



## Adopting Comparative Fiqh Methodology in Islamic Jurisprudence: Facing Contemporary Challenges with Ethical Considerations

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### Kata Kunci:

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### Abstract:

The challenges faced by contemporary Muslim communities are increasingly complex and multifaceted. To address these challenges effectively, there is a growing recognition of the necessity of adopting a comparative methodology within Islamic jurisprudence. The objective of this study is to underscore the importance of incorporating a comparative methodology in Islamic jurisprudence to navigate the diverse and evolving challenges in the modern world. The research employs a multidisciplinary approach, using a qualitative research methods. This study found that the impact of incorporating comparative methodology in Islamic jurisprudence is profound. It promotes relevance, harmony, ethical guidance, and adaptability while fostering consensus, community empowerment, and interdisciplinary engagement. The comparative methodology within Islamic jurisprudence is an indispensable tool for addressing contemporary challenges. It fosters a deeper understanding of diverse perspectives and promotes harmonious coexistence among different schools of thought. By embracing a dynamic and adaptable approach, Islamic law can effectively respond to the multifaceted issues of the modern world while preserving its core values and principles. This research provides practical recommendations for scholars, jurists, and policymakers on how to incorporate comparative methodology in addressing contemporary challenges within the framework of Islamic jurisprudence.

### Abstrak:

Tantangan yang dihadapi oleh masyarakat Muslim kontemporer semakin kompleks dan beragam. Untuk mengatasi tantangan-tantangan ini secara efektif, ada pengakuan yang semakin besar akan perlunya mengadopsi metodologi komparatif dalam fikih Islam. Tujuan dari penelitian ini adalah untuk menggarisbawahi pentingnya menggabungkan metodologi perbandingan dalam yurisprudensi Islam untuk menavigasi tantangan yang beragam dan terus berkembang di dunia modern. Penelitian ini menggunakan pendekatan multidisipliner, menggunakan metode penelitian kualitatif. Penelitian ini menemukan bahwa dampak dari penggabungan metodologi komparatif dalam yurisprudensi Islam sangat besar. Metode ini mendorong relevansi, harmoni, panduan etika, dan kemampuan beradaptasi sambil mendorong konsensus, pemberdayaan masyarakat, dan keterlibatan interdisipliner. Metodologi komparatif dalam fikih Islam adalah alat yang sangat diperlukan untuk menjawab tantangan kontemporer. Metodologi ini menumbuhkan pemahaman yang lebih dalam tentang perspektif yang beragam dan mendorong koeksistensi yang harmonis di antara berbagai mazhab. Dengan merangkul pendekatan yang dinamis dan mudah beradaptasi, hukum Islam dapat secara efektif merespons berbagai isu dunia modern sambil tetap mempertahankan nilai-nilai dan prinsip-prinsip utamanya. Penelitian ini memberikan rekomendasi praktis bagi para cendekiawan, ahli hukum, dan pembuat kebijakan tentang bagaimana

## A. Introduction

In light of these complex contemporary challenges, Islamic jurisprudence, known as "fiqh," which relies on its traditional and fixed sources, must find effective ways to adapt to these rapidly changing circumstances.<sup>1</sup> So, a comparative fiqh methodology can play a larger role in achieving this adaptation. Without a doubt, the flexible nature of Islamic jurisprudence,<sup>2</sup> as demonstrated by its diverse branches of *ijtihad* (independent legal reasoning), can provide solutions to intricate modern issues.<sup>3</sup>

The comparative fiqh approach allows for a thorough examination of Islamic legal principles and rulings across various schools of thought and diverse Islamic contexts.<sup>4</sup> It contributes to striking a balance between the permanence of Sharia principles and the adaptability required in the modern era,<sup>5</sup> providing precise and relevant answers to contemporary Muslims facing the challenges of the 21st century.

The comparative fiqh methodology not only bridges the gap between the Islamic world and the foreign world but also among different Islamic traditions.<sup>6</sup> Nations following a particular jurisprudential school have benefited from other schools in addressing contemporary issues, without which their lives would have been more burdensome and challenging.

The study of fiqh muqaran is important to discuss the opinions of fuqaha (muslim scholars) to find the strongest opinion.<sup>7</sup> Additionally, fiqh muqaran can be utilized to take the

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<sup>1</sup> Juozas Valčiukas, "Islamic law: a question of adaptability." PhD diss., Vilnius: Mykolo Romerio universitetas, 2018; Nawir Yuslem, "Sharia contextualisation to establish the Indonesian fiqh." *PETTITA* 5 (2020): 202.

<sup>2</sup> Samiul Hasan, "Islamic jurisprudence: Sources and traditions creating diversity in human relationships." *The Muslim world in the 21st century: Space, power, and human development* (2012): 23-42.

<sup>3</sup> Jerome ND Anderson and Norman J. Coulson. "Islamic law in contemporary cultural change." *Saeculum* 18, no. JG (1967): 13-92.

<sup>4</sup> Mohamad Fateh Labanieh and Md Tuhin Mia. "A Comparative Study Between Fiqh Muqaran And Approaches To Comparative Law." *Journal of Asian and African Social Science and Humanities* 2, no. 3 (2016): 86-104.

<sup>5</sup> Ahmed Gad Makhlof, "Continuity and Change of Traditional Islamic Law in Modern Times: tarjih as a Method of Adaptation and Development of Legal Doctrines." *Oxford Journal of Law and Religion* (2023): rwad010.

<sup>6</sup> Muhammad Asim Ul Hassan, Arshad Imran Rehmani, Ghulam Fareed, Muhammad Khursheed, Taswar Hussain, and Hafiz Muhammad Keifatullah. "The historical and Critical Thinking of Usul-ul-Fiqh and its Evolution in contemporary Era." *Central European Management Journal* 31, no. 2 (2023): 820-828.

<sup>7</sup> Achmad Sopian, "Muqoronah Al-Mazahib Dan Kondisi Bermazhab Saat Ini: Muqotonah al Mazahib." *al-Afkar, Journal For Islamic Studies* (2022): 144-159.

opinion of the ulema that is in accordance with the benefits of different conditions, times, and places. Fiqh muqaran also provides alternative solutions to problems faced by a Muslim.<sup>8</sup> Comparative jurisprudence is a significant contribution to the formation of the science of comparative law by Muslim legal scholars, whose accumulated experience is of great theoretical and methodological importance for the development of comparative studies of systems of legal theories and ideas at the present stage.<sup>9</sup> Tuhin Mia compares fiqh muqaran and legal comparison, where fiqh muqaran is more comprehensive because it is considered a method as well as a science for comparison.<sup>10</sup>

This study aims to explore the necessity and significance of employing comparative fiqh methodology in addressing contemporary challenges.<sup>11</sup> It will investigate how this methodology can empower Islamic jurisprudence to adapt effectively to the demands of the modern age. It will also shed light on the commonalities and differences between different Islamic schools of thought, highlighting the potential for greater flexibility and adaptability in legal interpretation and application.

This study seeks to underscore the role of comparative fiqh methodology in enhancing the evolution of Islamic jurisprudence and reinforcing its role as a vital source of moral and legal guidance in the face of ever-evolving challenges encountered by Muslims in the contemporary world. In light of this, Muslim scholars must consider addressing these challenges by striking a balance between adherence to established Sharia principles and the ability to adapt flexibly to changing contexts.<sup>12</sup>

## B. Method

The research uses a multidisciplinary approach, using qualitative research methods. But here are going to focus on qualitative approach analysis and comparative analysis. While Ethical considerations are paramount throughout the research process. The impact of incorporating

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<sup>8</sup> Ahmed Fathi Ramadan Abdelgayed, Ragab Aboumelih Mohamed Soliman, Salah Mohamed Moustafa Moustafa Elbahrawi, and Khobaib Ali Saeed Salem Al-Arifi. "The Importance Of Comparative Fiqh For Understanding Contemporary Issues And Emergent Questions." *PalArch's Journal of Archaeology of Egypt/Egyptology* 18, no. 4 (2021): 1441-1448.

<sup>9</sup> Mehman Damirli, "Comparative Fiqh: Substantive Characterization." *Law Ukr.: Legal J.* (2019): 95.

<sup>10</sup> Md Tuhin Mia, "A Comparative Study between Fiqh Muqaran and Approaches to Comparative." *Available at SSRN 3805563* (2021).

<sup>11</sup> Ms Ghazala Ghalib Khan, "Methodological Approach of Fiqh Academies towards Contemporary Islamic Financial Issues." *Journal of Law & Sociocultural Studies* 2, no. 2 (2022).

<sup>12</sup> Sayed Sikandar Shah Haneef, and Mohd Abbas Abdul Razak. "The Changeability of Shariah Rulings: An Analysis of the Contemporary Discourse." *UOCHJRS* 4, no. 2 (2021): 61-77.

comparative methodology in Islamic jurisprudence is profound. It promotes relevance, harmony, ethical guidance, and adaptability while fostering consensus, community empowerment, and interdisciplinary engagement. The research will be structured into four main chapters and will conclude by summarizing the key findings and implications for the future of Islamic jurisprudence in the face of contemporary challenges.

## C. Result

This study illustrates that the impact of incorporating comparative methodology in Islamic jurisprudence is profound. It promotes relevance, harmony, ethical guidance, and adaptability while fostering consensus, community empowerment, and interdisciplinary engagement. The importance of comparative jurisprudence in addressing contemporary issues is demonstrated by the following points: Navigating Complex Legal Challenges, Preserving Islamic Principles, Promoting Pluralism and Tolerance, Globalization and Cross-Cultural Dialogue. The findings of this study reveal that comparative methodology within Islamic jurisprudence is an indispensable tool for addressing contemporary challenges. There are several aspects that must be considered to make the *fiqh muqaran* method work well in facing the challenges of changing times, namely: Knowledge of own sect, Interdisciplinary Engagement, Fostering Dialogue, Educational Initiatives, Publication and Research, Global Ethical Guidance, and Incorporating these suggestions can fortify the role of *Fiqh Muqaran* as a bridge between the rich tradition of Islamic jurisprudence and the dynamic landscape of the modern world.

## D. Analysis and Discussion

### 1. The importance of jurisprudence in Islamic heritage in general: Historical Significance of *Fiqh Muqaran*

Islamic jurisprudence, known as *Fiqh*, holds a central position in the Islamic tradition.<sup>13</sup> Since the early days of Islam, scholars have engaged in the interpretation and application of Islamic law, drawing from the Quran, Hadith (Prophet Muhammad's sayings and actions), consensus (*Ijma'*), and analogical reasoning (*Qiyas*). *Fiqh* has played a pivotal role in guiding the ethical and legal conduct of Muslim individuals and societies. Therefore, Muslim scholars, in their pursuit of performing *ijtihad* to address contemporary challenges, have universally

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<sup>13</sup> Jasser Auda, *Maqasid Al-Shari'ah as philosophy of Islamic law*. International Institute of Islamic Thought (IIIT), 2022.

acknowledged the necessity of considering the context, both in terms of time and space, when formulating fiqh rulings.<sup>14</sup> So, this recognition has led to the dynamic nature of ijihad and fatwa, evolving over time as the context changes.

A notable example illustrating this evolution is the transition from the earlier school of thought to the newer school in the case of Imam Shafi'i. In addition, Imam Ibn Al-qayim has clearly mention this issue in one sub- chapter of his book *I'lam Al- Muaq'in* Where he said: "In the changing of fatwas and their variations based on the changing of times, places, circumstances, intentions, and consequences, this is an immensely beneficial chapter. Ignorance of this principle is a grave misconception regarding Shari'ah (Islamic law), which can lead to undue hardship and burdens that are not mandated. It is well-known that the illustrious Shari'ah, which is founded on the principles of justice and the welfare of mankind in this world and the Hereafter, does not endorse such complications. Shari'ah is built on justice, mercy, benefits, and wisdom."<sup>15</sup>

Every matter that deviates from justice to injustice, from mercy to its opposite, from benefit to harm, and from wisdom to frivolity is not part of Shari'ah, even if it is inserted through interpretation. Shari'ah represents God's justice<sup>16</sup> among His servants, His mercy to His creation, His guidance on His earth, and His wisdom manifested through the truthful guidance of His Messenger. It is His light by which the seeing perceive, His guidance by which the guided is guided, His perfect remedy for every ailment, and his straight path that, if followed, leads to the right way. It is the delight of the eyes, the life of the hearts, and the joy of the souls. It is life, sustenance, remedy, light, healing, and protection. Every goodness in existence is derived from it and achieved through it, while every deficiency in existence is the result of its neglect.<sup>17</sup>

Finally, we must know that Islamic jurisprudence is a connection to the origin, an interaction with the present reality, its customs, issues and problems, a plan to shape its future, and a human civilizational connection and integration with non-Islamic societies.

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<sup>14</sup> Muhammad Haniff Hassan, and Sharifah Thuraiya SA Alhabshi. "Contemporary Fiqh in Singapore: Some Observations." *ICR Journal* 2, no. 4 (2011): 691-707.

<sup>15</sup> Muhammad Hashim Kamali, "Source, nature and objectives of Shari'ah." *Islamic Quarterly* 33, no. 4 (1989): 215.

<sup>16</sup> Syaifuddin Zuhdi, "Transcendental Justice Law: The Relation of Law and Justice." *Journal of Transcendental Law* 3, no. 1 (2021): 30-49.

<sup>17</sup> Ibnul-Qayim, A. A. *I'lam Al-Muaq'in* (Vol. 1). (M. A. Islahi, Ed.) Riyadh, Saudi: Dar 'Ataat Al- 'Ilm, 2019).

Fiqh Muqaran has never existed in the stage of Prophet Mohammad<sup>18</sup> (s.a.a.w.s) because there was no disagreement on the doctrinal matters, although if any dispute appeared the words of Prophet Mohammad (s.a.a.w.s) were decisive and shall be applied. But after the death of Prophet Mohammad (s.a.a.w.s) there is many issues had renewed so it is necessity to inform people who are in different area about the practical issues which regarded as a branch of Islamic religion. Therefore, this process cannot be done by any person. So, the Islamic religion strived to choose the suitable person to do this kind of job, this person called Faqih.<sup>19</sup> This idea had been inspired by Prophet Mohammad who deduced this idea from Surah At-Tauba, Allah Said:

(فَلَوْلَا نَفَرَ مِن كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ)

(Al-Tawbah: 122). Of every troop of them, a party only should go forth, that they may get instructions in religion, and that they may warn their people when they return to them, so that they may beware (of evil).<sup>20</sup>

On the other hand, it is necessary to mention that the history of comparative jurisprudence, or the jurisprudence of differences (Fiqh Al-Khilaf), has a close relationship with the history of Islamic jurisprudence (Fiqh). However, the emergence of the science of differences occurred later than traditional jurisprudence, albeit not by a significant margin. Undoubtedly, the histories of Islamic jurisprudence and comparative jurisprudence intersect and share some historical stages.<sup>21</sup> Initially, comparative jurisprudence was part of the jurisprudential methodology and approach. Still, over time, it evolved into an independent science.

The history of comparative jurisprudence is closely linked to the history of Islamic jurisprudence, focusing on the differences across centuries to highlight the emergence and development of comparative jurisprudence, aligning it with new trends.<sup>22</sup> However, anyone who follows the imams of various Islamic sects will find that they strive to establish truth and abolish falsehood, and to reach the complete truth from his own point of view. So, each one of them reached his level according to his wealth of knowledge and his possession of the tools of ijihad. There is no doubt that each one of them wanted the pleasure of God and the Hereafter, and for

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<sup>18</sup> Mohamad Fateh Labanieh, and Md Tuhin Mia. "A Comparative Study Between Fiqh Muqaran And Approaches To Comparative Law." *Journal of Asian and African Social Science and Humanities* 2, no. 3 (2016): 86-104.

<sup>19</sup> Labanieh, Mohamad Fateh, and Md Tuhin Mia. "A Comparative Study Between Fiqh Muqaran And Approaches To Comparative Law." *Journal of Asian and African Social Science and Humanities* 2, no. 3 (2016): 86-104.

<sup>20</sup> al-Mubarakpuri, S.-u.-R. (N N, N. D). *Al-Qaur'an Al-Kareem* <https://surahquran.com/english-aya-122-sora-9.html>. Retrieved 25 9, 2023, from <https://surahquran.com/english-aya-122-sora-9.html>

<sup>21</sup> Mathias Siems, *Comparative law*. (Cambridge University Press, 2022)

<sup>22</sup> Al-Fituri, S. (25 7, 2020). <http://ijihadnet.net>. Retrieved 25 9, 2023, from <http://ijihadnet.net>

this reason the Dr. says Al-Sibai: “And you saw me living in the books of Islamic sects, regardless of their sects, and I found a link that connects them all, which is defending Islam and responding to the semblance of the false ones and the impersonation of the extremists who are lurking in Islam. All these jurists are seeking from the Messenger of God, may God bless him and grant him peace”.<sup>23</sup>

When we are talking about the comparative Jurists, it is necessary to mention here to the most important books on disagreement and comparative jurisprudence:<sup>24</sup> first, Differences of jurists by Abu Bakr al-Tabari al-Lu’lu’i al-Hanafi, one of the companions of Muhammad bin Shuja’ (d. 266 AH); second, The Geniuses of Lights, the Beauties of Antiquities, and the Differences of the Scholars of Ahl al-Bayt, by Abu Jaafar Muhammad bin Mansur bin Yazid al-Maqri al-Muradi al-Kufi (d. 290 AH); third, Differences of Scholars by Imam Muhammad bin Nasr Abu Abdullah Al-Marwazi (d. 294 AH); fourth, The Differences of Jurists by Abu Ishaq Ibrahim bin Jabir Al-Marwazi Al-Shafi’i (310 AH). Al-Dhahabi said: ((He has a useful classification in Differences among jurists; fifth, Al-Muhalla by Abu Muhammad Ali bin Ahmed, known as Ibn Hazm Al-Andalusi Al-Zahiri (456 AH/1064 AD); sixth, Al-Mughni by Sheikh Muwaffaq al-Din Abdullah bin Ahmed, known as Ibn Qudamah (620 AH/1223 AD).

Moreover, the most influence and easy to access books of comparative Jurisprudence (Al-Fiqh Al-Muqaran) Are:<sup>25</sup> first, Bidayatu Al-Mujtahid wa Nihayatu Al-Muqtasid, Ibn Rushd, Abu Walid Muhammad bin Ahmad; second, Al-Majmou’ Sharh Al-Muhadhab, Al-Nawawi, Abu Zakaria Muhyadin bin Sharaf.; third, Al-Mughni, Ibn Qudamah, Abu Muhammad Abdullah bin Ahmad; fourth, Al-Muhalla, Ibn Hazm, Abu Muhammad Ali bin Ahmad; fifth, The Kuwaiti Jurisprudence Encyclopedia. Prepared by group of Scholars. It’s considered among the contemporary books that are concerned with collecting doctrines and editing sayings of the Fuqhaa.

The bottom line is that the science of difference has absolutely nothing to do with the comparative jurisprudence which has been known in this era. Because the authors are sectarian jurists, committed to their sect, and do not give preference to the sayings of the imams of the

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<sup>23</sup> Al-Siba’i, H., *Al-Qisas Dirasab Fi Al-Fiqh Al- Jina’i Al- Muqaran* (Londan: Markaz Al-Muqrizi Li Al-Dirasat Al-Tarikhiyah, 2004)

<sup>24</sup> Abu Al-Haj, S. M. *Al-Fiqh Al- Muqaran Wa Usulibi Wa Amthilatibi*. (Amman: Markaz Al-'Ulamaa' wa Tiqaniyat Al-Ma'lumat, n.d.)

<sup>25</sup> Wab, I. (26 8, 2015 ). <https://www.islamweb.net/ar/fatwa> . Retrieved 18 10, 2023, from <https://www.islamweb.net/ar/fatwa>

four sects. However, they have choices and corrections between the different opinions in their own Mazhab. Because they have reached the level of ijihad in their Mazhab.<sup>26</sup>

However, comparative jurisprudence has appeared later on. So, comparative jurisprudence is the product of this era, and the scholar Ahmed Ibrahim (d. 1945 AH) was the jurist of the era and the innovator of the style of Islamic jurisprudence in Egypt. He was a teacher at the School of Shariah Judiciary and then at the College of Law. He was distinguished by his research in comparison between Mazahib and laws. He wrote about (25) books, including: Personal status provisions in Islamic law, expenses, wills, and legal methods of proof in comparative jurisprudence. It appears from this that Ahmed Ibrahim was the first to deal with jurisprudential issues in a comparative manner, along the lines of comparative law, until he was considered the renewal of Islamic jurisprudence.<sup>27</sup>

## **2. Diverse Schools of Thought: Reason the Scholars differ**

Islamic jurisprudence is not monolithic but rather consists of diverse schools of thought, such as the Hanafi, Maliki, Shafi'i, Hanbali, and other schools, each with its own interpretations and methodologies. Additionally, contemporary scholars and legal authorities continue to contribute to the evolving discourse of Fiqh,<sup>28</sup> resulting in a rich tapestry of interpretations and rulings. While the majority of Muslims have given into the right of independent reasoning to only four ancient Muslim theologians and jurists who lived in the first three centuries of Islam, and they are as follows: first, Imam Abu Hanifi, Al- Numan bin Thabit bin Mirziban of Kufa (80-150 H); second, Imam Malik bin Anas bin Malik bin 'Amir of Medinah. (93- 179 H); third, Imam Al-Shafi, Muhammad bin Idris of Baghdad and Eygbt (150- 204 H), fourth, Imam Ahmad bin Hanbal al-Dhuhli of Baghdad (164-241H).

Although a number of other jurists also became popular during their times, for example: Al-Imam Al- Awza'i and Al- Imam Sufian Al-Thawri, and others, but only the above four Imam are now recognized by the vast majority of Sunni Muslims. But I think the reason is very simple they have enough students who hold and spread their Madzhab. However, the willing of All the Imam's were how reach into the truth and this was very clear from their views and actions such as: Imam Malik has said: (Everyone is taken from his words and rejected, except the owner of

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<sup>26</sup> Abu Al-Haj, S. M. *Al-Fiqh Al-Muqaran Usulub wa Athatarabu wa Ambilatubu*. (Amman: Markaz Al-'Ulamaa' wa Tiqaniyat Al-Ma'lumat, n.d.)

<sup>27</sup> *Ibid*,

<sup>28</sup> Jørgen S. Nielsen and Lisbet Christoffersen. "Shari'a as discourse." *Legal Tradition and the Encounter with Europe* (2010).



this grave). And in another narration, except for the Messenger of God, (s. a.a.w.s). Imam Al-Shafi'i said: (If it contradicts the opinion of what the Messenger of God (s.a.a.w.s) said, then throw it away.)<sup>29</sup> Also, Imam Shafi'i said: "My statement is correct and may be wrong, and the statement of others is wrong and may be correct," and none of the scholars considered him fanatical in his opinion.<sup>30</sup>

In Addition, Yunus Al-Sadfi said: I have never seen someone wiser than Al-Shafi'i. One day I debated with him about an issue, then we separated and he met me, so he took my hand and then said: O Abu Musa, is it not right for us to be brothers even if we do not agree on an issue? Then Al-Imam Al-Dhahbi commented and said: This indicates the perfection of this imam's mind and jurisprudence himself, but counterparts still disagree. Moreover, Imam Al-Shafi'i, has two views of school, because when left Iraq and settled in Egypt, changed some of his opinions regarding issues in which the custom of the people of Egypt differs from the custom of the people of Iraq. The latter generation adopted the doctrine of the earlier ones if applicants' diligence is based on measurement or not because, in their measurements, they were influenced by their customs.<sup>31</sup>

Overall, a comparative jurisprudence plays a vital role in addressing the complex legal and ethical challenges of the modern age<sup>32</sup> while preserving the rich diversity of Islamic legal traditions. It provides a valuable framework for scholars, jurists, and policymakers to navigate contemporary issues in accordance with Islamic principles.

Generally, we can say of the difference between the Jurists because the source of the problem was the lack of clarity of the concept in the primary sources on the one hand, and different procedural rules of thought followed by different schools of law on the other hand. However, the different reasons between the Jurists must be legitimate and legally acceptable disagreement and mostly the differences will be for the coming reasons:<sup>33</sup>

- a. disparity in mind, understanding, and ability to acquire knowledge.
- b. the disparity in academic achievement.
- c. the disparity in knowledge of Arabic language sciences.

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<sup>29</sup> Al-Armawi, S. A.-D. *Al-Tabsil Min Al-Mabsoul* (Vol. 1). (A. A. Zunid, Ed.) Bayrout, (Lepanon: Mu'assasat Al-Rislah, 1998)

<sup>30</sup> Al-Tata'i, A. A. *Jawaber Al-Durar Fi Hall Al-fazl Al-Mukhtasar*. (Bayrout : Dar Ibn Al-Hazm, 2014)

<sup>31</sup> Al-Hariri, J. H. "Tahadiyat Al-Fiqh Al-Islami Lil Al-Waqi' Al-Mu'asir." *Majalat Kulliyat Al-Dirasat Al-Islamiyah Wa Al-Arabiyah Lil Banat Bil Al-Askandariyah* (2011): 433-549.

<sup>32</sup> George Mousourakis, *Comparative Law and Legal Traditions*. (Springer International Publishing, 2019)

<sup>33</sup> Al- Ashqar, O. S., *Masa'il Fi Al-Fiqh Al-Muqaran*. (5, Ed.) Amman: Dar Al- nafa'is, 2017)

- d. the difference in the extent of the authority of some jurisprudential sources.
- e. The difference in the conditions that must be met in an authentic hadith that may be used as evidence.
- f. the difference in fundamentalist rules.
- g. Difference in readings in the Holy Quran (Qira'at)
- h. The evidence is apparently conflicting.

### 3. The Concept of comparative jurisprudence (Al-Fiqh Al- Muqaran) and The Important of Fiqh Muqaran and contemporary Issues

the concept of comparative law (Fiqh Al-Muqāran) means and how it is grounded by its advocates will make the subject clearer. It is defined as an approach that examines and discusses the views of jurists (fuqaha<sup>34</sup>) and the sources of these views, before selecting one of these opinions.<sup>34</sup> On the other hand, it is necessarily known that Islamic jurisprudence in general passed through multiple stages, and each stage had its own means, methods, and approaches required by the situation of time and place. As for comparative jurisprudence, it came late, after the period of the emergence of the four schools of jurisprudence, which are represented by the Hanafi, Maliki, Shafi'i, and Hanbali schools of thought. Therefore, the terms jurisprudence and comparative jurisprudence should be defined separately and then as a name for this art of jurisprudence, as follows:

Al-Fiqh al-Muqāran definition: The term "al-fiqh al-muqāran" is composed of two words: "fiqh" and "muqaran". To realize the meaning of this term, the word "fiqh" needs to be defined first, followed by the word "al-muqāran". After that the whole term needs to be defined as a name of a specific discipline.<sup>35</sup>

Jurisprudence Linguistically is: The comprehensive understanding. In terminology jurisprudentially is: The knowledge of practical Shari'ah rulings acquired from its detailed evidence.<sup>36</sup> The terminology for "comparative jurisprudence" definition is: Knowledge of practical, speculative legal rulings, by extrapolating statements and evidence and balancing them

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<sup>34</sup> Necmettin Kizilkaya, "Scholarship and Education in Islamic Law and Economics: The Challenges of Comparative Law (Fiqh al-Muqāran)." *Turkish Journal of Islamic Economics* 7, no. 2 (2020).

<sup>35</sup> Abdelgayed, Ahmed Fathi Ramadan, Ragab Aboumelih Mohamed Soliman, Salah Mohamed Moustafa Moustafa Elbahrawi, and Khobaib Ali Saeed Salem Al-Arifi. "The Importance Of Comparative Fiqh For Understanding Contemporary Issues And Emergent Questions." *PalArch's Journal of Archaeology of Egypt/Egyptology* 18, no. 4 (2021): 1441-1448.

<sup>36</sup> Al- Subki, A. A., *Al-Ibhaj Fi Sharh Al- Minhaj*. (Bayrut: Dar Al-Kutub Al-'Ilmiyah, 1984)

according to the rules of inference. This term is a recent one, and in the past, it was called “the science of disagreement” or “controversies.”

One of the scholars defined comparative jurisprudence is the determination of the opinions of Muslim jurists or Islamic jurisprudential schools on a specific issue after clarifying the points of contention, supported by their evidence and methods of inference. It involves elucidating the origins of the differences in these opinions, followed by a principled discussion of these pieces of evidence, a comparison between them, and the preference for the stronger evidence or the sounder methodology. It may also involve presenting a new opinion supported by the most plausible evidence in the view of the diligent researcher.<sup>37</sup> The researcher believes that the latest definition of comparative jurisprudence is preferable because it is more comprehensive and more precise than the rest of the previous definitions.

Fiqh Muqaran or the Comparative Jurisprudence mean: It is exploring and analysing the principles and rulings of different legal systems. Identifying various jurisprudential perspectives and comparing them to determine the most accurate opinion based on legal evidence. Directing jurisprudential research towards its higher objectives, which include inviting people to Allah Almighty, achieving public and private interests in society, and promoting justice, equality, and compassion among people.

Developing and updating jurisprudential knowledge to keep pace with modern challenges and societal, economic, and political changes. So, the Institute of Islamic Banking and Insurance describe or defined Fiqh as coming: Islamic jurisprudence may be defined as a process by means of which jurists derive sets of guidelines, rules, and regulations (the Shari'ah) from the principles of the Qur'an and the Sunnah. Over the centuries, these have been formulated and elaborated upon by successive generations of learned jurists, through interpretation, analogy, consensus, and disciplined research.<sup>38</sup> Moreover, a comparative jurisprudence is one of the essential subjects that a student of Islamic jurisprudence must grasp. It is considered a fundamental and closely linked component of understanding the value of Islamic jurisprudence and its various approaches. Among the benefits that students gain from this study are as follows: understanding the method that aids in highlighting the richness of jurisprudential diversity and broadening intellectual horizons.<sup>39</sup>

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<sup>37</sup> Filusi, M. *Madkhal Ila Drasat Al- Fiqh Al- Muqaran*, (Batna: Jama'at Al-Haj Lakhdhher PDF, n.d.)

<sup>38</sup> Banking, I. o. (N. D, N N). <https://www.islamic-banking.com/knowledge/islamic-jurisprudence-fiqh>. Retrieved 9 23, 2023, from <https://www.islamic-banking.com/knowledge/islamic-jurisprudence-fiqh>

<sup>39</sup> Al-Fituri, S. (2020, 7 25). <http://ijtihadnet.net>. Retrieved 9 25, 2023, from <http://ijtihadnet.net>

The importance of comparative jurisprudence in addressing contemporary issues is demonstrated by the following points:

- a. Navigating Complex Legal Challenges: In the modern world, Muslims encounter a wide range of complex legal and ethical challenges, from issues related to technology, finance, and bioethics to human rights and social justice. Fiqh Muqaran offers a methodical approach to explore how different Islamic legal traditions address these challenges, providing valuable insights and potential solutions.
- b. Preserving Islamic Principles: Fiqh Muqaran helps ensure that Islamic principles and values remain relevant and applicable in contemporary contexts. By examining how different scholars and schools of thought interpret and apply Islamic law, it allows for a dynamic understanding of the Sharia that can adapt to changing circumstances without compromising core principles.
- c. Promoting Pluralism and Tolerance: Comparative jurisprudence promotes tolerance and pluralism within the Muslim community. By recognizing the validity of different legal opinions and approaches, it fosters an environment where diverse interpretations of Islamic law are respected and accommodated.
- d. Globalization and Cross-Cultural Dialogue: In an increasingly globalized world, Fiqh Muqaran facilitates cross-cultural and interfaith dialogue. It enables scholars and jurists to engage with legal perspectives from different regions and cultures, fostering mutual understanding and cooperation.

So, to be understood the above points are globally benefits from the Fiqh Muqaran (comparative Jurisprudence) and in this coming paragraph I am going to points in to its benefit among the Muslim ummah researchers and as follows:

The comparative fiqh opens the door for researchers to benefit from all schools of fiqh<sup>40</sup> and to choose the preponderant opinions or the views that can bring greater public interest according to the context, time and place. The comparative fiqh helps bridge the gap between Muslims and limits the effects of disunity factors; important among them is fanaticism for certain madhhab or view.

The comparative fiqh provides relief for people because the differences of recognized schools of fiqh and mujtahidin scholars makes things flexible; opinions that are more suitable

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<sup>40</sup> Gad Makhoul, Ahmed. "The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework." *Oxford Journal of Law and Religion* 10, no. 3 (2021): 464-486.

and convenient can be selected as long as that goes in line with the principles of the religion and the objectives of Shari'ah and does not conflict with a conclusive evidence or a clear text.<sup>41</sup>

#### 4. Challenges of Contemporary Fiqh Issues

There is no doubt that our world today is rapidly changing and full of new developments. Therefore, the contemporary era presents a myriad of complex challenges, ranging from rapid technological advancements to evolving social norms and global ethical dilemmas. These challenges include issues related to medical ethics, such as genetic engineering it tampers with genes and threatens the future of life,<sup>42</sup> finance, human rights, environmental sustainability, and interfaith relations, among others. These modern complexities often require fresh interpretations and applications of Islamic jurisprudence to provide ethical and legal guidance to Muslims navigating the 21st century. So, Islamic jurisprudence (fiqh) complexities are faced, especially when addressing modern and current issues. This field of study delves into how Islamic Shari'ah principles and rulings can be applied or adapted to navigate the challenges posed by contemporary circumstances, here is some information about this topic:

**Ethical and Moral Dilemmas:** Many contemporary issues raise ethical and moral dilemmas. Scholars in this field work on formulating Islamic ethical frameworks and legal guidelines to address concerns related to technology, bioethics, finance, and social justice, now the most of the western people has been missed morality. So that why said Francis Lamand, President of the French Association 'Islam and the West', considers that: "Islam can contribute to the rebirth, in the West, of three essential values: the sense of community, in a part of the world that has become too individualistic; the sense of the sacred; and the legal sense and this can be the contribution of Islam to Western societies".<sup>43</sup>

**Cultural and Social Shifts:** Rapid changes in culture and society can present unique challenges. Islamic jurists must consider how Islamic jurisprudence can adapt while preserving its core values and principles. But in reality, Muslim world is facing a Cultural Invasion. That is a form of imperialism. Whereas the hegemonic state forcefully expands the authority of its

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<sup>41</sup> Abdelgayed, Ahmed Fathi Ramadan, Ragab Aboumelih Mohamed Soliman, Salah Mohamed Moustafa Moustafa Elbahrawi, and Khobaib Ali Saeed Salem Al-Arifi. "The Importance Of Comparative Fiqh For Understanding Contemporary Issues And Emergent Questions." *PalArch's Journal of Archaeology of Egypt/Egyptology* 18, no. 4 (2021): 1441-1448.

<sup>42</sup> Al-Hariri, J. H., 'Tahadiyat Al-Fiqh Al-Islami Lil Al-Waqi' Al-Mu'asir. *Majalat Kulliyat Al-Dirasat Al-Islamiyah Wa Al-Arabiyyah Lil Banat Bil Al-Askandariyah*, (2011), p. 433-549.

<sup>43</sup> Watson, I. Bruce. "Islam and its challenges in the modern world." *Insight* 12, no. 1 (1997).

society's culture over other peoples by transforming or replacing aspects of the culture of the non-hegemonic society using military force, law, education, and others.<sup>44</sup>

**Pluralism and Diversity:** In today's multicultural and diverse societies, Muslims encounter a wide range of legal systems, cultural norms, and ethical perspectives. Addressing contemporary fiqh challenges often involves navigating this pluralism and ensuring compatibility with Islamic principles. There is research done on this matter and the researcher discovered that the Islamic perspective of society diversity management. The results show that multiculturalism values are strongly promoted in Islamic teaching.<sup>45</sup>

**Human Rights and Social Justice:** Issues related to human rights, such as gender equality, freedom of speech, and economic disparities, are central to contemporary fiqh discussions. Scholars strive to harmonize these concerns with Islamic legal principles. The positive Islamic position on the Declaration of Human Rights reached the point where Muhammad Amara described those rights as necessities and not just rights. The Islamists even presented an Islamic declaration specifically about human rights.<sup>46</sup> So, Human rights are commonly referred to as rights everyone has just because they are human. These rights are specified in the Universal Declaration of Human Rights, which is an international document laying out 30 fundamental rights and freedoms of all human beings.

Examples of these include the right to life without discrimination, slavery, or torture, in addition to explaining that all humans are equal before the law and that the law protects all human rights.<sup>47</sup> Social justice is built on the pillars of human rights, equity, participation, and access. When a society is just, everyone is respected, supported, and protected. Achieving social justice isn't easy as there are many issues that need to be addressed. On the other hand, the human rights system is rich in texts, rhetoric, and institutions, but it is lacking in material resources to make rights effective. States place interests such as national security or economy, and the cultivation of international relations, above human rights.<sup>48</sup>

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<sup>44</sup> Al-Hayari, I. *Mawdoo3, The concept of cultural invasion*. Retrieved 10 19, 2023, from <https://mawdoo3.com/>

<sup>45</sup> Dani Muhtada, "Managing workforce diversity: an Islamic perspective." *Indonesian Journal of Islam and Muslim Societies* 2, no. 1 (2012): 78-108.

<sup>46</sup> Salih, R. A.-H. (2010, 11 21). *Al-Islam wa Al-Hadathab Min Mazur Mukbtalif*. Retrieved 10 2023, 21, from <https://www.aljazeera.net/opinions/2010/11/21>

<sup>47</sup> Bailey, M. "Comparing Human Rights and Social Justice for the World Day of Social Justice." Retrieved 10 21, 2023, from <https://sites.uab.edu/humanrights/2022/02/21/comparing-human-rights-and-social-justice-for-the-world-day-of-social-justice/>

<sup>48</sup> Ghai, Yash, *Human Rights and Social Development Toward Democratization and Social Justice*, (United Nations Research Institute for Social Development, 2001), p. 10.

While in Islam the concept of social justice in Islam is one of the most important components and foundations of justice in Islam. Justice is giving everyone his right and putting things in their right places. Social justice in Islam is not only required of man individually and socially, but rather it is a divine command, as God Almighty says:

(إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ) (النحل: 90)

The Meaning of the verse is: (Verily, Allah orders justice and kindness, and giving (help) to the relatives).<sup>49</sup>

Islam made justice one of the basic human values that Islam brought, and it also made it among the components of individual, family, social and political life, until the Qur'an made establishing justice, that is, justice, between people, and even made it one of the basic values that the Qur'an urged, and repeated in many verses, to be applied between those we love or hate. That is why God Almighty said:

(يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا ۗ اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ) (المائدة: 8)

The Meaning of this verse is: (O you who believe! Stand out firmly for Allah and be just witnesses and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety).<sup>50</sup>

Islamic Finance and Banking: The field of Islamic finance grapples with contemporary economic and financial challenges. This includes developing financial products that adhere to Shariah (Islamic law) while remaining competitive in the global financial market. So, there are many challenges facing the Islamic Finance market, because it uses tangible assets, despite the conventional Banks they use different tools whether they will be accepted by Islam or not. However, the development of modern financial instruments, Islamic finance has evolved to address issues like Islamic banking, Sukuk (Islamic bonds), and Takaful (Islamic insurance).

Comparative jurisprudence has allowed scholars to analyse different financial practices and adapt Islamic financial principles to align with contemporary economic systems. In addition, Islamic banking refers to a system of banking that complies with Islamic law also known as Shariah law. The underlying principles that govern Islamic banking are mutual risk and profit sharing between parties, the assurance of fairness for all and that transactions are based on an

<sup>49</sup> al-Mubarakpuri, S.-u.-R. (N N, N. D). *Al-Qaur'an Al-Kareem* <https://surahquran.com/english-aya-122-sora-9.html>. Retrieved 25 9, 2023, from <https://surahquran.com/english-aya-122-sora-9.html>

<sup>50</sup> Al- Hilali, M. T.-D. (N.D, N N). *Al-Quran Al-Kareem*. Retrieved 10 21, 2023, from <https://surahquran.com/english.php?sora=5&aya=8>

underlying business activity or asset.<sup>51</sup> There are many problems and crises challenges faced economic but "The majority of Islamic scholars believe that the financial crisis resulting from the global pandemic could have been avoided if we had an Islamic financial system. They argue that the conventional financial systems failed to respond in an ethical manner".<sup>52</sup>

**Institutional Framework:** Every system has its institutional requirements. Islamic banks are no exception, as they need a number of supporting institutions/arrangements to perform various functions. Islamic banking institutions all over the world try to benefit from the institutional framework that supports conventional banking. However, they suffer from the lack of institutional support specifically geared to their needs. Building a proper institutional set-up is perhaps the most serious challenge for Islamic finance.<sup>53</sup>

**Adoption of the latest technologies:** The new technological innovations coming forth manifest mainly in terms of crypto-currencies and fintech have huge implications for financial institutions. By introducing sophisticated computer systems and software banking operations have been totally disrupted and overhauled thereby becoming more efficient and productive.<sup>54</sup>

The comparative fiqh methodology is indeed one of the important tools that can provide comprehensive solutions to these challenges. Through it, scholars and jurists can compare and analyse legal rulings and decisions from various jurisprudential schools and diverse contexts, contributing to a balance between the permanence of Sharia principles and adaptability to modern circumstances. This approach can serve as an effective mechanism for confronting contemporary challenges.

There is no doubt that the Quran, as a primary source of legislation, addresses solutions to all our worldly and hereafter problems. Allah, the Highest, has stated: ( مَا فَرَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ ) (Al-An'am: 38) meaning is "Nothing have we omitted from the Book". This divine guidance is complemented and explained through the Prophetic tradition. Knowledge in this regard begins with those who excel in their learning, exert effort in their pursuit of knowledge, and are steadfast in their determination. Conversely, ignorance stems from one's failure to invest

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<sup>51</sup> Negara, B. (N.D, N N). *MALAYSIAN FINANCIAL SECTOR*. Retrieved 10 23, 2023, from <https://www.bnm.gov.my/islamic-banking-takaful>

<sup>52</sup> Hassan, M. Kabir, Mustafa Raza Rabbani, and Mahmood Asad Mohd Ali. "Challenges for the Islamic Finance and banking in post COVID era and the role of Fintech." *Journal of Economic Cooperation & Development* 41, no. 3 (2020): 93-116.

<sup>53</sup> IQBAL, A. T. (1998). *CHALLENGES FACING ISLAMIC BANKING*. Riyadh: King Fahd National Library-in-Publication Data. Retrieved from ISLAMIC DEVELOPMENT BANK ISLAMIC RESEARCH AND TRAINING INSTITUTE: <https://ibir-api.hbku.edu.qa/sites/default/files/2020->

<sup>54</sup> Jan, Muhammad Tahir. "Will it survive? Challenges faced by Islamic banking and finance in today's World." *Journal of Islamic Finance* 7, no. 1 (2018): 058-067.



adequately in their intellectual endeavours, resulting in limited understanding. It is essential to understand that within the realm of Islamic legal texts, there are unequivocal provisions that provide definitive guidance.

Simultaneously, there are provisions that require interpretation and are open to scholarly interpretation, where the views of jurists may vary based on their knowledge and reasoning abilities. It is also widely acknowledged that Islamic law is adaptable to all times and places. This adaptability is evidenced by the changing nature of legal rulings to accommodate shifts in environment, customs, and traditions. Moreover, indeed, Allah, Glorified and Exalted be He, revealed the revelation in His Noble Quran, which is explained and elucidated in clear Arabic language, so that anyone who reads it and is familiar with the language of the Quran can understand it. So, Allah stated in His Holy book and said:

﴿ وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تِبْيَانًا لِّكُلِّ شَيْءٍ وَهُدًى وَرَحْمَةً وَبُشْرَىٰ لِلْمُسْلِمِينَ ﴾ (النحل: 89)

The meaning of the above verse is: “We have sent down to thee the Book explaining all things, a Guide, a Mercy, and Glad Tidings to Muslims”.<sup>55</sup> Muslim scholars understand this verse in two ways: (1) all general principles needed to overcome problems in life can be found in the *Qur’ān*, and (2) the *Qur’ān* is the primary point of reference for overcoming problems in life.

In addition, the second resource of shariah’s is the Prophetic Sunnah, which has its degrees of authenticity in application and the noble Sunnah is divided into three categories: verbal, practical, and approval. So, in the important of Sunnah the prophet Muhammad (S.A.W) said: "Behold, I have been given the Quran and something similar to it."<sup>56</sup> And Allah Almighty says in the Quraan: (وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا) the meaning of Ayah is: “So take what the Messenger assigns to you, and deny yourselves that which he withholds from you”.<sup>57</sup> Moreover, in generally, the Islamic law (Shariah) in its principles and branches, despite the many differences of opinion, ultimately traces back to one source and statement.

There is no indication of any inherent contradiction. This is why Ash-Shatibi said: "In other words, there is nothing in it that suggests conflicting opinions that contradict one another in a ruling to the extent that one implies obligation while the other implies prohibition in the same matter. Rather, its evidence is free from inherent contradiction, devoid of real differences.

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<sup>55</sup> Ali, Y. (N N, N.D.). <https://quran4all.net/ar/translate/2/16/89>. Retrieved 21 September, 2023, from <https://quran4all.net/ar/translate/2/16/89>

<sup>56</sup> Ibn Hanbal, A. A. *Musnad Al- Imam Ahmad* (Al-Riyadh: Mu'assasat Al- Rislah, 2001).

<sup>57</sup> Ali, Y. (16 10, 2023). *Quraan for all*. Retrieved 16 10, 2023, from <https://quran4all.net/ar/translate/2/59/7#>

However, this does not negate the existence of conflict and variance in the perception and interpretation of the observer."<sup>58</sup>

There are several aspects that must be considered to make the *fiqh muqaran* method work well in facing the challenges of changing times, namely: Knowledge of own sect: The important point in comparative jurisprudence is to first comprehend the jurisprudence of his sect, and then the rest of the Sunni jurisprudential schools, and know their customs, and then learn more from the other sects as much as he can. It also requires the jurist to carefully familiarize himself with the beliefs and culture of the rest of the other societies.

**Interdisciplinary Engagement:** Encourage scholars to engage in interdisciplinary discussions that bridge the gap between Islamic jurisprudence and various fields such as ethics, human rights, and social sciences. This can lead to a more holistic and adaptable approach to contemporary challenges.

**Fostering Dialogue:** Promote constructive dialogue between different schools of Islamic thought, aiming to find common ground and mutual understanding while respecting differences. Such dialogues can contribute to a more unified approach to jurisprudential matters.

**Educational Initiatives:** Develop educational programs that focus on *Fiqh Muqaran* to empower a new generation of scholars and practitioners with the skills to navigate the complexities of modern society within an Islamic legal framework.

**Publication and Research:** Encourage scholars to undertake research and publish works that specifically address the application of *Fiqh Muqaran* to contemporary issues. This could serve as a valuable resource for policymakers, legal professionals, and the broader Muslim community.

**Global Ethical Guidance:** Collaborate on the creation of comprehensive ethical guidelines derived from *Fiqh Muqaran*, aimed at addressing global challenges, such as environmental sustainability, bioethics, and technological advancements.

Incorporating these suggestions can fortify the role of *Fiqh Muqaran* as a bridge between the rich tradition of Islamic jurisprudence and the dynamic landscape of the modern world. This approach ensures that Islamic law remains relevant and responsive to the ever-changing challenges faced by Muslims in diverse and evolving societies. It upholds the foundational principles of justice, mercy, benefits, and wisdom, providing guidance, and light for those

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<sup>58</sup> Al- Shatibi, A. I., *Al-Muwafaqat*. (Riyad: Dar Ibn Affan, 1997)

seeking to live in accordance with Islamic principles while navigating the complexities of contemporary life.

## **E. Conclusion**

The study has shed light on the profound importance of Fiqh Muqaran in the Islamic tradition. It has reinforced the enduring significance of Islamic jurisprudence, rooted in the Quran and the Prophetic tradition, as a guiding force for Muslims in navigating the complexities of life. Islamic law's adaptability to changing times and contexts, alongside its accessibility through the Quran's clear language, has been highlighted. The historical significance of Fiqh Muqaran, which emerged in response to renewed issues and disputes, was thoroughly examined. The role of the "Faqih" as a guide to resolve practical matters within an Islamic framework was emphasized, showing its basis in the Quran's directive. Comparative jurisprudence was presented as a means to navigate the intricacies of contemporary challenges by analysing and comparing differences in Islamic jurisprudence across various schools of thought. This exploration reinforces the value of Fiqh Muqaran as a tool for deepening our understanding of Islamic jurisprudence and enhancing its relevance in the modern world. By embracing differences in interpretation and accommodating evolving societal contexts, Fiqh Muqaran ensures that Islamic law remains adaptable and resilient, continuing to guide Muslims in their ethical and legal conduct. It serves as a bridge between the rich tradition of Islamic jurisprudence and the ever-changing landscape of the contemporary world.

## **F. Conflict of Interest Statement**

The authors declare that there is no conflict of interest in the publication of this article.

## **G. Acknowledgement**

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