The Hermeneutical Approach in Understanding Islamic Law: A Philosophical Study

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Abstract

Ideally, Islamic law is understood as a dynamic and ethical normative system capable of responding to the changes of the times. However, in reality, traditional approaches to legal texts often fall into literal and formalistic readings, thereby limiting the space for contextual and reflective ijtihad. This study aims to explore the hermeneutical approach as a philosophical foundation for understanding and reconstructing Islamic law in a way that is more adaptive to social and historical dynamics. Using a library research method and a philosophical-interpretive approach, the analysis is conducted through a critical hermeneutic lens on the works of Western hermeneutic thinkers, along with contemporary literature on Islamic legal studies. The findings reveal that the hermeneutical approach can revitalize ijtihad methodology by ethically and historically bridging the gap between text and context. The integration of hermeneutics into Islamic legal studies offers a significant contribution to the development of a legal system that is not only normatively valid but also contextually meaningful and humane.

Keywords: Hermeneutics, Islamic Law, Ijtihad Reconstruction

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Abstrak

Idealnya, hukum Islam dipahami sebagai sistem normatif yang dinamis, etis, dan mampu merespons perubahan zaman. Namun realitasnya, pendekatan tradisional terhadap teks-teks hukum sering terjebak pada pembacaan literal dan formalistik, sehingga membatasi ruang ijtihad yang kontekstual dan reflektif. Penelitian ini bertujuan untuk mengeksplorasi pendekatan hermeneutika sebagai landasan filosofis dalam memahami dan merekonstruksi hukum Islam secara lebih adaptif terhadap dinamika sosial dan historis. Dengan menggunakan metode penelitian pustaka dan pendekatan filosofis-interpretatif, analisis dilakukan secara hermeneutik-kritis terhadap karya-karya tokoh hermeneutika Barat serta literatur kontemporer yang mengkaji hukum Islam. Hasil penelitian menunjukkan bahwa pendekatan hermeneutika mampu merevitalisasi metodologi ijtihad dengan menjembatani teks dan konteks secara etis dan historis. Integrasi hermeneutika ke dalam studi hukum Islam memberikan kontribusi penting dalam membangun sistem hukum yang tidak hanya sah secara normatif, tetapi juga bermakna secara kontekstual dan manusiawi.

Kata Kunci: Hermeneutika, Hukum Islam, Rekonstruksi Ijtihad

Introduction

The understanding of Islamic law has become a discursive field that continues to undergo transformation, especially when confronted with increasingly complex and dynamic social realities. As a normative system rooted in the texts of revelation and Hadith, Islamic law is not merely positioned as a rigid set of rules, but also as a living and evolving ethical system. Nevertheless, traditional approaches to interpreting legal texts often become entangled in grammatical and semantic formalities, resulting in rigidity in responding to contemporary challenges. In this context, there emerges an urgency to reconsider the epistemological and methodological approaches to understanding Islamic law in a more contextual and philosophical manner. One approach that offers significant potential for renewal is hermeneutics.

Hermeneutics, as the philosophy of understanding, serves not only as a method of textual interpretation but also as an ontological framework that explores how meaning is produced, understood, and enlivened within the relationship between subject and text (Constantin & Sitorus, 2024). In the context of Islamic law, this approach becomes vital because it frames the act of understanding as a dynamic process involving the text, the interpreter, and the historical context. Hermeneutics rejects the notion that meaning lies objectively within the text and can be directly extracted by the interpreter. Instead, it holds that every act of understanding is always the result of an interaction between the horizon of the interpreter and the horizon of the text (Arif & Rahmawati, 2022). Consequently, this approach opens space for reflective, critical, and contextually sensitive readings of Islamic law.

The tendency toward literalist readings of Islamic law often overlooks the historical and contextual dimensions of the texts. This leads to a stagnation in legal thought that relies solely on the authority of schools of jurisprudence or fiqh traditions. In reality, religious texts, including those related to law, were produced in specific social contexts and therefore cannot be divorced from their historical setting. When texts are positioned as absolute entities without consideration of the social dynamics that underlie them, interpretation becomes rigid, exclusive, and unresponsive to change. In such a situation, hermeneutics emerges as a philosophical offering that not only deconstructs textual structures but also invites interpreters to delve into the horizon of values and human experiences embedded within them.

Recent studies on the integration of hermeneutics into Islamic legal studies indicate significant potential for constructing more reflective and humanistic interpretive methodologies. However, this approach also generates epistemological tension with classical fiqh, which emphasizes strict validity based on chains of transmission (*sanad*), linguistic formulation (*lafaz*), and textual authenticity (*nass*). As a result, polarization occurs between conservative readings that focus on preserving tradition and progressive readings that are more open to reinterpretation. This gap indicates that there remains an epistemic space yet to be effectively bridged—precisely where hermeneutics can play a mediating philosophical role in formulating a more adaptive approach to Islamic law.

Several studies in contemporary Islamic philosophy have highlighted the need to revitalize the framework of *fiqh* to remain relevant to the social problems of the ummah. The concept of *maqāṣid al-sharī'ah*, for example, has served as an entry point for reinterpretation based on public interest (*maṣlaḥah*), though its application often remains normative and insufficiently dialogical. In this context, hermeneutics offers a philosophical foundation for interpreting Islamic law by taking into account the horizon of the interpreter's experience and the ethical demands of modern society. Hermeneutics does not negate the normative meaning of texts but situates that meaning within an ongoing dialogue with ever-changing social realities.

One of the strengths of the hermeneutic approach lies in its ability to awaken the interpreter's reflective awareness of their involvement in the process of understanding (Hovey et al., 2022). Within this framework, the interpreter is not positioned as a passive agent who merely conveys the content of the text, but as an active subject who brings with them a horizon of values, experiences, and particular socio-cultural backgrounds. Awareness of such pre-understanding becomes key in reading Islamic legal texts more honestly and openly. Thus, hermeneutics proves highly relevant for developing *ijtihad* that is contextual and not merely a reproduction of past legal thought.

Nonetheless, this approach is not free from criticism. Some scholars argue that applying hermeneutics in Islamic studies may lead to relativism and the erosion of the authority of revelation. These concerns typically arise when meaning is left too open without a strong epistemological foundation (Busyra, 2021). However, it is important to note that hermeneutics is not synonymous with deconstruction or nihilism of meaning. On the contrary, it demands a responsible ethic of understanding and openness to the plurality of meanings within the

bounds of fundamental Islamic values. The challenge lies not in hermeneutics itself, but in the interpreter's ability to balance interpretive freedom with a commitment to the substance of the teachings.

By understanding Islamic law through the hermeneutic framework, we can avoid the traps of formalism and dogmatism that often constrain the space for *ijtihad*. Hermeneutics not only opens room for new meanings but also provides philosophical legitimacy for interpretive practices grounded in context and lived experience. In a world that is increasingly plural and complex, the need for an inclusive and adaptive interpretive approach becomes more urgent. The integration of hermeneutic approaches into Islamic legal studies is not merely a methodological option but an intellectual necessity.

This article aims to explore the hermeneutic approach as a philosophical foundation for understanding Islamic law in a more contextual and reflective manner. By examining the foundational thoughts of major hermeneutic figures such as Schleiermacher, Dilthey, Heidegger, Gadamer, and Ricoeur, this paper seeks to construct a strong conceptual basis for integrating hermeneutics into Islamic legal methodology. Furthermore, the article discusses the relevance of this approach in addressing contemporary challenges in Islamic law and the possibility of reconstructing *ijtihad* methodology based on dialogue, context, and values. This article seeks to fill the epistemic gap that has long been overlooked by classical *fiqh* approaches. Through a deep philosophical analysis, hermeneutics is offered as both a methodological and epistemological tool to develop Islamic law that is responsive to social, historical, and humanistic values.

Literature Review

Research on the hermeneutical approach to understanding Islamic law is not, in essence, an entirely new discourse. A number of prior studies have addressed this theme from various perspectives, whether in the context of Qurʾānic exegesis, contemporary Islamic legal studies, or Islamic epistemology. Ahmad Zubairin in his work titled; *"Tafsir Hermeneutik dan Fenomenologi dalam Al-Qurʾan,"* explores in depth how hermeneutical and phenomenological approaches can provide methodological alternatives for interpreting Qurʾānic verses in a more humanistic manner. His findings show that hermeneutics can uncover the deeper meanings behind the sacred text, while phenomenology offers space for a reading grounded in human lived experience as historical actors (Ahmad Zubairin, 2022). The similarity between the above study and the present research lies in their shared aim of integrating a humanistic approach to religious texts, particularly the Qurʾān. The difference, however, is that Zubairin emphasizes the empirical-phenomenological dimension in a literary-exegetical context, whereas the present study focuses on a philosophical-epistemological analysis of hermeneutics as the foundation for reconstructing Islamic legal methodology.

Zahrani and Rubini in their paper entitled; *"Pendekatan Hermeneutika dalam Pengkajian Islam,"* provide a detailed discussion of the application of hermeneutics in Islamic studies, particularly how this method can unlock meanings in religious texts that have long been read literally. Their research highlights textual character as an open, polyphonic cultural product and

underscores the importance of considering historical and cultural contexts when interpreting texts. They also stress that hermeneutics establishes a dialogical framework between text, interpreter, and the interpreter's social reality, thereby creating a dynamic understanding (Zahrani &Rubini, 2023). This work aligns with the present study in employing hermeneutics to construct a more contextual grasp of Islamic law. The distinction is that, while Zahrani and Rubini focus on the conceptual openness of texts and dialogicality in Islamic studies in general, the present author emphasizes the reconstruction of *ijtihād* methodology on a philosophical hermeneutical foundation to formulate an Islamic legal hermeneutic that is contextual and solutions-oriented toward contemporary legal problems.

Anshory and Salsabila in their article titled; *"Epistemologi dan Pendekatan-Pendekatan Hermeneutika Hasan Hanafi,"* conduct an in-depth analysis of Hasan Hanafi's hermeneutical thought in interpreting the Qur'ān through an emancipatory and liberative approach. This study highlights how Hanafi integrates various perspectives—such as phenomenology, Marxism, *uṣūl al-fiqh*, and hermeneutics—to forge a practical hermeneutic theory aimed at addressing interpretive crises and countering repressive epistemological structures. By focusing on social, historical, and geographic contexts, Hanafi positions the Qur'ān as a text that must be read with an awareness of the realities of injustice and oppression faced by the ummah (Anshory &Salsabila, 2024). This study shares common ground with the present research in employing hermeneutics as a means of understanding Islamic texts in a contextual and transformative way. The difference is that, whereas the former centers on the practical dimension of Hasan Hanafi's hermeneutics as a tool of social critique to liberate the ummah from injustice through progressive Qur'ānic interpretation, the present study concentrates on constructing a philosophically grounded methodological framework for Islamic legal *ijtihād*.

The three works above are the scholarly publications most closely aligned with the direction of the present study. Each contributes significantly to enriching the discourse on hermeneutics within Islamic studies—methodologically, conceptually, and in emancipatory praxis. Nonetheless, based on a comprehensive review of the literature, no prior research has specifically and thoroughly positioned hermeneutics as a philosophical foundation for reconstructing Islamic legal *ijtihād* methodology. The present study therefore adopts a more systematic and reflective approach, making the core principles of hermeneutics an epistemological pillar for building a legal methodology that is more contextual and responsive to contemporary challenges in Islamic law. Thus, this research occupies a significant scholarly gap that has not been adequately addressed in previous studies. Its novelty lies in bridging philosophical hermeneutic discourse with Islamic legal methodology—not merely as an exegetical technique, but as a reconstructive framework capable of revivifying *ijtihād* in a more adaptive, inclusive, and relevant form. The originality of this approach is crucial amid the stagnation of contemporary *fiqh* methodology and can offer a tangible contribution to the future renewal of Islamic law.

Research Methodology

This article falls under the category of library research employing a philosophical-interpretative approach. Its primary focus is a conceptual analysis of the relevance of the hermeneutical approach in understanding and reconstructing Islamic law. The main data sources consist of scholarly works discussing the thoughts of key hermeneutic figures such as Schleiermacher, Dilthey, Heidegger, Gadamer, and Ricoeur, drawn from indexed journal articles, academic books, and verified dissertations. In addition, contemporary writings that examine the relationship between hermeneutics and Islamic law—particularly in the context of *ijtihad* methodology and *maqāṣid al-sharīʿah*—are used as secondary sources to enrich the conceptual framework. Literature selection was carried out selectively based on topical relevance, depth of argumentation, and its contribution to the analytical framework.

Data analysis was conducted using a critical-hermeneutic approach, emphasizing reflective, historical, and contextual textual readings. The process of interpretation goes beyond literal understanding, involving the uncovering of meaning through awareness of pre-understanding, the interpreter's horizon, and intersubjective dialogue. This study aims to reflect on the extent to which hermeneutical principles can be reconstructed as a method of interpreting Islamic law that is more ethical, responsive, and open to contemporary dynamics. The validity of the research is supported by logical consistency, argumentative depth, and the accuracy of synthesis between Western hermeneutic thought and the Islamic legal tradition.

Epistemology of Hermeneutics: Philosophical Foundations and Its Development

Hermeneutics originates from the Greek word *hermeneuein*, meaning to interpret or to express meaning. Historically, hermeneutics emerged from the need within Jewish and Christian traditions to understand sacred texts that were often regarded as divine yet ambiguous (Aulanni'am & Saputra, 2023). Over time, hermeneutics evolved beyond a technique of interpretation into a *philosophy of understanding*—a field that seeks to explain how meaning is produced, exchanged, and comprehended (Ade, 2025). In this context, hermeneutics moved from a purely philological approach to an ontological one, questioning the very existence of meaning. This transformation is crucial as it provides a new conceptual framework for understanding religious texts, including Islamic legal texts. As a philosophical approach, hermeneutics places language as the primary medium of existence and understanding, while recognizing that meaning is never neutral, but always situated within historical contexts and value-laden horizons.

One of the earliest figures to bring hermeneutics into the philosophical domain was Friedrich Schleiermacher (1768–1834). He rejected the idea that interpretation is merely a grammatical exercise. Instead, he introduced a dual approach: grammatical interpretation and psychological interpretation (Bary & Zakirman, 2020). He emphasized that understanding a text fully requires the reader to "enter" the inner world of the author—grasping their motivations, background, and psychological-social horizon. Schleiermacher also introduced the

concept of the hermeneutic circle, wherein understanding the parts of a text depends on understanding the whole, and vice versa (Putra, 2023). This is a vital foundation for interpreting Islamic legal texts, which cannot be understood in fragments without grasping the broader framework of revelation and its objectives (*maqāṣid*). Here, Schleiermacher's contribution lies in his notion that understanding is not one-directional but emerges from the active interaction between reader and text.

Wilhelm Dilthey (1833–1911) expanded Schleiermacher's horizon by integrating historical experience into hermeneutical thought. For Dilthey, understanding in the humanities (*Geisteswissenschaften*) differs from the natural sciences, which are objective and explanatory. He argued that in the social sciences and humanities, understanding must be interpretative and grounded in human historical experience (Smith, 2025). According to Dilthey, meaning cannot be separated from its time, and texts are expressions of life that are constantly evolving. Thus, interpreting Islamic legal texts should go beyond formal-legal dimensions and be open to the social, historical, and cultural contexts that surround them. Dilthey provided a methodological basis for a historical-critical approach to *fiqh*, offering an alternative to the stagnation of *ijtihād* in classical Islamic tradition.

A radical step came from Martin Heidegger (1889–1976), who revolutionized hermeneutics by moving it from methodology into the realm of ontology. In his seminal work *Being and Time* (*Sein und Zeit*), Heidegger asserted that understanding is not a secondary act performed by a subject toward an object, but an inherent part of human existence (*Dasein*) (Anam, 2025). He argued that humans always live within a horizon of understanding, and that every interpretation is preceded by *pre-understanding* (*Vorverständnis*). This means that readers are never neutral; they bring biases, values, and specific experiential frameworks when engaging with a text. In the context of Islamic law, this is crucial, as it challenges claims of interpretive absolutism. The *faqīh* (Islamic jurist) is not a passive mirror of revelation, but an active agent in the production of legal meaning. Heidegger's hermeneutics cultivates awareness that *ijtihād* is an existential and reflective process that fully involves the being of the interpreter.

Hans-Georg Gadamer (1900–2002), a student of Heidegger, extended hermeneutics into a dialogical realm in his work *Truth and Method* (*Wahrheit und Methode*). Gadamer criticized positivist approaches in the humanities and insisted that textual understanding is not the result of mechanistic methods but the outcome of a dialogical encounter between horizons. He introduced the concept of *fusion of horizons* (*Horizontverschmelzung*), a dynamic and never-final process where the reader's horizon meets that of the text (Prasetyono, 2022). In Islamic legal interpretation, this approach is essential because it emphasizes that the meaning of *sharī'ah* must always be dialogued with current social realities. Interpretation cannot be monolithic or ahistorical, since revelation, although divine, always appears through the medium of human (and thus historical) language. Gadamer thus offers an ethical and epistemological foundation for dialogical and contextual reform in Islamic legal hermeneutics.

Paul Ricoeur (1913–2005) brought a more eclectic approach that bridges structuralism and phenomenology. Ricoeur viewed texts as autonomous entities

not entirely controlled by the author's intent (Ruthrof, 2023). He introduced the concept of *distanciation*, arguing that readers must create a reflective distance from the text in order to understand it more deeply. Interpretation, according to Ricoeur, involves two stages: explanation (uncovering structure and narrative) and understanding (internalizing meaning) (Mahridawati, 2022). Thus, Ricoeur rejected both literalism and relativism. He offered a middle ground: Islamic legal texts should be structurally explained, but also interpreted within the context of the reader's actual values and lived experience. Ricoeur's approach is relevant for building interpretive methods that bridge textual authority and the demands of contemporary realities.

Building on the foundations of these thinkers, hermeneutics has developed into an epistemological framework that not only questions the meaning of texts but also interrogates who interprets them, in what context, and for what purpose. Within this framework, interpretation is no longer a quest for a single, absolute meaning but becomes a dialogical act involving the subject (interpreter), object (text), and context (historical and social situations). Hermeneutics invites interpreters of Islamic law to recognize that their understanding is always influenced by a particular horizon, and therefore, openness to reinterpretation is an intellectual necessity. This opens wide the doors for multidisciplinary approaches in Islamic legal studies and allows *fiqh* to evolve as an adaptive, dynamic, and context-sensitive system.

From this perspective, Islamic law can be seen not merely as a collection of formal-legal norms but as a living value system that evolves within society. By employing the hermeneutical framework, the meaning of law is no longer centered solely on the text but also on the active role of interpretive communities that understand, reflect upon, and actualize it within diverse social contexts. Hence, hermeneutics serves as an epistemological bridge to reconstruct the methodology of *ijtihād*, which has long been trapped in literalism or *madhhab*-based stagnation. Contextual and dialogical legal interpretation does not blur the norms of revelation; rather, it revitalizes them in the historical life of the Muslim community.

Nevertheless, the hermeneutical approach is not without criticism, especially from traditionalist circles who argue that freeing the text from authorial intent could lead to moral relativism and the erosion of divine authority. These concerns arise particularly when hermeneutics is used to justify overly liberal interpretations that disregard the authoritative structure of Islamic law. However, such criticisms can be addressed by distinguishing between relativism and interpretive openness. Hermeneutics does not negate normative meaning; instead, it provides space for ethical and historical interpretation. In other words, hermeneutics teaches caution in interpreting texts—not merely liberating them from meaning, but also liberating the reader from socially irrelevant interpretations.

By observing the development of hermeneutics from Schleiermacher to Ricoeur, we can conclude that this approach offers a strong philosophical alternative for developing a contextual, reflective, and time-responsive methodology for understanding Islamic law. Hermeneutics offers more than interpretive technique; it fosters epistemological awareness that every act of

understanding involves existential, dialogical, and historical processes. For Islamic law, this means that *fatwās*, legal rulings, and interpretations can never be separated from the contexts in which Muslim communities live. Therefore, hermeneutics is not merely a philosophical approach—it is also an emancipatory tool for constructing an Islamic legal system that is just, inclusive, and perpetually relevant.

Islamic Legal Methodology and the Challenge of Textual Interpretation
        The methodology of Islamic law, developed within the discipline of *uṣūl al-fiqh*, serves as an epistemological foundation for systematically interpreting *sharīʿah* texts. *Uṣūl al-fiqh* formulates both normative and rational tools for deriving legal rulings from the Qur'an, Sunnah, *ijmāʿ* (consensus), and *qiyās* (analogical reasoning) (Purkon, 2024). This discipline emerged out of the necessity to preserve the integrity of Islamic law amid the social and historical diversity of the Muslim community. While initially progressive and flexible in the early period of Islam, *uṣūl al-fiqh* gradually underwent rigid structural codification. The binding tradition of legal schools (*madhāhib*) and the centralized authority of religious scholars have rendered the methodology less responsive to the changing dynamics of time—especially when confronted with new, complex, and multidimensional issues.

        A defining characteristic of classical methodology is its strong reliance on the *bayānī* approach, which interprets legal texts textually based on classical Arabic structures and grammatical principles. This approach views the text as a fixed, objective entity whose meaning can be derived through linguistic rules. While this has advantages in preserving the authenticity and stability of law, it often overlooks the social, historical, and ethical contexts surrounding the revelation (Abiyusuf et al., 2025). As a result, texts are frequently treated as if they emerged in a vacuum, whereas in reality, they were responses to specific, real-life problems faced by the early Muslim community. When social contexts evolve, a rigid *bayānī* approach becomes increasingly inadequate in addressing new realities.

        The textualist tendency within *uṣūl al-fiqh* has also created interpretive challenges regarding contemporary issues such as gender justice, human rights, religious pluralism, and civil liberties. When verses related to social or structural relations are read literally without contextual consideration, the resulting fatwas often conflict with the spirit of justice itself. This is evident in certain interpretations of inheritance laws, female leadership, and interfaith relations, which continue to rely on literal readings and fail to consider *maqāṣid al-sharīʿah* (higher objectives of Islamic law). The disjunction between legal structures and lived realities points to a methodological crisis in the epistemology of classical *fiqh*.

        It is worth noting, however, that not all classical methods rejected rational approaches. For instance, concepts like *qiyās* and *istiḥsān* in the Ḥanafī school or *istiṣlāḥ* in the Mālikī school show that traditional *fiqh* contains latent hermeneutical potential. *Qiyās*, as a form of analogy, and *istiḥsān*, as rational preference for public interest, are in essence embryos of contextual interpretive methodology. Unfortunately, over the course of its historical development, this

potential was constrained by formalistic approaches that restricted the creativity of *ijtihād*. Consequently, *fiqh* lost its vitality as a living and dynamic legal system responsive to social change.

In response to this stagnation, several contemporary scholars have proposed reforming *fiqh* methodology through hermeneutical approaches. Fazlur Rahman, for example, introduced his "double movement" theory, which involves two interpretive steps: first, returning to the historical context of the verse, and second, transforming its moral message into a contemporary setting. For Rahman, sacred texts cannot be properly understood without knowing the *ʿillah* (legal rationale) and the social conditions at the time of revelation. His model encourages reading the Qur'an as an ethical guide leading the community toward substantive justice, rather than a static set of legal rules. In this way, Rahman opened space for a more value-oriented and flexible reinterpretation of Islamic law (Umair & Said, 2023).

Mohammed Arkoun and Nasr Abu Zayd went even further, proposing a deconstructive approach to legal texts. For Arkoun, classical Islamic law has been frozen by an "orthodox reason" that hinders intellectual reform. He called for a re-reading of classical texts using tools from historical-critical analysis and modern social sciences (Taufiq et al., 2021). Abu Zayd, meanwhile, emphasized the importance of understanding the text as a linguistic product that exists within specific cultural and historical contexts. He criticized the tendency to absolutize singular meanings and rejected *fiqh* approaches that interpret the Qur'an ahistorically (Wekke et al., 2018). Both scholars have made significant contributions in broadening the methodological horizons of Islamic legal studies, making them more humanistic and inclusive.

On the other hand, the *maqāṣid al-sharīʿah* approach—revived by Muhammad al-Ṭāhir Ibn ʿĀshūr—offers an interpretive framework centered on the objectives of the law. *Maqāṣid* is not merely a filter for positive law but an epistemological paradigm that insists every legal ruling must serve public benefit (*maṣlaḥah*) (Zubairin et al., 2024). Values such as justice, compassion, and equality become key parameters in assessing the validity of legal rulings in modern contexts. By integrating *maqāṣid* and hermeneutics, Islamic legal interpretation can be oriented toward building a normative system that is not only textually valid but also morally and socially relevant. This becomes increasingly important given the complexity of contemporary legal challenges, which cannot be addressed solely through textual evidences.

The methodological crisis in *fiqh* also stems from the problem of authority. In the classical tradition, interpretive validity was heavily dependent on the legitimacy of scholarly institutions and the authority of the legal schools. While this approach helped maintain legal uniformity, it often excluded broader epistemological participation from the community. Hermeneutics, by contrast, acknowledges the role of the interpreter and the importance of context in shaping meaning. This approach promotes the democratization of legal interpretation and opens the door for wider engagement from various social actors in Islamic legal discourse. It aligns with the Qur'anic spirit of fostering dialogue between text and the lived realities of the community.

The renewal of Islamic legal methodology through hermeneutics does not mean rejecting the classical tradition. On the contrary, it treats the tradition as material for dialogue and reinterpretation, reorganizing the foundations of law in a more adaptive way. Hermeneutics does not abolish the revealed text (*naṣṣ*); rather, it invites it into conversation with historical experience and the current needs of the community (Hayati & Warman, 2023). In this approach, the text is not understood in linguistic isolation, but within a web of social, political, cultural, and spiritual relations that shape how humans understand and apply the law. Therefore, the reform of Islamic legal methodology must begin with a philosophical awareness of the open and historical nature of meaning.

This need for transformation becomes even more urgent in the face of rapid globalization, digitalization, and social transformation. Islamic law cannot continue to operate using outdated methodological tools that were not designed to address new challenges such as biotechnology, digital economies, climate change, or minority rights. Hermeneutics offers the opportunity to develop a transformative model of *ijtihād*—one that seeks not only textual legitimacy but also practical solutions to human problems. By combining the critical ethos of hermeneutics with the spirit of *maqāṣid*, Islamic law has the potential to evolve into a normative system that is globally relevant, ethical, and inclusive.

Therefore, the reform of Islamic legal methodology through hermeneutics is not an optional path but an epistemological and moral necessity. When textual approaches can no longer adequately address the problems faced by the community, it becomes imperative to open space for more reflective, contextual, and ethical interpretations. Hermeneutics does not lead to relativism; rather, it fosters an awareness that every meaning is born from an honest dialogue between text, interpreter, and reality. This marks the beginning of efforts to revitalize Islamic law as a living and evolving value system—not merely a set of rigid rulings and *fatwās* disconnected from the spirit of the age.

A Hermeneutical Approach to Islamic Law: Applications and Critiques

The hermeneutical approach in Islamic legal studies offers a new paradigm that emphasizes the dynamic relationship between text, interpreter, and socio-historical context (Ridwan, 2016). Unlike the classical-normative approach, which often seeks to establish a single, fixed meaning from sacred texts, hermeneutics assumes that understanding a text is an open-ended dialogical process (Zarah et al., 2024). This is particularly important in Islamic law, as many Qur'anic verses and hadiths carry the potential for multiple meanings and were revealed within complex historical settings. Hermeneutics does not only examine textual content, but also considers linguistic structure, historical horizons, and the ideological position of the interpreter in constructing legal meaning.

One example of the application of hermeneutics in Islamic law can be seen in the reinterpretation of verses related to gender and the role of women. Literally, certain verses appear to assign different roles to men and women, such as the verses on inheritance (Qur'an, An-Nisa: 11) or leadership (Qur'an, An-Nisa: 34). However, through a hermeneutical lens, these verses are interpreted not only from a linguistic perspective, but also through historical, socio-cultural, and ethical

considerations aligned with universal values of the *sharīʿah*. For example, the pre-Islamic Arab society was patriarchal, and thus some revelations aimed at gradual transformation rather than immediate structural change. From this perspective, the text is understood as a catalyst for progress, not as a tool for freezing power relations.

Hermeneutics has also played a vital role in reinterpreting Islamic criminal law, especially in addressing procedural justice and human rights. For instance, legal punishments like *qiṣāṣ*, *ḥudūd*, or *rajm* (stoning), which are stated literally in hadiths or classical commentaries, must be re-evaluated in the light of societal contexts that differ from contemporary realities. Hermeneutics invites a distinction between the ethical norms underpinning the *sharīʿah* and its formal legal manifestations. In this framework, objectives of the law (*maqāṣid*), such as the preservation of life (*ḥifẓ al-nafs*) and justice (*al-ʿadl*), become the basis for reconstructing more humane and relevant legal policies. The text remains respected, but its meaning is not confined to its original historical application.

Hermeneutical methods have also been applied in discussions of modern Islamic economic law, such as in the cases of bank interest (*ribā*), insurance (*taʾmīn*), or stock investment. From a literal perspective, *ribā* is often broadly interpreted as encompassing all forms of financial gain. However, a hermeneutical approach allows for a more nuanced interpretation that accommodates the complexities of the global economy. *Ribā* is understood as exploitation of need, not every form of profit. Within the context of modern finance, interpretations based on principles of justice, transparency, and social responsibility take precedence. This method of interpretation prioritizes the moral substance of Islam over rigid textualism.

The strength of the hermeneutical approach lies in its ability to revitalize the dialogue between text and reality. In this framework, *ijtihād* is no longer understood merely as a deductive or analogical process based on scripture and *uṣūl al-fiqh* principles, but as a reflective effort to uncover new meanings suited to contemporary development (Khanafi & Lutfianto, 2024). Hermeneutics enables Islamic law to transform from a normative-static legal system into an ethical, dynamic, and problem-solving value system. This opens a space for *fiqh* to be more grounded in the lived realities of the community and more responsive to contemporary issues—without abandoning its normative roots.

Nevertheless, the application of hermeneutics in Islamic law has not been free from criticism, especially from traditionalist circles who fear the potential for moral relativism and a dilution of the authority of revelation. These critics worry that if the meaning of a text is too heavily determined by the reader and their context, the foundational principles of the *sharīʿah* may be obscured. From their perspective, this could lead to interpretive chaos, disconnected from divine intent and driven by human desires. It must be emphasized, however, that hermeneutics does not deny the normative meaning of the text; rather, it seeks to place those norms in critical dialogue with reality so that the values of the *sharīʿah* remain alive and relevant.

Another critique targets the methodological aspect of hermeneutics, where some scholars argue that it tends to blur the line between the meaning of a text and the intention of the author (*al-muʾallif*) (Nihayati, 2023). In Islamic tradition,

the *sunnah* as a source of law centers the Prophet Muhammad's intent as a pivotal element in interpretation. Modern hermeneutics, as developed by thinkers like Gadamer or Ricoeur, emphasizes the autonomy of the text and the experience of the reader. This raises the debate about interpretive authority: should it lie primarily with the text, the interpreter, or the author? In Islamic law, all three are interrelated, and the hermeneutical approach must be developed within a balanced epistemological framework to avoid falling into either extreme relativism or absolutism.

In response to these critiques, several contemporary Muslim scholars have developed a critical hermeneutical approach rooted in *maqāṣid*, which is both contextual and grounded in Islamic values. Thinkers like Jasser Auda propose a systemic approach to *maqāṣid al-sharī'ah* that enables legal reform through multidimensional analysis—text, context, objective, and interpreter. He emphasizes that *maqāṣid* should not be confined to the five classical essentials, but must be expanded in line with evolving societal needs. This approach creates a middle ground between tradition and renewal, between textual authority and intellectual freedom, and between continuity and change. It demonstrates that hermeneutics is not a threat, but a harmonizing instrument between law and humanity.

Practically speaking, a hermeneutical approach can be applied through the development of multidisciplinary legal interpretation methodologies. Legal exegesis should not be the domain of *fiqh* experts alone, but must involve scholars from fields such as sociology, economics, politics, gender studies, and psychology. This allows legal interpretation to better reflect societal realities and address the specific needs of Muslim communities. Furthermore, this approach encourages public participation in legal discourse, making *fiqh* more participatory and contextual. Legal interpretation is no longer the monopoly of closed religious authorities but becomes the product of critical dialogue among diverse communal interests within the ethical framework of Islam.

In academic settings, the hermeneutical approach has begun to be implemented in Islamic studies curricula at universities across the Muslim world. Studies of the Qur'an and Islamic law are no longer focused solely on rote memorization of texts and their commentaries, but also involve discursive analysis of texts within historical and philosophical frameworks. Hermeneutics is employed to explore the deeper and more creative meanings of texts without being trapped in *taqlīd* (blind imitation). In Indonesia, several modern Islamic boarding schools (*pesantren*) and faculties of *sharī'ah* have openly adopted this approach, though resistance remains among some groups that uphold more traditional models. This indicates that epistemological transformation is underway, even if the process is nonlinear.

With all its potential and challenges, the hermeneutical approach to Islamic law is a long but necessary path toward a more ethical, dialogical, and inclusive legal understanding. Hermeneutics helps revive the moral and spiritual dimensions of *fiqh*, often obscured by layers of formal legalism. It broadens interpretive horizons by recognizing the diversity of meaning and the historical dynamism of the Muslim community. Through this approach, Islamic law can remain relevant in a changing world without losing its identity and integrity as a

divinely inspired value system. Thus, hermeneutics is not merely a method, but a worldview that affirms sacred texts are meant to guide life—not freeze it.

Reconstructing the Hermeneutic Paradigm of Understanding Islamic Law

The reconstruction of the paradigm of understanding Islamic law is a methodological necessity, born from the awareness of the limitations of a textual-formalistic approach in responding to the dynamics of the modern era. Traditional methods, which heavily rely on classical *uṣūl al-fiqh* methodology, tend to view legal texts as fixed and final entities, adequately understood through Arabic grammar, legal logic, and *madhhabic* consensus. In reality, Islamic legal texts did not emerge in a vacuum, but within specific social, cultural, and political contexts. Therefore, a paradigm that focuses solely on literal interpretation is insufficient to address new issues arising in modern society. The need to reread Islamic law contextually and reflectively becomes an unavoidable scholarly and ethical imperative.

The hermeneutic approach offers a theoretical and methodological framework that enables Islamic law to transform from a rigid normative legal system into a dialogical and responsive value system. In this paradigm, legal meaning is not seen as enclosed within the text but is produced through dynamic interaction between the text, the interpreter, and the context (Rahmawati & Muhtolib, 2024). Thus, Islamic law is not derived solely from what the text says, but also from how the text is understood and responded to in real life. Interpretation becomes a cognitive, historical, and moral activity that is continuously evolving. Reconstructing the paradigm of Islamic law through a hermeneutical lens is a conscious effort to balance divine authority and the ever-changing needs of humanity.

The first step in this reconstruction is shifting the orientation of legal understanding from legalistic to ethical-substantive. Under the old framework, law is often seen as a set of commands and prohibitions to be formally obeyed. The hermeneutic approach, however, invites us to understand that every command and prohibition in the text carries a broader horizon of meaning: justice, benefit (*maṣlaḥah*), compassion, and freedom. The reconstruction of the Islamic legal paradigm calls for an understanding of law not just in terms of its formal requirements, but through the essence of the values it embodies. This aligns with *maqāṣid al-sharī'ah*, which places human welfare at the center of Islamic legal objectives. Hence, this transformation touches not only the methodological aspects but also the epistemological direction and ethical orientation of legal reasoning.

Reconstruction also involves redefining the sources of legal authority. In classical approaches, authority is derived absolutely from the texts and the *'ulamā'* as sole interpretive intermediaries. However, hermeneutics shows that the meaning of a text cannot be separated from the interpreter's social, ideological, and historical position (Hasanah, 2021). In other words, no interpretation is truly neutral. Thus, a new paradigm requires a repositioning of authority: from one-directional domination to open dialogue among the text, the interpreter, and the Muslim community. *Ijtihād* is no longer the exclusive right of a few religious elites, but a scientific and collective process involving scholars from the fields of

sociology, economics, culture, and beyond. This enables Islamic law to become more relevant, participatory, and contextual in addressing contemporary realities.

In this light, reconstructing Islamic law does not mean neglecting revelation or obscuring the core values of Islam. On the contrary, it reaffirms that divine revelation contains universal values that must be continuously actualized. Hermeneutics helps distinguish between the permanent moral values in the texts and the temporary legal forms that emerged within 7th-century Arab society. For example, rules about slave ownership in classical *fiqh* are not reflections of Islam's universal values, but rather temporary legal responses within the context of that time. Paradigm reconstruction allows us to understand that justice, equality, and human dignity are the core messages to be realized—even if the legal forms evolve. In this way, Islamic law becomes a moral force that is adaptive, not a legal system that fossilizes history.

Furthermore, hermeneutic paradigm reconstruction also touches on methodological aspects of *uṣūl al-fiqh*. Traditional tools such as *qiyās*, *istiḥsān*, and *istiṣlāḥ* must be revisited so as not to become trapped in dry formal analogies. Hermeneutics promotes legal interpretation that considers not only form, but also meaning and purpose (Dhuhri, 2021). The *fiqh* methodology of the future needs to incorporate hermeneutics as an instrument for reading the meaning of texts holistically and integratively. Islamic legal interpretation must be grounded not only in deductive logic, but also in historical, sociological, linguistic, and even psychological analysis. In other words, paradigm reconstruction will give rise to a more multidisciplinary legal methodology open to social change.

A critical aspect of this reconstruction is the repositioning of the relationship between text and context. In the old paradigm, the text was dominant while context was often viewed as an external factor to be ignored. Hermeneutics restores balance by asserting that the meaning of a text can only be fully grasped through an understanding of its historical and social context (Rouf et al., 2024). Every legal interpretation must consider changing times, societal needs, and global challenges. Under this approach, Islamic law is not only a response to *naṣṣ* (scripture) but also a response to the realities of life. This new paradigm allows Islamic law to become more functional, humane, and effective in addressing the increasingly complex problems of the Muslim community.

Reconstruction also entails consequences for Islamic legal education. Islamic educational institutions must shift from merely transmitting classical *fiqh* knowledge to fostering critical, analytical, and reflective thinking skills. Students of Islamic law must be introduced to hermeneutic theory, the philosophy of Islamic law, *maqāṣid* studies, and contextual interpretation methods, so they can reread the *fiqh* tradition creatively and responsibly. Curricula must create space for interdisciplinary dialogue to foster legal understanding that is inclusive and adaptive. In this way, Islamic legal education can produce scholars and intellectuals who not only inherit tradition but also reinterpret it in light of contemporary needs.

Moreover, reconstructing the paradigm of Islamic legal understanding must be grounded in an ethics of interpretation. In hermeneutics, interpretation is not merely a technical matter of understanding meaning, but a moral responsibility regarding its social implications (Sumarta et al., 2024). Every attempt to reread

Islamic law must be accompanied by ethical awareness to liberate people from oppression, injustice, and discrimination. Interpretations that justify violence, gender subordination, or religious exclusivism cannot be legitimized in the name of sacred texts. Hermeneutics teaches that textual meaning must be tested against Islamic core values such as justice (*ʿadl*), compassion (*raḥmah*), and wisdom (*ḥikmah*). These are the moral foundations of the new paradigm of Islamic law.

Nonetheless, this reconstruction inevitably faces challenges from various directions. Some may view the hermeneutic approach as a form of relativism or liberalism that threatens the authority of the *sharīʿah*. While these concerns are valid, they can be addressed by demonstrating that hermeneutics is not a reckless reading of texts, but a scholarly and responsible effort to understand meaning more deeply and contextually (Zaenudin, 2020). In fact, through this approach, Islamic law can respond to both internal and external criticism without losing its integrity as a divine system. The new paradigm is not a project of destructive deconstruction but a creative reconstruction of a more transformative and grounded Islamic legal system.

Ultimately, the reconstruction of the hermeneutic paradigm of Islamic legal understanding is not merely a theoretical innovation but a concrete necessity for building a more inclusive, ethical, and relevant future for Islamic law. This paradigm honors *naṣṣ* as divine guidance while acknowledging the interpreter's role as a temporal and situated human being. It bridges tradition and modernity, text and reality, law and humanity. Through this approach, Islamic law does not merely exist on paper but lives and breathes in the lives of the people. This reconstruction affirms that Islam is not just a religion of the past, but a guide for the future—always open to re-interpretation and renewal.

Conclusion

The hermeneutic approach offers a strong and relevant philosophical framework for revitalizing the methodology of interpreting Islamic law in response to the dynamics of the modern era. Through principles such as pre-understanding, the hermeneutic circle, and the fusion of horizons, hermeneutics demonstrates that the understanding of legal texts is never neutral, but is always in interaction with historical context, the interpreter's value horizon, and social experience. This becomes crucial in addressing contemporary challenges in Islamic law, which require a contextual, critical, and reflective reading of texts without abandoning their normative substance. By utilizing this approach, Islamic law can not only avoid literalistic stagnation but also emerge as a value system that is inclusive and adaptive to the social realities of the Muslim community.

More than just a method of interpretation, hermeneutics contributes to the reconstruction of an epistemology of *ijtihād* that is grounded in dialogue between text and context. This model emphasizes the importance of *maqāṣid al-sharīʿah*, interpretive ethics, and historical consciousness as the new foundations for developing a just Islamic legal framework. The reconstruction of the Islamic legal paradigm through a hermeneutic approach is not a deconstructive attempt against sacred texts, but rather an effort to revive Islam's ethical and universal message within an ever-evolving social framework. Thus, the integration of hermeneutics

into Islamic legal studies makes a significant contribution to building a legal system that is not only normatively valid but also contextually meaningful and deeply humane.

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