlaḥah) as a substantive legal orientation.[5]

The issue of human rights (HAM) is one of the important arenas in the dialogue between Islamic law and global norms. The Universal Declaration of Human Rights of 1948 affirmed universal principles such as freedom, equality, and human dignity. Some Muslim thinkers see a tension between modern human rights norms and classical interpretations of jurisprudence, especially on issues of religious freedom, gender equality, and civil rights.[6] However, the maqāṣid approach opens up the space for articulation that the protection of the soul (ḥifẓ al-nafs), religion (ḥifẓ al-dīn), reason (ḥifẓ al-'aql), property (ḥifẓ al-māl), and heredity (ḥifẓ al-nasl) is actually in line with the basic principles of human rights (HAM). Therefore, a reconstruction of the epistemology of fiqh is necessary to affirm this substantive compatibility.

In the field of bioethics, the development of medical technologies such as organ transplantation, in vitro fertilization, cloning, and genetic engineering presents complex ethical

[1] Anthony Giddens, *The Consequences of Modernity* (Stanford: Stanford University Press, 1990), 64.

[2] Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009), 170.

[3] Muhammad ibn Idris al-Shafi'i, *Al-Risalah*, ed. Ahmad Muhammad Shakir (Cairo: Dar al-Turath, 1940), 20.

[4] Wael B. Hallaq, *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997), 1–5.

[5] Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law* (London: IIIT, 2008), 2–3.

[6] Abdullahi Ahmed An-Na'im, *Islam and the Secular State* (Cambridge, MA: Harvard University Press, 2008), 1–3.

problems.[7] These issues not only touch on the legal dimension, but also concern philosophical questions about the nature of life and the limits of human intervention in God's creation.[8] Without an open and interdisciplinary epistemological approach, fiqh risks being left behind in responding to the development of modern science. The integration of sharia principles and scientific findings is an urgent need in formulating relevant fatwas and legal policies.[9]

Meanwhile, the modern economy is characterized by a global financial system, the digitization of transactions, fintech, and cryptocurrencies that change the patterns of people's economic interactions.[10] The basic principles of muamalah fiqh such as justice ('adl), transparency (bayān), and the prohibition of usury must be contextualized in the contemporary economic structure.[11] Economic globalization also demands harmonization between national law, international law, and sharia principles.[12] In this context, the epistemological reconstruction of fiqh is an important foundation for the development of adaptive and competitive Islamic economic law at the global level.

Thus, the epistemological reconstruction of fiqh is not an attempt to deconstruct tradition, but rather to strengthen the paradigm to be more responsive to contemporary reality. An integrative approach that combines text (naṣṣ), rationality ('aql), and social context (wāqi') is expected to be able to produce substantive, inclusive, and transformative Islamic law.[13] This effort also affirms that Islamic law has an internal capacity to develop and contribute to building global social justice without losing its theological foundation.

RESEARCH METHODS

This research is a normative legal research (library research) that is oriented towards the conceptual and philosophical study of fiqh epistemology in the context of globalization, Human Rights (HAM), bioethics, and modern economics. The main focus of this research is to reconstruct the epistemological construction of classical fiqh so that it is responsive to contemporary dynamics without releasing its normative roots in the Qur'an and Sunnah. In the methodological framework, this study uses a philosophical approach, a historical approach, and a conceptual approach.

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[7] Jonathan E. Brockopp, ed., *Islamic Ethics of Life* (Columbia: University of South Carolina Press, 2003), 1–10.

[8] Abdulaziz Sachedina, *Islamic Biomedical Ethics* (Oxford: Oxford University Press, 2009), 45.

[9] Yusuf al-Qaradawi, *Fatawa Mu'asirah* (Cairo: Dar al-Qalam, 1998), 15.

[10] Zamir Iqbal and Abbas Mirakhor, *An Introduction to Islamic Finance* (Singapore: Wiley, 2007), 5.

[11] Muhammad Taqi Usmani, *An Introduction to Islamic Finance* (Karachi: Idaratul Ma'arif, 1998), 12.

[12] Joseph E. Stiglitz, *Globalization and Its Discontents* (New York: W.W. Norton, 2002), 9.

[13] Fazlur Rahman, *Islam and Modernity* (Chicago: University of Chicago Press, 1982), 6–7.

A philosophical approach is used to analyze the basics of fiqh epistemology, especially related to sources of Islamic legal knowledge such as the Qur'an, Sunnah, ijma', qiyas, and other istinbath methods. This analysis aims to examine how the construction of classical epistemology is constructed and how its transformation is possible in answering global issues. In this context, the theory of maqāṣid al-syarī'ah becomes an important framework for bridging contemporary texts and social realities as developed by Abu Ishaq al-Shatibi in *al-Muwafaqat*.[14] This approach also takes into account contemporary reformist thought such as Jasser Auda who developed the system-based maqāṣid theory. The historical approach is used to trace the development of fiqh epistemology from the classical, middle, to contemporary periods. With this approach, the research examines how socio-political dynamics affect the method of legal istinbath and how fiqh interacts with global realities, including colonialism, modernization, and globalization. This historical analysis is important to understand that fiqh is not a static construction, but rather the result of a dialectic between text and context.

The conceptual approach is used to examine key concepts such as globalization, human rights, bioethics, and modern economics. In the context of human rights, this research refers to universal principles as formulated in United Nations through *Universal Declaration of Human Rights* (1948). This study was then compared with the principles of rights protection in maqāṣid al-syarī'ah, especially in the aspects of hifẓ al-nafs (protection of life), hifẓ al-'aql (protection of reason), and hifẓ al-māl (protection of property). In the field of bioethics, the research examines the problems of genetic engineering, organ transplantation, and artificial reproduction through the ijtihad maqāṣidī approach. Meanwhile, in modern economics, the research examines the global financial system, Islamic banking, and digital economy as a field for the actualization of contemporary fiqh epistemology.

The data collection technique was carried out through a literature study of primary and secondary sources. Primary sources include the Qur'an, hadith, books of classical jurisprudence, as well as works by contemporary scholars. Secondary sources include books, scientific journals, and international documents related to human rights and bioethics. The collected data is analyzed qualitatively using the content analysis method, which is to identify, classify, and interpret key concepts that are relevant to the research theme.[15] Data analysis is carried out through three stages. First, the descriptive-analytical stage, which is to explain the epistemological structure of classical fiqh and its characteristics. Second, the critical-evaluative stage, which is to test the relevance of epistemology in facing the challenges of globalization and contemporary issues. Third, the reconstructive stage, namely formulating an integrative, contextual, and maqāṣid al-

[14] Abu Ishaq al-Shatibi, *al-Muwafaqat fi Usul al-Shari'ah*, vol. 2 (Beirut: Dar al-Ma'rifah, 1997), 8.
[15] Lexy J. Moleong, *Qualitative Research Methodology* (Bandung: Remaja Rosdakarya, 2018), 248.

shari'ah-oriented epistemological model. This reconstruction model seeks to integrate the normative principles of revelation with a rational, empirical, and multidisciplinary approach so that fiqh is able to dialogue with the development of modern science.

With this method, the research is not only normative-doctrinal, but also transformative, since it aims to offer a new epistemological paradigm that is more adaptive to global realities without losing its textual authority. The resulting epistemological reconstruction of fiqh is expected to be able to become a methodological basis for the development of Islamic law that is just, humanist, and responsive to the development of modern bioethics and economics.

RESULTS AND DISCUSSION

Reconstruction

Reconstruction is a process of rebuilding a pre-existing concept, event, thought, or system by rearranging, improving, and developing it to be more relevant to the needs of the new context. In scientific studies, reconstruction is not just repeating or copying an old idea, but involves the process of critical analysis, reinterpretation, and rearrangement of thought structures so as to produce a more comprehensive and contextual understanding.[16] Conceptually, reconstruction is often used in various scientific fields, such as history, law, education, and Islamic studies. In the field of history, reconstruction is carried out to reconstruct the picture of a past event based on available sources, either in the form of documents, artifacts, or historical testimony. Meanwhile, in the field of Islamic law and thought, reconstruction is often interpreted as an effort to reinterpret normative concepts in order to respond to evolving social dynamics.[17]

In the context of educational research, reconstruction can be interpreted as an effort to update or rearrange a learning model, strategy, or system to be more effective in achieving educational goals. This process is usually carried out through identifying the weaknesses of existing practices, then designing new approaches that are more adaptive, innovative, and in accordance with the needs of students. Thus, reconstruction is not only an academic activity that is theoretical in nature, but also has practical implications in the development of science and the solution of social problems. Through reconstruction, various old concepts can be updated so that they remain relevant and are able to make a real contribution in answering the challenges of the times.

[16] Lukman Fauroni, "Reconstructing Business Ethics: A Qur'anic Perspective," *IQTISAD Journal of Islamic Economics* 4, no. 1 (2003): 91–106, https://journal.uii.ac.id/Iqtisad/article/view/367/283.

[17] Margaretha Rosa Anjani and Budi Santoso, "The Urgency of E-Commerce Law Reconstruction in Indonesia," *Journal of Law Reform* 14 (2018), https://ejournal.undip.ac.id/index.php/lawreform/article/view/20239.

Epistemology of Fiqh

The epistemology of fiqh is the study of the sources, methods, and validity of knowledge in Islamic law. Etymologically, epistemology comes from the Greek language *episteme* which means knowledge and *Logos* which means study or science. In the context of Islamic science, the epistemology of fiqh discusses how Islamic laws are known, determined, and developed by scholars through a systematic process of reasoning. Thus, the epistemology of fiqh does not only discuss the results of law (fiqh), but also examines the intellectual processes behind the birth of the law. In the Islamic scientific tradition, the epistemology of fiqh is firmly rooted in the discipline of ushul fiqh, which is the science that studies the rules and methods used to excavate sharia law from its sources. The main sources in the epistemology of fiqh are the Qur'an and Hadith as the main normative foundations in Islam. In addition, scholars also use ijtihad methods such as ijma', qiyas, istihsan, maslahah mursalah, and 'urf to respond to new problems that are not explicitly mentioned in the nash.[18]

The epistemology of fiqh also emphasizes the importance of rationality and methodology in the process of establishing law. The jurists not only understand the text literally, but also consider the context, the purpose of the Shari'ah (*Maqashid al-Shariah*), as well as the social conditions of the community. Therefore, fiqh is not static, but dynamic and open to the process of reinterpretation according to the development of the times. In its development, the study of fiqh epistemology is also a space for dialogue between religious texts and social reality. Through this approach, Islamic law can continue to be relevant to the needs of modern society without losing its basic principles. Thus, the epistemology of fiqh has an important role in maintaining a balance between the authority of the text, the scholarly scientific traditions, and the demands of social change in the lives of Muslims.[19]

Human Rights

Human Rights (HAM) is a set of basic rights that are naturally inherent in every human being from birth as a gift from God Almighty. These rights are universal, irrevocable, and apply to all people regardless of ethnicity, religion, race, gender, or social background. Therefore, every individual has an equal position in obtaining protection, respect, and fulfillment of his rights as a human being. Conceptually, human rights cover various aspects of life, such as the right to life, the right to freedom of opinion, the right to education, the right to legal protection, and the right to live a decent and dignified life. These rights are an important foundation in building a just,

[18] Dayan Fithoroini et al., "Bayani Epistemology in the Study of Ushul Fiqh," *Journal Opinion: Journal Of Islamic Law And Legal Studies* 2, no. 2 (2022): 1–17, https://ejournal.undip.ac.id/index.php/lawreform/article/view/20239.

[19] Ginan Wibawa and Rizal Muttaqin, "The Implications of Immanuel Kant's Critical Philosophy for the Development of Sharia Economic Law Studies," *Humantech Scientific Journal* 1, no. 1 (2021): 25–36, https://jurnal.arkainstitute.co.id/index.php/cessie/article/view/185.

democratic, and civilized society. In the context of modern countries, the protection of human rights is also one of the important indicators in assessing the quality of a country's legal system and government.[20]

In the perspective of international law, the idea of Human Rights is strengthened through various global instruments, one of which is the Universal Declaration of Human Rights ratified by the United Nations in 1948. This declaration is an important milestone in the international community's efforts to ensure that every human being has the equal right to live a life free from oppression, discrimination, and unfair treatment. In the Indonesian context, the principles of human rights are also guaranteed in the country's constitution, namely in the 1945 Constitution, especially in Articles 28A to 28J which regulate various basic rights of citizens. In addition, the Indonesian government also ratified Law Number 39 of 1999 concerning Human Rights as a legal basis to protect and uphold human rights at the national level.[21]

From an Islamic perspective, the concept of Human Rights also has a strong foundation. Islam emphasizes respect for human dignity (*Karamah al-Insan*), justice (*al-'adl*), as well as the protection of basic rights such as the right to life, the right to religion, the right to property, and the right to justice. These values show that Islamic teachings are in line with the universal principles of human rights that place human beings as beings who have honor and rights that must be respected. Thus, Human Rights is not only a legal and political concept, but also a moral and humanitarian value that must be upheld in the life of society, nation, and state. Through respect for human rights, it is hoped that a more just, peaceful social life will be created, and respect the dignity of every human being.[22]

Reconstructing Fiqh Epistemology in the Context of Globalization, Human Rights, Bioethics, and Modern Economics

The epistemological reconstruction of fiqh in the context of globalization, human rights (HAM), bioethics, and modern economics is an urgent methodological need in the development of contemporary Islamic law. Historically, the epistemological edifice of fiqh was systematically compiled by Imam al-Shafi'i through his monumental works *al-Risalah*, which affirms the

[20] Dewi Gunawati et al., "Identification of Mapping Teachers' Difficulties in Implementing Online Learning on," *PPKN Journal* 10, no. 1 (2022): 41–51, https://jurnal.ppkn.org/index.php/jppkn/article/view/183.

[21] Martahan Napitupulu and Indra Yudha Koswara, "Journal of the Law of Mimbar Justitia (JHMJ) Protecting Children from Sexual Violence Revictimization through the Juvenile Justice System Torture, Brutal Treatment, or Ak" 11, no. 1 (2025): 107–30.

[22] Anggun Lestari Suryamizon, "Preventive Legal Protection of Violence against Women and Children in the Perspective of Human Rights Law," *Marwah: Journal of Women, Religion and Gender* 16, no. 2 (2017): 120.

hierarchy of legal sources in the form of the Qur'an, Sunnah, ijma', and qiyas.[23] This formulation became the methodological foundation for the development of the next schools of fiqh, including the Abu Hanifah, Malik bin Anas, and Ahmad bin Hanbal. This epistemology was born in certain socio-political contexts of agrarian society, the caliphate system, and traditional economic patterns, so it is natural that some of its applicative constructions require a rereading in the context of global and modern society.

In the next stage, the development of the theory of maqashid al-shari'ah by Abu Ishaq al-Shatibi in *al-Muwafaqat* gives a teleological dimension in the epistemology of fiqh.[24] Sharia is not only understood as a collection of normative texts, but as a value system that aims to protect religion, soul, intellect, descent, and property. It is this maqashid approach that opens up space for epistemological reconstruction, because its orientation is not only on the literality of the text, but on the substance of the benefit. The epistemological reconstruction of fiqh does not mean dismantling the foundations of classical ushul fiqh, but rather rearranging the priorities and methods of reading to be more responsive to the dynamics of the times. In the context of globalization, social, economic, and political relations have gone beyond classical territorial boundaries such as the concepts of dar al-Islam and dar al-harb. Anthony Giddens defines globalization as the intensification of world social relations that connects local events with events that take place far away.[25]

This phenomenon gives birth to new legal issues such as dual citizenship, Muslim minority law in secular countries, cross-border transactions, and international regulations. The epistemology of fiqh that is territorial and based on a homogeneous community needs to be reconstructed in order to be able to respond to the reality of plural societies and modern nation-state systems. Within this framework, maqashid al-shari'ah can serve as a normative bridge between sharia and international law, as long as the basic principles of justice and benefit are maintained. The issue of human rights also demands a rereading of the construction of classical fiqh. The Universal Declaration of Human Rights in 1948 affirmed the principles of human freedom, equality, and dignity. Although born from Western historical experience, these values have a strong resonance in Islamic teachings. Muhammad Abduh emphasizing that sharia basically aims to realize social justice and the benefit of humanity.[26] According to Rashid Rida

[23] Abū 'Abdillāh Muḥammad ibn Idrīs ibn al-'Abbās ibn 'Uthman ibn Syāfi' ibn al-Sā'ib ibn 'Ubayd ibn 'Abd Yazīd ibn Hāsyim ibn al-Muṭṭalib ibn 'Abd Manāf al-Qurasyī al-Muṭṭalibī (Imam al-Shafi'i), *al-Risālah* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2005), 507–510.

[24] Abu Ishaq al-Shatibi, *al-Muwafaqat fi Usul al-Shari'ah*, vol. 2 (Beirut: Dar al-Ma'rifah, 1997), 8–12.

[25] Anthony Giddens, *The Consequences of Modernity* (Cambridge: Polity Press, 1990), 64.

[26] Muhammad Abduh, *Risalat al-Tawhid* (Cairo: Dar al-Manar, 2006), 120.

emphasizing the importance of rationality and ijtihad in facing the changing times.[27] The epistemological reconstruction of fiqh in the context of human rights requires a separation between universal normative principles and historical social practices.

Many of the provisions of classical fiqh related to gender relations, slavery, and politics were born in certain social contexts; Therefore, contextual reading is a necessity so that the value of substantive justice is maintained. The approach offered by Fazlur Rahman through the theory of double motion (double movement) is relevant in this regard.[28] He proposed that the interpretation of the Qur'an begin with an analysis of the historical context of the descent of the verses, then formulate universal moral principles, and finally be reapplied in the contemporary context. This method allows the integration between text and reality without losing its normative legitimacy. In the issue of equality, for example, the principles of justice ('adl) and benefit can be used as a basis for reinterpretation of texts that literally seem discriminatory, while maintaining the methodological integrity of ushul fiqh.

The development of modern biotechnology such as organ transplantation, in vitro fertilization, genetic engineering, and euthanasia presents legal issues that are unknown in classical fiqh literature. In this condition, the method of qiyas alone is inadequate if it is not based on the framework of maqashid. The principles of hifz al-nafs (safeguarding the soul) and hifz al-nasl (safeguarding one's offspring) are ethical parameters in formulating fatwas. International fatwa institutions have developed an interdisciplinary, collective, interdisciplinary approach between scholars and medical experts to address these issues.[29] The epistemological reconstruction of fiqh in biotics requires openness to modern science without neglecting Islamic moral values. Thus, Islamic law is not only responsive to technological developments, but is also able to provide comprehensive ethical guidance.

In the modern economy, the banking system, capital markets, insurance, fintech, and digital currencies demand more substantive legal analysis. Classical muamalah fiqh is indeed rich in the concepts of buying and selling, shirkah, mudharabah, and ijarah, but the current global economic structure is much more complex. A reconstruction of fiqh epistemology is needed so that legal analysis is not trapped in contract formalism, which is simply replacing conventional terms with Arabic terms without changing substance. The principles of the prohibition of usury, gharar, and maisir must be understood within the framework of distributive justice and protection of the weak. Thus, maqashid al-shari'ah serves as a tool for evaluating modern economic practices, not just a symbolic legitimacy of the global capitalist system.

[27] Rashid Rida, *Tafsir al-Manar*, vol. 1 (Cairo: al-Hay'ah al-Misriyyah, 1990), 45.
[28] Fazlur Rahman, *Islam and Modernity* (Chicago: University of Chicago Press, 1982), 5–7.
[29] Majma' al-Fiqh al-Islami, *Qarar wa Tawsiyat* (Jeddah: OIC, 2000), 112–118.

Methodologically, the epistemological reconstruction of fiqh requires the integration of a normative-theological approach and an empirical-sociological approach. Islamic law cannot be separated from the social reality in which it is applied. Therefore, collective ijtihad (ijtihad jama'i) and dialogue between scholars and scientists are very important. The integration of social sciences, economics, and medicine in the process of legal istinbath enriches perspectives and prevents textual reductionism. In this framework, maqashid is not just a theory, but a working paradigm that places the welfare of human beings as the main orientation of the law. The biggest challenge in this reconstruction is to maintain a balance between continuity and change. Conservatives worry that reform will lead to legal relativism, while progressives sometimes ignore classical methodological structures. The middle ground is an integrative approach that respects turath (tradition) while opening up space for tajdid (renewal). As Fazlur Rahman emphasized, renewal must be rooted in the moral principles of the Qur'an, not imitation of the West.[30]

The epistemological reconstruction of fiqh is a historical necessity. Globalization, human rights, bioethics, and modern economics are not threats to sharia, but rather a field for the actualization of universal values. By making maqashid al-shari'ah a central paradigm, as well as integrating historical and interdisciplinary approaches, fiqh can develop into a dynamic, humanist, and relevant legal system for the global society of the 21st century. This reconstruction is not just an academic project, but an effort to build a bridge between the classical intellectual heritage and the challenges of modern civilization, so that Islamic law remains alive, adaptive, and oriented towards the benefit of humanity. The epistemological reconstruction of fiqh in the context of globalization, human rights, bioethics, and modern economics also demands a rearrangement of the relationship between revelation, reason, and reality.

In the classical tradition, debates about the authority of reason have arisen since the early period of Islam, especially in the dialectic between ahl al-ra'y and ahl al-hadith. Nonetheless, the methodological construct built by Imam al-Shafi'i succeeded in mediating the debate by placing revelation as the main source, but still giving space for reason through qiyas and ijtihad.[31] In the modern context, this relationship needs to be expanded so that fiqh rests not only on textual analogies, but also on empirical analysis and comprehensive ethical considerations. In the framework of legal globalization, there is a need to formulate fiqh that is able to dialogue with the international legal system and the constitution of modern countries. The concepts of people's sovereignty, constitutional supremacy, and the principle of the rule of law are unfamiliar realities in classical political structures. Therefore, the maqashid approach is important to bridge sharia

[30] Fazlur Rahman, *Islam* (Chicago: University of Chicago Press, 1979), 140.
[31] Imam al-Shafi'i, *al-Risalah* (Beirut: Dar al-Kutub al-'Ilmiyyah, 2005), 477–480.

values with modern governance principles. Abu Ishaq al-Shatibi emphasizing that all sharia provisions boil down to the benefit of humans, both in this world and the hereafter.

With this approach, the principles of justice, equality before the law, and the protection of fundamental rights can be understood as integral parts of the sharia's goals, not as foreign concepts imported from the West. In the field of human rights, epistemological tensions often arise in the issues of religious freedom, gender equality, and political rights. In classical fiqh, there is a distinction in legal status between Muslims and non-Muslims, as well as between men and women in some aspects of family law and inheritance. Epistemological reconstruction demands a historical understanding of these provisions. Muhammad Abduh argues that many social practices in Islamic history are not synonymous with the principles of Islamic teachings themselves. Therefore, it is necessary to distinguish between universal divine norms and temporary social constructs. This approach opens up space for the reinterpretation of Islamic family and civil law to be more in line with the principles of substantive justice without abandoning its normative framework.

This reconstruction also demanded a renewal in the fatwa methodology. The classical fatwa tradition is individual and contextual, while modern issues are often complex and multidisciplinary.[32] In bioethical issues, for example, the issues of organ transplantation, genetic engineering, and IVF cannot be solved by qiyas to classic cases alone. A collective approach through ijtihad jama'i is a necessity. Institutions such as Majma' al-Fiqh al-Islami has developed a deliberation based fatwa model between scholars and scientific experts. This model shows that the epistemology of fiqh can develop through interdisciplinary dialogue, so that legal decisions are more comprehensive and scientifically accurate.

In the modern economy, the complexity of global financial instruments demands a substantial approach. The Islamic banking system is often criticized for simply replicating conventional products with changing terminology. The epistemological reconstruction of economic fiqh must move from legal-formal to ethical-economic. Maqashid principles such as hifz al-mal (protection of property) and distributive justice should be the main parameters in the evaluation of economic policies. Thoughts Fazlur Rahman affirming that the social morality of the Qur'an should be the basis of the Islamic economic system, not just a symbolic of law. The Islamic economy is expected to be able to offer alternatives oriented towards collective welfare and the reduction of social inequality.

Digital globalization presents new challenges such as cryptocurrencies, artificial intelligence, and cross-border electronic commerce. In the face of this reality, the epistemology of

[32] Yusuf al-Qaradawi, *al-Ijtihād fī al-Syarī'ah al-Islāmiyyah* (Cairo: Dār al-Qalam, 1998), 165–170.

fiqh must develop an anticipatory approach to fiqh, not just a reactive one. This means that scholars and academics need to conduct a proactive study of the potential impact of technology before massive social problems arise. The principles of sadd al-dhara'i' (closing the path to destruction) and fath al-dhara'i (opening the way to benefit) can be used as a preventive framework in formulating legal policies. The epistemological reconstruction of fiqh also has an impact on Islamic legal education. The curriculum of ushul fiqh needs to be expanded to include modern research methodologies, legal philosophy, and hermeneutic approaches. This integration does not aim to replace the classical tradition, but to enrich the perspective of analysis. With this approach, fiqh is no longer understood as a collection of static fatwas, but as a dynamic and contextual intellectual process.

From a theoretical perspective, this reconstruction gave birth to an integrative fiqh paradigm that combines textual normativity, maqashid rationality, and empirical analysis. From a practical point of view, this paradigm allows for harmonization between Islamic law and the national and international legal systems, while maintaining the normative identity of Muslims.[33] The biggest challenge is to ensure that the update remains within a valid methodological framework and is inseparable from its authoritative source. The continuation of the fiqh epistemology reconstruction project is a strategic step in maintaining the relevance of Islamic law in the midst of global changes. Globalization, human rights, bioethics, and the modern economy are not threats to sharia, but rather a space for the actualization of universal values. As long as maqashid al-shari'ah is used as a foundation and collective ijtihad is put forward, fiqh will still be able to function as a responsive, humanist, and oriented ethical and legal system for the benefit of humanity as a whole.

In the epistemological reconstruction of fiqh in the context of globalization, human rights (HAM), bioethics, and modern economics also demand the strengthening of the academic base through the studies of contemporary scientific journals. If in the classical phase of fiqh rests on the authority of individual mujtahid, then in the modern era scientific authority is increasingly collective and institutional. This can be seen from the development of the discourse of maqashid al-shari'ah as a new paradigm in the reform of Islamic law. Jasser Auda, for example, asserts that the systems approach in maqashid allows Islamic law to move from a linear paradigm to a multidimensional paradigm that takes into account the complexity of modern social realities.[34] This approach reinforces the argument that the epistemological reconstruction of fiqh is not

[33] Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), 196–210.

[34] Jasser Auda, "Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach," *International Journal of Islamic Thought* 1, no. 1 (2012): 1–15.

enough to expand the qiyas, but must overhaul the framework of thinking towards an integrative and goal-based analysis.

In the context of human rights, a number of studies have shown that there is a conceptual wedge between maqashid al-shari'ah and modern human rights principles. Abdullah Saeed, in his study of religious freedom, emphasizes the importance of a contextual reading of the verses of the law in order to be in harmony with the principles of freedom and human dignity in a pluralistic society.[35] This approach is in line with Muslim reformist ideas that see that the universal values in the Qur'an should be placed above particular legal formulations born out of a particular historical context. Thus, the epistemological reconstruction of fiqh in the issue of human rights is not a form of secularization of Islamic law, but an effort to actualize its moral values in a global framework. In the field of gender and social justice, contemporary studies also show the need to redefine the concept of justice in fiqh. Several articles in Islamic law journals assert that the concept of 'adl (justice) in the Qur'an is substantive and dynamic, not static and literalistic.[36]

Therefore, the provisions of classical fiqh born in patriarchal societies need to be reread through the maqashid approach so as not to conflict with the broader principles of justice. The epistemological reconstruction here serves as a corrective mechanism against the possibility of absolutizing the product of classical ijtihad. In the issue of bioethics, the development of medical technology has encouraged the birth of the discipline of Islamic bioethics. A number of international journals such as *Journal of Medical Ethics* and *Islamic Law and Society* contains studies on organ transplantation, stem cell research, and genetic engineering from the perspective of Islamic law. Research shows that the principle of emergency (al-darurah) and benefit is the main foundation in contemporary fatwas.[37] However, academics also remind that the use of the emergency principle must be controlled methodologically so as not to open up opportunities for legal relativism. Therefore, the epistemological reconstruction of fiqh in bioethics requires clear methodological standards, including collaboration between fuqaha and medical scientists.

In modern economics, a number of studies in Islamic economics journals highlight the need for a transformation from a formalistic approach to a maqashid-based economics approach. Mohammad Hashim Kamali, in one of his articles, emphasized that the Islamic financial system must be oriented towards social justice and public welfare, not just formal compliance with

[35] Abdullah Saeed, "Human Rights and the Qur'an: An Introduction," *Journal of Law and Religion* 23, no. 2 (2008): 565–591.

[36] Asma Barlas, "Believing Women in Islam: Unreading Patriarchal Interpretations," *Islamic Studies Journal* 44, no. 3 (2005): 255–278.

[37] Aasim I. Padela, "Islamic Bioethics: Between Sacred Law and Secular Medicine," *Journal of Medical Ethics* 39, no. 1 (2013): 3–7.

contracts.[38] Criticism of Islamic banking practices that are too legalistic suggests that without an epistemological reconstruction, Islamic economics has the potential to be trapped in imitation of the global capitalist system. Therefore, maqashid such as hifz al-mal and tahqiq al-'adl must be a parameter for economic policy evaluation, including in facing the challenges of fintech and digital currencies. A number of studies in comparative law journals highlight the importance of harmonization between Islamic law and national law in Muslim countries. Research shows that an integrative approach based on maqashid can facilitate dialogue between sharia and modern constitutions without creating normative conflicts.[39]

Methodologically, it emphasizes the importance of using an interdisciplinary approach in the study of fiqh. Wael B. Hallaq in several of his articles shows that classical Islamic law has methodological flexibility that is often overlooked in modern practice.[40] Therefore, the epistemological reconstruction of fiqh should not be understood as a project of westernization, but rather as a revitalization of the internal methodological potential of the Islamic tradition itself. Thus, it can be affirmed that the epistemological reconstruction of fiqh is not just a theoretical discourse, but a scientific agenda that has developed in global academic discourse. Globalization, human rights, bioethics, and modern economics are test grounds for the resilience of fiqh methodology. As long as the reform is carried out within the framework of maqashid al-shari'ah and collective ijtihad, Islamic law will still have normative legitimacy as well as social relevance.

CONCLUSION

Based on the conclusion of the discussion on *Reconstruction of Fiqh Epistemology, Globalization, Human Rights (HAM), Bioethics, and Modern Economics* shows that the challenges of the contemporary era demand a fundamental renewal in the way of understanding, formulating, and implementing Islamic law. Globalization has changed the social, political, economic, and cultural structures rapidly and across borders, so that the problems of Muslims are no longer local, but are connected to a complex global system. In this context, classical fiqh epistemology which is highly textual and based on individual ijtihad patterns needs to be reconstructed in order to be able to answer transnational issues such as human rights, biotechnology, global finance, and modern medical ethics. The epistemological reconstruction of fiqh does not mean stripping away the authority of the nash, but rather integrating between the normativity of the text (the Qur'an and the Sunnah), the rationality of maqāṣid al-syarī'ah as

[38] Mohammad Hashim Kamali, "Maqasid al-Shariah and Islamic Finance," *Islam and Civilisational Renewal* 2, no. 2 (2011): 245–258.

[39] Clark B. Lombardi, "Islamic Law as a Source of Constitutional Law in Egypt," *Columbia Journal of Transnational Law* 37, no. 1 (1998): 81–123.

[40] Wael B. Hallaq, "Was the Gate of Ijtihad Closed?" *International Journal of Middle East Studies* 16, no. 1 (1984): 3–41.

formulated systematically by Abu Ishaq al-Shatibi in *al-Muwāfaqāt*, as well as contextual-historical approaches as developed by modern thinkers such as Fazlur Rahman through theory *Double Movement*. With this paradigm, fiqh is no longer understood simply as a static legal product, but as a dynamic process oriented towards the benefit, justice, and protection of human dignity.

On the issue of Human Rights (HAM), the epistemological reconstruction of fiqh asserts that basic principles such as ḥifẓ al-nafs (protection of the soul), ḥifẓ al-'aql (protection of reason), ḥifẓ al-dīn (protection of religion), ḥifẓ al-nasl (protection of posterity), and ḥifẓ al-māl (protection of property) have substantial coherence with the universal values of human rights. The challenge is not in normative contradictions, but in the methodology of interpretation and implementation of laws that are often literal and lack consideration of social change. Therefore, the approach of maqāṣid and collective ijtihad (ijtihād jamā'ī) is an important instrument for establishing harmonization between Islamic law and the national and international legal system without losing its normative identity. In the field of bioethics, technological advances such as genetic engineering, organ transplantation, IVF, and artificial intelligence demand a swift legal response and are based on multidisciplinary research. The reconstructed epistemology of fiqh must open up a space for dialogue between scholars, scientists, and medical experts so that legal decisions are not only normatively valid, but also scientifically and ethically relevant. The principle of dar'u al-mafāsid wa jalb al-maṣāliḥ (rejecting damage and reaping benefits) became the ethical foundation in dealing with biotechnological innovations.

Meanwhile, in the modern economy, the global financial system, digital banking, fintech, cryptocurrency, and international capital markets demand a responsive and adaptive approach to fiqh. The development of the sharia economy is not enough just to avoid usury formally, but must also ensure the achievement of distributive justice, transparency, and social welfare. The epistemological reconstruction of fiqh here means extending the instrument of ijtihad through qiyās, istiḥsān, maṣlaḥah mursalah, and sadd al-dharā'i' in a more contextual way. Theoretically, this reconstruction gave birth to an integrative fiqh paradigm, namely fiqh that combines the text, context, and purpose of sharia in a scientific framework that is open to social science and modern science. Practically, this paradigm allows Islamic law to function as a solutive normative ethical system in the global society, while maintaining the continuity of the classical ushul fiqh tradition pioneered by mujtahid imams such as Muhammad ibn Idris al-Shafi'i. Thus, the epistemological reconstruction of fiqh is not just an academic project, but the historical need of Muslims to keep Islamic law alive (*ṣāliḥ li-kulli zamān wa makān*), relevant to the changing times, and able to contribute constructively to modern global civilization.

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