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TITLE: THE ROLE OF COMPARATIVE FIQH IN MODERN FATWA AND LEGAL REFORM

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TABLE OF CONTENT

ACKNOWLEDGEMENT.....	I
ABSTRACT.....	II
1.0 INTRODUCTION.....	1
2.0 RESEARCH OBJECTIVES	1
3.0 RESEARCH METHODOLOGY	2
4.0 LITERATURE REVIEW	2
5.0 DISCUSSION AND FINDINGS.....	5
5.1 THE CONCEPT AND FOUNDATIONS OF COMPARATIVE FIQH IN ISLAMIC JURISPRUDENCE	5
5.2 THE ROLE OF COMPARATIVE FIQH IN FORMULATING RELEVANT AND PRACTICAL FATWAS FOR MODERN ISSUES	10
5.3 TO ANALYZE HOW COMPARATIVE FIQH SUPPORTS LEGAL REFORM IN CONTEMPORARY MUSLIM SOCIETIES.	16
6.0 CONCLUSION	20
7.0 REFERENCES.....	21

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THE ROLE OF COMPARATIVE FIQH IN MODERN FATWA AND LEGAL REFORM

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ABSTRACT

This study has focused the discussion on the role of comparative fiqh in modern fatwa and legal reform within contemporary Islamic study. Comparative fiqh involves analyzing and evaluating the views of various Islamic legal schools such as Shafie, Hanafi, Maliki, and Hanbali to identify the most suitable rulings for current issues. The methodology of this study is to use an authoritative research approach. Authoritative reference sources such as journals and articles has been selected as a primary reference. Secondary sources, including articles from magazines and websites, were also used to support the analysis. The study examines how comparative fiqh methods are applied to modern legal and fatwa processes, especially in responding to emerging challenges in Islamic law and society. The findings reveal the dynamic relationship between traditional Islamic legal thought and contemporary legal needs, highlighting the importance of ethical consistency, intellectual diversity, and contextual adaptability. This research contributes to a deeper understanding of how comparative fiqh enhances the relevance of fatwa and Islamic legal systems in addressing the complexities of modern life.

Keywords: Comparative Fiqh, Modern Fatwa, Legal Reform, Islamic Jurisprudence

1.0 INTRODUCTION

In today's world, which is full of rapid changes and new challenges, Muslims face various issues and problems that require legal guidance that is not only based on Islamic principles but also relevant to contemporary realities. This is where the role of comparative fiqh becomes important, which is the study of differing opinions between the schools of Islamic jurisprudence. Through this approach, scholars and fatwa institutions can examine various viewpoints and select the most suitable, just, and practical opinions to be applied in the present context.

Islamic jurisprudence, or *Fiqh*, is the human understanding of *Shariah* law, which is the divine law contained in the Qur'ān and Sunnah, meanwhile, *Usūl al-Fiqh* is the branch of knowledge that explains how scholars derive legal rulings from these sources, using methods such as *Ijmā'* (consensus of scholars) and *Qiyās* (analogical reasoning). This knowledge has evolved over more than 1,400 years, forming a comprehensive legal system that covers areas such as worship, financial transactions, family law, criminal law, and international relations. (Dr. Hafiz Falak Shair Faizia, 2024)

However, the rulings discussed by scholars in the past may not always be directly applicable in the modern context due to new challenges such as technology, human rights, international relations, and modern legal systems require a more open and flexible approach. Therefore, comparative fiqh provides scholars with the opportunity to revisit the vast wealth of Islamic knowledge and find the most relevant solutions for the needs of today's society by utilizing the richness of viewpoints from various schools of thought, comparative fiqh helps ensure that the fatwas issued, and the legal reforms implemented remain rooted in Islamic tradition while being relevant and competitive in the modern world. This is what makes comparative fiqh increasingly important in bridging the gap between traditional texts and contemporary realities.

2.0 RESEARCH OBJECTIVES

This goal of this research is to obtain the following results:

1. To understand the concept and foundations of comparative fiqh in Islamic jurisprudence.
2. To examine the role of comparative fiqh in formulating relevant and practical fatwas for modern issues.
3. To analyze how comparative fiqh supports legal reform in contemporary Muslim societies.