New Direction in the Logic of Islamic Law: Through Muhammad Syahrur's Perspective on Qiyas

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Abstract: This research discusses one of Muhammad Syahrur's controversial methodological ideas. Previous studies related to Syahrur mostly analyzed the legal product side rather than the legal excavation methodology. This article aims to find out what Syahrur offers a new concept in Islamic legal methodology, especially in relation to qiyas. Is this offer a purely new methodology or is it actually just a kind of repackaging of a previously existing method? This type of research is library research, that is, examining data related to the discussion by examining the primary book written by M. Syahrur, namely *al-Kitāb wa al-Qur'ān Qirā'ah Mu'āshirah* and several other data . This study concludes that Syahrur views traditional *qiyas* as a conventional analogy method that hinders the renewal of Islamic law due to its excessive reliance on partial similarities between old and new cases. He then offers an approach to Islamic legal logic that is more empirical and semantic-based, which is considered more capable of addressing contemporary issues. However, in essence, Syahrur's logic has already been practiced by traditional *usul fiqh* scholars; he merely presents it in a different and more modern framework.

Keywords: islamic legal logic; syahrur; qiyas.

Abstrak: Penelitian ini membahas seputar salah satu gagasan metodologi kontroversial dari Muhammad Syahrur. Kajian terdahulu berkaitan dengan Syahrur lebih banyak menganalisis dari sisi produk hukumnya bukan pada metodologi penggalian hukum. Artikel ini bertujuan untuk mengeta-hui tawaran konsep baru Syahrur dalam metodologi hukum Islam, khususnya yang berkaitan dengan *qiyas*. Adakah tawaran tersebut adalah metodologi yang murni baru ataukah sesungguhnya ia hanyalah semacam membungkus ulang dari metode yang ada sebelumnya. Jenis penelitian ini adalah *library research* (penelitian pustaka) yaitu, meneliti data yang berkaitan dengan pembahasan dengan cara menelaah kitab primer yang ditulis oleh M. Syahrur yakni *al-Kitāb wa al-Qur'ān Qirā'ah Mu'āshirah* dan beberapa data yang lain. Penelitian ini menghasilkan kesimpulan bahwa Syahrur memandang *qiyas* tradisional sebagai metode analogi konvensional yang menghambat pembaruan hukum Islam karena terlalu bergantung pada kesamaan parsial antara kasus lama dan kasus baru. Ia kemudian menawarkan pendekatan logika hukum Islam yang lebih berbasis empiris dan semantik yang diang-gap lebih mampu menjawab persoalan-persoalan kontemporer, namun demikian sejatinya logika Syahrur tersebut sudah dilakukan oleh ulama ushul fikih tradisional, hanya kemudian Syahrur menge-masnya dengan bungkus yang berbeda dan lebih modern.

Kata kunci: logika hukum islam; syahrur; qiyas.

Intruduction

The logic of Islamic law in *usul fiqh* plays a highly significant role in establishing a solid legal foundation for the Muslim community. One of the primary instruments in the logic of Islamic law is *qiyas*, a method of analogy used to extrapolate rulings from existing cases to new cases not explicitly mentioned in sacred texts. Over time, *qiyas* has become one of the main pillars in the formulation of Islamic law, particularly in the context of *ijtihad*. However, traditional approaches to *qiyas* often face criticism for being too rigid and unresponsive to the dynamics of the modern era. This presents a significant challenge in addressing the complex and diverse legal needs of contemporary society.[1]

Muhammad Syahrur, a contemporary thinker, seeks to offer a new direction in understanding Islamic law, including the formulation of *qiyas*. According to Syahrur, Islamic law must adapt to the social, cultural, and scientific advancements of its time. His approach is often regarded as revolutionary, as it aims to reconstruct the methods of interpreting Islamic law, including critiquing traditional *qiyas*, which he considers overly textual and insufficiently attentive to social realities.[2] Syahrur's approach opens up opportunities to understand *qiyas* not merely as a simple analogy method but as a dynamic hermeneutic tool for addressing contemporary legal challenges.

One of Syahrur's main criticisms of traditional *qiyas* lies in its reliance on certain assumptions that are not always relevant in the modern context. For instance, the concept of *'illah* (legal reasoning) in *qiyas* is often regarded as static and detached from social changes. Syahrur offers a more flexible approach in which *'illah* is understood not only as a textual element but also as a result of empirical analysis of societal needs. This approach allows Islamic law to remain relevant without compromising its foundational principles.[3]

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[1] M. Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), p. 45

[2] Muhammad Syahrur, *Al-Kitab wa al-Qur'an: Qira'ah Mu'ashirah* (Damaskus: Al-Ahali, 1990), p. 87.

[3] Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women* (Oxford: Oneworld, 2001), p. 124.

In addition, Syahrur emphasizes the importance of interpreting Islamic legal texts through deeper linguistic and historical approaches. In this context, *qiyas* is not merely a tool for finding similarities between cases but also a method for uncovering the universal values embedded in sacred texts. This approach aligns with the demands of the modern world, which requires Islamic law to provide answers to global issues such as human rights, gender justice, and environmental sustainability.[4] Thus, Syahrur's formulation of *qiyas* offers an intriguing alternative for further exploration, particularly in the context of Islamic legal reform.

Nevertheless, Syahrur's approach is not without controversy. Many traditional scholars criticize his ideas for being overly liberal and in conflict with classical methodologies. Despite this, Syahrur's thoughts significantly contribute to enriching the intellectual discourse of Islam.

Several prior studies have examined these issues. For instance, the article "Menyoal Pemikiran Hukum Islam Muhammad Shahrur" critiques Syahrur's progressive views, which diverge from mainstream Islamic thought. This study highlights Syahrur's criticism of traditional Islamic legal research methods, which he deemed neither objective nor empirical enough to address contemporary realities.[5]

Additionally, the thesis titled "Pemikiran Muhammad Syahrur dalam Ilmu Usul Fikih" discusses the concept of limits (*hudud*) introduced by Syahrur. This theory emphasizes that Allah's law consists of boundaries to be identified within the verses of *umm al-kitab*, and it is humanity's responsibility to formulate laws that align with the demands of reality within those boundaries.[6] This approach offers a new way of understanding sacred texts by balancing universal norms with contextual needs.

In the realm of epistemology, the thesis "Epistemologi Tafsir Kontemporer Muhammad Syahrur" explores Syahrur's method of interpretation, which underscores the importance of social and historical contexts in understanding sacred texts.[7] This method contrasts with classical exegesis, which is more textual, as Syahrur proposes a new integrative perspective between texts and realities.

These prior studies provide a foundation for this research to analyze Syahrur's perspective on *qiyas*. By understanding the critiques and appreciations of Syahrur's thoughts, this article seeks to offer a new perspective on the logic of Islamic law that is more relevant to contemporary developments.[8]

Methodology

This type of research is library research, that is, examining data related to the discussion by examining two primary books written by M. Syahrur, namely *al-Kitāb wa al-Qur'ān Qirā'ah Mu'āshirah, Nahwa Ushūl Jadīdah li al-Fiqh al-Islāmī* and several other books

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[4] Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2013), p. 97.

[5] Zainal Abidin Bagir, *"Menyoal Pemikiran Hukum Islam Muhammad Shahrur,"* Journal of Islamic Studies, Vol. 60, No. 3 (2023), p. 234-236.

[6] Yasir Suleiman, *The Qur'an and Modern Society: Revisiting the Linguistic Approach of Muhammad Shahrur*, (London: I.B. Tauris, 2022), p. 87-89.

[7] Syafiuddin, *"Epistemologi Tafsir Kontemporer Muhammad Syahrur,"* Retrieved from repository.iainbengkulu.ac.id.

[8] Farid Esack, *"Balancing Tradition and Reform: The Contribution of Muhammad Shahrur,"* Journal of Islamic Ethics, Vol. 5, No. 2 (2020), p. 123-126.

which discuss the concepts of legal *istinbath*, especially those related to *qiyas*. In this research, the analysis steps taken are: First, descriptive, namely describing the data or information that is the object of study. Second, interpretive, namely research that focuses on the subjective nature of the social world and seeks to understand the frame of mind of the object being studied. This interpretation can also mean providing an interpretation of an object that has been described in language that is relevant to the direction of the research, so that a temporary conclusion can be obtained. Third, criticism, namely carrying out an in-depth review of the research. Fourth, conclusion, namely making conclusions from what has been described, interpreted and criticized so as to obtain universal conclusions from individual events-inductive.[9]

Results and Discussion
Ushul Fiqh, Legal Islamic Law and Qiyas

As is popular among observers of Islamic law, fiqh means an understanding of sacred texts which are full of various factors that influence their emergence. In its history, jurisprudence was born in different forms in line with the differences in these factors. This historical understanding and review led to the acceptance of the characteristic characteristics of jurisprudence which are *zhanni*, (strong suspicion, speculative), hypothetical, profane, varied and (supposedly) dynamic.[10]

Terminologically, as defined by the majority of ulama, *fiqh* is the understanding or knowledge of Sharia law regarding the actions of the *mukallaf* people which is extracted or obtained (*al-muktasab*) from its detailed arguments.[11] From this terminology, several theoretical understandings can be obtained which encourage a proportional attitude towards Islamic jurisprudence books which in fact are human understanding and thinking, therefore they are assumptive-speculative (*zhanni*). Meanwhile, the term "*al-muktasab*" refers to a process of *ijtihad* activity using a certain method or method, so that the results are the product of a methodology rather than an original source that is dogmatic in nature. Therefore, considering the results of human thought as absolute truth is a form of sacralization of something that is essentially profane and temporal, as well as denying the meaning of jurisprudence which actually integrates its material and formal products (methodology).[12] Theoretically, the birth of fiqh cannot be separated from the role of its methodology, namely the science of *ushul fiqh* and *fiqh* rules.

In order to provide a more comprehensive understanding of *Ushul fiqh*, this discussion will be reviewed from two perspectives. Etymologically, *Ushul fiqh* consists of two syllables, namely *Ushul* and *Fiqh*. In Indonesian, this kind of arrangement is called a compound word, while in the Arabic context, the *tarkib* is called *tarkib idhafah* which consists of *mudhaf* (*Ushul*) and *mudhaf ilaih* (*fiqh*).

The word *Ushul* is the plural form of the sentence *al-ashl* which means *al-asas* (basics/foundations/rules). The word *Fiqh* comes from the phrase *al-fikih* which means *al-fahm* (understanding). In a simpler sense, *fiqh* is usually understood as sharia rules/law.

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[9] Burhan Bungin, Penelitian Kualitatif, (Jakarta: Prenada Media, 2007), p. 47.

[10] Abdul Mughits, *Kritik Nalar Fikih Pesantren*, (Yogyakarta: Kencana Prenada Media Group, 2008), p. 12.

[11] Muhammad ibn Ali as-Syaukani, *Irsyad al-fuhul ila tahqiq al-haqq min 'ilm al-ushul*, (t.tp: Dar al-Kitab al-'Arabi, 1999), p. 17.

[12] Abdul Mughits, *Kritik Nalar Fikih Pesantren*, (Yogyakarta: Kencana Prenada Media Group, 2008), p. 13.

Thus, it can be concluded that etymologically, *Ushul fiqh* means the basis or foundation of *fiqh* (sharia law).

Ushul fiqh as the name of a branch of sharia discipline, the scholars define it in several senses. For example, Al-Khudhari defines: "*Ushul fiqh* are the rules by which sharia laws can be obtained from certain propositions".[13] Meanwhile, Abdul Wahhab Khallaf defined that *ushul fiqh* is the science of rules and discussions which are used as a means to obtain sharia laws regarding actions from detailed arguments.[14]

From several definitions put forward by scholars, at least one global definition can be taken, namely: science which explains to the mujtahid the theory that must be adopted in deriving laws from the text and other postulates based on the text.

Among the many discussions in the discipline of *ushul fiqh* is *qiyas* or in another expression it is also called logic in Islamic law. In terms of language, logic comes from the Latin word 'logos' which means speech or word, in other languages it is often called mantiq, which comes from the Arabic word which is taken from the word *nataqa* which means to think and say. Susanto defines logic as an investigation into the basics and methods of correct thinking. There are also those who interpret the word logic as a science that studies the methods and laws used to differentiate correct reasoning from incorrect reasoning.[15] In Islamic law, the reasoning model or theory of logic tends to lead to the concept of qiyas.

Etymologically, *qiyas* means to estimate or equate. *Qiyas*-kan, means estimating or comparing something to something else. Meanwhile, terminologically, according to Islamic jurisprudence scholars, *qiyas* is equating something that does not have a legal text with something that does have a legal text because of the similarity of legal law. In another editorial, *qiyas* is equalizing a law from an event that does not have a legal text with an event that already has a legal text, because there are similarities in the legal illat. *Qiyas* means bringing together something that does not have a legal text with something else that does have a legal text because there is an equality of legal illat. Thus, *qiyas* is the application of analogical law to the law of something similar because the principle of equality of illat will give rise to the same law. Therefore, as stated by Abu Zahrah, the principle of *qiyas* is to connect two problems analogically based on similarities in the causes and characteristics that form them. If the analogical approach finds a point of similarity between the causes and characteristics of the two problems, then the consequences must be the same as the laws established.[16]

Qiyas is one of the istinbāṭ methods that can be accounted for because it uses reasoning based on the text. There are several verses of the Qur'an which are used as a basis for the implementation of qiyas in exploring the law, including in Surah An-Nisa': 59

> "O you who believe, obey Allah and obey (His) Messenger, and the ulil amri among you. then if you have different opinions about something, then return it to Allah (the Koran) and the Messenger (sunnah), if you truly believe in Allah and the Last

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[13] Muhammad Al-Khudhari Beik, *Ushul al-Fiqh,* (Mesir : Darul Fikri, 1969), p. 12.

[14] Abdul Wahhab Khallaf, *Ilmu Ushul al-Fiqh*, (Kuwait: Darul Qalam, t.t), p. 11.

[15] Susanto, Filsafat Ilmu Suatu Kajian dalam Dimensi Ontologis, Epistemologis dan Aksiologis, (Jakarta: Bumi Aksara, 2011), p. 144.

[16] Abū Zahrah, *Us}ūl al-Fikih* (Kairo: Dār al-Fikr al-Arabi, t.t.), p. 76.

Day. that is more important (for you) and the consequences are better." (Q.S An-Nisa' (4): 59).

The verse above is the basis for the law of *qiyas*, because the meaning of the expression "returning to Allah and the Messenger" (in matters of khilafiah), is nothing other than the command to investigate signs of what tendencies Allah and His Messenger really want. This can be obtained through searching for legal law which is a stage in carrying out qiyas.[17]

Qiyas is only considered valid when its harmony is complete. *Ushul fiqh* scholars agree that there are four pillars of qiyas, namely:

Al-Ashl (basis; principal) What is meant by ashal is something whose legal provisions have been determined based on texts, whether the text is in the form of the Koran or the Sunnah. In other terms, this ashal is also called maqis alaih (which is made qiyas on it) or also musyabbah bih (which is similar to it). Regarding this first pillar, the ulama also set several requirements as follows: (a) *Al-Ashl* is not *mansukh*. This means that the Sharia law which will be the source of *qiyasan* was still in effect during the lifetime of Rasulullah SAW. If the legal provisions had been abolished, then it could not become *al-ashal*. (b) Sharia Law'. This requirement is very clear and absolute, because the legal provisions that are intended to be found through *qiyas* are sharia law, not other laws, such as the law of reason or laws relating to language. (c) Not an exception to the law. If *al-ashl* is an exception, then it cannot be a place for *qiyas*. For example, the Sunnah stipulates that fasting due to forgetting is not invalidated. This provision cannot be an *ashal qiyas* to determine whether the fast of a person who breaks his fast is not invalidated because he is forced to.

Al-Far'u (Branch) What is meant by *al-far'u* is a problem that is to be resolved for which there is no text provision that establishes the law. This pillar is also called *maqis*, or *mahāl al-syabah*. Regarding this pillar, the scholars stated several conditions as follows: (a) Before it was *qiyased*, there had never been another text that determined the law. If there had previously been a text that determined the law, of course there was no need and it was not permissible to carry out *qiyas* on it. (b) There are similarities between the illat contained in *al-Ashal* and that contained in *al-Far'u*. (c) There is no *qath'i* argument whose content is contrary to *al-far'u*. (d) The laws contained in *al-ashal* are the same as the laws contained in *al-far'u*.

Original Law What is meant by original law is the Sharia law contained in the *ashal* which is intended to be determined in *al-far'u* by means of *qiyas*. For example, the law of haram khamaryng is confirmed in the Koran and the Sunnah of the Prophet. Regarding this third pillar, the ulama provide conditions, namely: (a) The original law should be law in the form of Sharia law which relates to deeds, because what is studied in *ushul fiqh* is the law which concerns deeds. (b) Original law can be traced to the *illat* (motivation) of the law. For example, the haram law of *khamr* can be traced to why *khamr* is haram, namely because it is intoxicating and can also damage the mind, not laws whose legal *illat* cannot be known (*ghairu ma'qul al-ma'na.*), such as the issue of rakaat in prayer. (c) This original law is not unique to the Prophet Muhammad SAW. For example, the ability to marry more than four women at once.

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[17] Zahrah, p. 88.

Illat In illat, it is something that can change a situation. Meanwhile, according to the term and what is desired in this discussion is a characteristic that becomes a motivation in determining the law and is in line with the aim of determining the law for an event. The requirements for this illat are as follows: (a) *Illat* must be something that is compatible with the purpose of establishing a law (b) The *illat* must be clear and real (can be seen and can be distinguished from other characteristics and circumstances). (c) The *illat* must be *mundhabitah* or something that can be measured and has clear boundaries. (d) The *illat* must be *mutaaddiyah*. This means a characteristic that exists not only in the event for which there is a text, but must also exist in other events for which the law is to be determined.[18]

Brief Biography of Muhammad Syahrur

This controversial figure who once rocked the world of Islamic thought has the full name of Muhammad Syahrur ibn Deyb. He was born at the *Salihiyyah* intersection, Damascus, Syria, on April 11 1938, at a time when the country was still colonized by France, even though it had achieved semi-independent status. His father's name was Deyb ibn Deyb Syahrur and his mother's name was Siddiqah bint Shalih Filyun.[19] Syahrur was the fifth child of a dyer.[20] He was blessed with five children: Tariq, al-Lais, Basul, Masul and Rima, as the result of his marriage to Azizah.[21]

Education at the preparatory (*i'dād*) and basic (*ibtidā'*) levels started from the Damascus madrasah. Meanwhile, secondary level education (*wustha*) was obtained from the Abdur Rahman al-Kawakib Damascus madrasa, a madrasa whose name was taken from the name of a famous Arab writer who lived in 1849-1903 and persistently called for Arab resistance to the corrupt Turks. Syahrur graduated from the madrasa in 1957. A year later, at the age of 19, he received a scholarship from the local government to continue his education in the Soviet Union at the Faculty of Engineering, Moscow Engineering Institute. At that time, he lived in Saratow, an area near Moscow.[22]

In 1964, Syahrur received a diploma in civil engineering from this faculty. After that, he returned to his home country to prepare for his career in Damascus. A year after graduating, precisely in 1965, he was accepted as a teacher at Damascus University armed with his diploma. Furthermore, in 1967 he actually wanted to continue his research at Imperial College London. However, because at that time there was a war in June between Syria and Israel which caused the severing of diplomatic relations between Britain and Syria, his wishes had to be postponed. As a consolation for the failure of his dream, Damascus University finally sent him to the National University of Ireland, University College Dublin in the Republic of Ireland to take a Masters and Doctoral program in the field he had previously worked in, namely civil engineering with a specialization in soil

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[18] Wahbah az- Zuhailī , *Usūl Fikih al-Islāmī* (Damaskus: Dār al-Fikr,1986), I: p. 417.

[19] Achmad Syarqawi Ismail, *Rekonstruksi Konsep Wahyu Muhammad Syahrur*, (yogyakarta: Elsaq Press, 2003), p. 43.

[20] Andreas Chritsmann, ''Bentuk teks (wahyu) Tetap, Tetapi Kandungannya (Selalu) berubah: Tekstualitas dan Penafsirannya dalam Al-Kitab wa Al-Qur'an'', dalam Muhammad Syahrur, *Metodologi Fiqih Islam Kontemporer*, (Yogyakarta: Elsaq Press, 2010), p. 19.

[21] Syarqawi, p. 44.

[22] Syarqawi, p. 19.

mechanics and building engineering (Soil Mechanics) and Foundation engineering). He obtained his Master's degree in soil mechanics and building engineering in 1969. Meanwhile, he obtained his Doctoral degree in 1972. Both academic degrees were obtained from the University in Ireland. After that, he returned to his home country and returned to serve himself at the Faculty of Civil Engineering, Damascus University.[23]

One of Syahrur's unique sides that other liberal Muslim thinkers don't have is his academic background. He has no formal Islamic scientific background at all. On the contrary, his formal intellectual journey was spent pursuing engineering-based general knowledge. He only received formal religious education when he was in elementary school to high school. However, Syahrur did not forget and abandon Islamic disciplines. In between his busy schedule as a professional in the fields of soil mechanics and building engineering, he still finds time to reflect and research in the Islamic field. Syahrur proved his critical reflection by publishing books, such as *al-Kitāb wa al-Qur'ān, Dirāsah Islāmiyah Mu'āshirah, al-Islām wa al-Īmān and Nahw Ushūl Jadidah.* These books were published by the al-Ahāli Syrian publisher, a publisher that actually has little name and is less prestigious, but often publishes books on controversial, anti-establishment, left-wing movements and various kinds of liberal works. Apart from publishing works of an Islamic nature, he did not forget to also publish works in fields which he had previously studied at a formal bench, such as *Handasat al-Asāsāt* (building engineering) and *Handasat at-Turbah* (land engineering). However, his works in the technical field were not more popular than his works in the Islamic field. In fact, he is better known as an Islamic thinker than an engineer.

The publication of Syahrur's controversial works earned him a lot of criticism and negative accusations from other Islamic thinkers. Despite this, he continued to work and never stopped voicing his thoughts. It is as if he was inspired by the advice of Immanuel Kant (1724-1804), which was also popularized by Rene Descartes; "Sapere Aude!" (dare to think for yourself!). In fact, Syahrur really dared to think for himself. Without hesitation, he shouted loudly for the reform of Islamic law. Without fear, he fought to create a dynamic Islam that was always sensitive to the times.[24]

His first book, entitled *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āshirah*, talks more about completely new concepts in Islam. In this book, he presents something truly new and foreign. He explained the differences in concepts in the Koran which had been considered the same concept by the majority of scholars. As written in the title of his work, he differentiates between the concepts of the Bible and the Koran. Apart from that, he also differentiated between adz-Dhikr, Umm al-Kitab and at-Tanzil al-Hakim. According to him, these terms have their own meanings that are different from each other. In this work, he also created a new theory of legal istinbath, namely by establishing a boundary theory (*Nazhariyāt al-Hudūd*). Not to forget, he also explored examples of contemporary problems that he considered interesting, such as polygamy, women's clothing, inheritance.[25]

His second book, entitled *Dirāsah Islāmiyyah Mu'ūshirah fi ad-Dawlah wa al-Mujtama',* contains themes resulting from his studies between 1990-1994. The 375 page book discusses the conception of family, people, nationalism, nation, revolution, freedom, democracy,

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[23] Muhyar Fanani, *Fikih Madani Konstruksi Hukum Islam di Dunia Modern*, (Yogyakarta: LKIS, 2010), p. 33.

[24] Fanani, p. 37.

[25] Muhammad Syahrur, *al-Kitāb wa al-Qur'ān, qirā'ah mu'āshirah*, (Damaskus: al-Ahaliy, 1990), p. 453.

deliberation, the state, totalitarianism and its consequences and jihad. In his work, he also explains the reasons why it is difficult for Muslims to develop and progress. According to him, one of the triggering factors is tyranny (*al-istibdād*). Muslims are still trapped in tyrannies that hinder progress. Among these is the tyranny of theology. The tyranny of theology is an attitude of resignation that work, fortune and age have been determined since eternity. According to him, this kind of understanding must be rejected. Because Allah has not determined that a person is poor from time immemorial, but what has been determined is that poor and rich are opposites. Meanwhile, rich and poor are not determined for a person. The issue of rich and poor is the will of humans based on their respective efforts. Another tyranny that hinders the progress of Muslims towards the gates of progress is the tyranny of thought. According to him, this tyranny of thought has a tendency that is manifested and formed with the emergence of the phenomenon of *tafwīdl al-ākhar* (surrendering oneself to others) and the concept of *ad-dūniah* (inferior), vis a vis European countries. Thus, according to Syahrur, Muslims have been trapped in two ties, namely an inferior knot before the West and developed countries and an inferior knot before classical scholars. This led Muslims to become subservient to the West and classical ulama. This kind of paradigm should be thrown away. Apart from that, other tyrannies that are also obstacles to the progress of Islam are the tyranny of knowledge, social tyranny, political-economic tyranny.[26]

Meanwhile, his third work, *Al-Islām wa al-Īmān: Manzhūmah al-Qiyām*, is the result of Syahrur's studies between 1994-1996. This 375 page thick book discusses new conceptions of faith and Islam along with its pillars, righteous deeds, systems, ethics and politics. In his work, he refuted the opinion of the scholars who said that Islam began and ended with Muhammad. He emphasized that what was true was that Islam began with Noah and ended with Muhammad. In his book he also argues that Islam always precedes faith. Muslims are believers who believe in the apostleship of Muhammad. Meanwhile, a believer is anyone who adheres to any religion, who believes in Allah, the Last Day and does good deeds.[27]

The fourth work, *Nahw Ushūl Jadīdah li al-Fiqh al-Islāmī,* as reflected in its title, discusses more about the new theoretical framework of Islamic jurisprudence in overcoming the problems currently being experienced by jurisprudence. The 383-page book is the result of Syahrur's studies during 1996-2000 and presents several contemporary fiqh issues that are still very much discussed, such as issues of inheritance, wills, polygamy, family responsibilities and women's clothing.

Since officially publishing his first work, namely *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āshirah*, in September 1990, Syahrur has become known in the world of Islamic thought reform. According to Dale F. Eickelmen's report, as quoted by Fanani, his first book became the best seller. The book received widespread response and attention from the public. In Syria, Syahrur's home country, this controversial book has been published five times in just two years with five thousand copies published each time. This publication is not yet outside Syria, such as Egypt and Lebanon. The book *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āshirah* is the result of his thinking for more than 20 years since he was still studying in Moscow (1958). There he was introduced to modern linguistics by Ja'far Dik al-Bāb, one of his friends who provided

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[26] Muhammad Syahrur, *Dirāsah Islāmiyyah Mu'ūshirah fi ad-Dawlah wa al-Mujtama',* edisi terjemah: *Tirani Islam; Genealogi Masyarakat dan Negara*, (Yogyakarta: LKIS, 2003), p. 233.

[27] Muhammad Syahrur, *Al-Islām wa al-Īmān: Manzhūmāt al-Qiyām*, Edisi terjemah: *Islam dan Iman; Aturan-aturan Pokok*, (Yogyakarta: Jendela, 2002), p. 5.

the foreword and concluding essay in the book. After that, he continued his own intellectual adventure when he studied at University College, Dublin. It was through Ja'far that he became acquainted with the thoughts of linguistic figures such as al-Farra', Abi 'Ali al-Farisi, Ibn Jinni and al-Jurjani who greatly influenced his ijtihad products, especially the theory of denying linguistic synonymity. In 1984, he began preparing an outline of his main ideas and began writing in 1986. About this controversial book - as quoted by Fanani - Eickelman and James Piscatori said: "In some ways, Syahrur's book is an intellectual work in the Arab world on a par with Allan Blomm's book, The Closing of The American Mind (1987), and in this he is not alone in attacking conventional religious wisdom or the certainties of intolerant religious radicals. He is also not alone in declaring continuous and open reinterpretation in the application of sacred texts to social and political life. In 1993, a bookseller from Kuwait stated that Syahrur's book was more dangerous than Salman Rusdhie's Satanic Verses, because Syahrur wrote that he believed in the basic teachings of Islam like us. Although the Arab media had avoided conveying the contents of his book, attacks by prominent figures religious figures against him indirectly demonstrate the significance of the book and signal its existence to a new audience. As al-'Azm (1994) and Binsaid (1993), Syahrur states that a proper understanding of the principles of Islamic jurisprudence mandates dialogue and a willingness to understand different opinions and that this dialogue demands continuous adjustment and renewal of religious understanding in framework of civility."

The creativity of Syahrur's thoughts expressed in his works may be seen as the same as the 95 theses that Martin Luther presented at Wittenberg Castle Church in 1517, in the sense that these works were initially rejected, but in the end their truth was accepted and acknowledged.[28] In this context, Amin al-Khuli, one of the important thinkers from Egypt who is known for his efforts to introduce a new approach to the interpretation of the Koran. He is considered one of the reformer figures, "*mujaddid*". He was also one of Muhammad Abduh's students and inherited the reform ideas he had introduced during this time. One of Amin al-Khuli's important contributions was in the field of Qur'an interpretation methods. He, among other things, is known for his literary method (*al-manhaj al-adabi*) in interpreting the Qur'an which was later applied by a number of scholars such as A'isyah bint al-Syathi', his own wife, and Muhammad Ahmad Khalafullah who wrote a dissertation on the story -a story in the Koran which was later banned by al-Azhar. He has a very interesting statement. He said that at one time, thought was considered infidel, and therefore forbidden and hostile, but as time progressed, that thought later became a school of thought, even a creed and renewal that made life continue to move forward. Al-Khulli's statement may be true. Because, reality has proven that the history of great ideas in the world has a pattern that is almost repetitive and continuous. An idea that seeks to make changes and improvements is usually considered something odd, strange and rejected. At first, this idea was hostile and considered disbelief and therefore had to be thrown away. However, slowly and as time goes by, this 'naughty' idea will be responded to differently. This idea has a big chance of being accepted, even becoming a paradigm and a school of thought because it is able to face and answer the challenges of an era that is becoming more and more complex every day.

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[28] Fanani, p. 45.

New Logic of Islamic Law, Examining Qiyas Muhammad Syahrur

Along with the pace of development of the times, contemporary problems will always follow and at the same time act as the inevitable tail of the times. These contemporary problems, especially those related to religious issues, always demand answers to be resolved. The problems that arise might not be something complicated if the texts of both the Qur'an and Sunnah had touched on them clearly and unambiguously. But unfortunately, the limitations of the Naqli text are an obstacle in finding solutions. The texts of the Koran and Sunnah are very limited, while the problems of religion and humanity will always develop and be infinite. In order to resolve these problems, the ulama established the concept of qiyas as an alternative answer.

The majority of scholars agree to make *qiyas* a source of Islamic law. Etymologically, *qiyas* means *at-taqdīr wa al-musāwah* (provisions, provisions and equality).[29] However, there are also those who interpret it as *al-i'tibār* (taking lessons). This interpretation of meaning is as stated by Imam az-Zakarsyi in his *al-Bahr al-Muhīth*, as quoted by Abu al-Walid Sulayman.[30] Meanwhile, in terms of sharia terminology, qiyas is establishing a law that is not yet known or explained in the texts of the Qur'an or as-Sunnah with another law that already has legal provisions.[31]

In the context of *qiyas*, it turns out that classical scholars do not all agree on the use of *qiyas* as a source of Islamic law. One of the schools of thought that very loudly rejects *qiyas* is the azh-Zhahiri school. This school was founded by Abu Sulaiman Daud ibn Ali ibn Khalaf al-Ashbihani, better known as az-Zhahiri. He was born in Kuffah in 202 AH and died in the Baghdad area in 270 AH. His academic journey began by studying with Imam Ishaq ibn Rahawaih, Abu Tsur and other imams. In the beginning, Imam Daud az-Zhahiri was a loyal follower of the as-Shafi'i school of thought, in fact because of his great fanaticism, he even had to write two books containing praise for Imam Syafi'i. He was a mujtahid and memorized hadith. who in taking part in bathing has the stance of practicing *zhahir nash*. If a solution to the problem is not found in the texts, then according to him, a mujtahid must take evidence from the consensus of the ulama. He does not want to argue with *qiyas, istishab, ar-ra'yu, istihsan, ta'lil al-ahkam* or *sadd adz-dzari'ah*. He is considered a quite productive mujtahid. Among some of his works are *al-Hujjah*, Al-special wal General, *al-Mufassar wal mujmal*.[32] This school of thought was later developed by Ibn Hazm. His full name is Ali ibn Ahmad ibn ibn Said ibn Hazm ibn Ghalib ibn Salih ibn Khalaf ibn Ma'dan ibn Sofyan ibn Yazid al-Andalusi, better known as Ibn Hazm. He is a controversial scholar, a follower of the Az-Zhahiri school of thought. Born in 384 H. He also has the view that everyone must make ijtihad and prohibit taqlid. Through his works he then disseminated his controversial ideas, including the books al-Muhalla, *al-Ihkam fi Ushul al-Ahkam* and *an-Nubadz al-Kafiyah*. With extreme and vulgarity, he rejected the opinions of scholars who were at odds with his ideas. In fact, he did not hesitate to ridicule his debating opponents using quite strong language. For this reason, the majority of fuqaha did not include him in the ranks of *ijma'* participating ulama. However, his intelligence and level of knowledge made several great scholars praise

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[29] Muhammad ibn Shalih al-Utsaimin, *Al-Ushūl min 'Ilm al-Ushūl*, (Alexandria: Dār al-Īmān, 2001), p. 53.

[30] Abu al-Walid sulayman ibn Khalaf, *Al-Isyārah fi al-Ushūl*, (Riyadl: al-Mamlakah al-'Arabiyyah as-Su'udiyyah, 1997), p. 174.

[31] Ibn Khalaf, p. 175.

[32] Team Pembukuan Manhaji, *Paradigma Fiqih Masail*, (Kediri: Lirboyo, 2003), p. 303.

him. Among them was Imam al-Ghazali, he said "I found in Ibn Hazm's works about the names of Allah, something that implied the greatness of his memorization and the depth of his thinking".[33]

Ibn Hazm wrote many works of *fiqh* and *ushul fiqh* with a textual nuance. His opinion about *qiyas* can be found in one of his works entitled *al-Ihkām fi Ushūl al-Ahkām*. In his work, he stated that legal conclusions based on *qiyas* reasoning are void and rejected. According to him, the *qiyas* method is a method that is based on mere assumptions, without any certainty. Meanwhile, to decide on a law it must be accompanied by a clear and definite argument. Besides that, qiyas reasoning is never mentioned in the Qur'an and was never carried out by the Prophet. The followers of this school of thought refute the arguments of the scholars who use *qiyas*. The verse that is often used as a proof for *qiyas* is Surah al-Hasyr verse 2 *"yukhribuna buyutahum biaydihim wa aydi al-Mu'minin fa'tabiru ya ulil abshar"*. According to the majority of qiyas users the term *Fa'tabiru* means *Qayyisuu (qiyaskanlah)*. However, this interpretation is rejected for various reasons. First, interpreting the sentence *i'tabiru* with the meaning of *qiyas* will actually reject the concept of *qiyas*. Because believers are required to equate or justify the activity of demolishing their own houses. However, this meaning is an impossible meaning and is not desired by God. Second, the meaning of *i'tibar* with the meaning of *qiyas* is a meaning that cannot be accepted by reason[34], because previously there was no explanation from the Al-Qur'an or the Prophet's practice, different from the meaning of the verses that explain prayer. The term prayer is defined as a worship activity that begins with *takbir* and ends with greetings, which is an appropriate meaning because the Prophet explained and practiced prayer. Therefore, the *qiyas* argument above is considered rejected.

Ibn Hazm is different from Syahrur. In this case, Syahrur actually does not reject the concept of *qiyas*, it's just that the definition of qiyas as explained by classical scholars needs to be reconstructed. According to him, the classical model of *qiyas* always starts from the assumption that the society of the Prophet's time was an ideal society so that *qiyas* is basically looking for similarities between early society and contemporary reality. Syahrur considers *Qiyas* with this model to be illegitimate and false.[35] Because, there is an equation between *syāhid* (something that is visible) and *ghaib* (that which is not visible). To equate modern society with the society in which the Prophet lived is an incorrect interpretation. According to him, correct qiyas is to equate something that is visible (*syāhid*) with what is also visible within the scope of Allah's hudud. In this way there will be a balance and it will be more appropriate. The first martyr is *al-bayyināt al-mādiyah al-mawdlu'iyyah* (objective material evidence), while the second martyr is *an-nās al-ahyā'* (living humans) who are subject to law.[36] In other words. *Qiyas* for Syahrur is the submission of objective material evidence so that a law can be applied to a legal problem that humans are facing. A more practical definition of qiyas is the submission of scientific evidence by experts and natural, social, statistical and economic experts for an ijtihad in the text so that there is relevance between the *ijtihad* and the problem being faced. According to Syahrur, *qiyas* applies the same as

[33] Team forum karya ilmiah, *Kilas Balik Teoritis Fiqih Islam*, (Kediri: Purna Siswa Aliyah, 2004), p. 425.
[34] Ibnu Hazm al-Andalusi, *An-Nubadz fi Ushul al-Fikih*, (Kairo: Maktabah al-Kulliyat al-Azhariyat, 1981), p. 62.
[35] Muhammad Syahrur, *al-Kitāb wa al-Qur'ān, qirā'ah mu'āshirah*, (Damaskus: al-Ahaliy, 1990), p. 581.
[36] Syahrur, p. 52.

ijma', meaning, it only applies in terms of permitting and prohibiting something and not at the level of permitting and prohibiting something.

Syahrur emphasized that the majority of verses talk about law in Medina, even though the Prophet himself only lived for 10 years. While the 10 year period is considered insufficient to provide examples of all possible applications of all legal verses to the reality of society, this is in addition to the universality of these verses which apply to all world communities. Thus, according to Syahrur, the old model of qiyas clearly does not make sense or, more precisely, is no longer meaningful.[37]

Syahrur exemplified the idea of his new model of *qiyas* with the case of the smoking ban. The first *shahid was al-ma'lūmāt ath-Thibbiyah* (medical knowledge) about the dangers of smoking. Meanwhile, the second martyr is a person who is subject to the law prohibiting smoking.[38] The combination of the two martyrs resulted in a legal conclusion, namely the prohibition of smoking based on medical knowledge.

As explained above, for Syahrur, correct *qiyas* is to equate something that is visible (*syāhid*) with what is also visible within the scope of Allah's *hudud*. In this way there will be a balance and it will be more appropriate. The first martyr is *al-bayyināt al-mādiyah al-mawdlu'iyyah* (objective material evidence), while the second martyr is *an-nās al-ahyā'* (living humans) who are subject to law.[39]

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The Application of Syahrur's Islamic Legal Logic to Contemporary Cases
Reproductive Technology: In Vitro Fertilization and Cloning

Syahrur's approach to reproductive technologies, such as in vitro fertilization (IVF), emphasizes the flexibility of Islamic law. He bases legal boundaries not on analogies with classical rulings but on universal Qur'anic principles, such as preserving lineage (*nasab*) and avoiding harm (*fasad*). This decision reflects Syahrur's boldness in adopting modern science as an interpretive tool. However, critics argue that without referencing classical *'illah* (legal

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[37] Muhyar Fanani, *Fikih Madani Konstruksi Hukum Islam di Dunia Modern*, (Yogyakarta: LKIS, 2010), p. 214.
[38] Syahrur, p. 582.
[39] Syahrur, p. 52.
[40] Syahrur, p. 582.

reasoning), setting such boundaries may become subjective. Nevertheless, this approach provides solutions more aligned with contemporary needs.[41]

In the context of human cloning, Syahrur's rejection is grounded in ethical and social consequences rather than mere textual prohibition. This demonstrates his utilitarian approach, focusing on *maslahah* (benefit) and long-term impacts. Such an approach opens discussions within contemporary Islamic bioethics, which often deals with issues not addressed in classical legal traditions.[42]

Euthanasia: The Right to Life and Death, Syahrur views life as a divine trust that must be preserved within the limits set by the Qur'an. In the case of euthanasia, he does not rely solely on textual prohibitions against killing but also evaluates the ethical and spiritual implications of the act. His emphasize on passive euthanasia as a form of respect for the patient's will reflects his humanistic and rational perspective. However, this approach faces challenges, as his interpretation of "the boundaries of life" lacks a definetive framework widely accepted within Islamic legal tradition.[43]

Organ Trade, Syahrur's approval of voluntary organ donation demonstrates his prioritization of justice and public welfare (*maslahah*) in legal rulings. This approach contrasts with some classical scholars who tend to prohibit organ donation out of respect for the human body as a creation of Allah. Syahrur argues that since there is no explicit prohibition of organ donation in the Qur'an, the law should be assessed based on its impact on human life. However, critics of this view highlight the lack of clear boundaries between voluntary donation and potential exploitation in real-world practices.[44]

Inheritance Law in a Modern Context, Syahrur challenges the traditional *qiyas* approach in inheritance law by proposing a more flexible distribution of inheritance based on contributions and needs. This approach, rooted in the principle of justice, represents a progressive interpretation of Qur'anic texts. However, it faces significant opposition from traditional scholars who argue that inheritance laws in Islam are *qat'i* (definitive) and unchangeable. Another critique suggests that the flexibility offered by Syahrur could lead to legal uncertainty if not accompanied by a clear framework.[45]

Gender Issues and Freedom of Dress, Syahrur interprets the Qur'anic rulings on dress as instruments to uphold modesty and human dignity, rather than mere formalistic regulations. In the context of modern culture, he provides a flexible interpretation of the boundaries of *'awrah* (the parts of the body that must be covered), taking into account social and cultural norms. This approach allows Islamic law to remain relevant across diverse global contexts. However, critics often describe this approach as too lenient and argue that it opens the door to interpretations that might violate traditional Islamic values. Nonetheless, Syahrur maintains that such interpretations are valid as long as they do not contradict the fundamental principle of modesty taught by the Qur'an.[46]

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[41] Muhammad Syahrur, *Nahw Ushul Jadidah li Al-Fiqh Al-Islami*, (Beirut: Al-Ahali, 2000), p. 120-130.

[42] Abdullah Saeed, *Islamic Thought: An Introduction*, (London: Routledge, 2006), p. 92-94.

[43] Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, (Chicago: University of Chicago Press, 1982), p. 145-146.

[44] Muhammad Syahrur, *Al-Kitab wa Al-Qur'an: Qira'ah Mu'asirah*, (Damaskus: Al-Ahali, 1990), p. 250-255.

[45] Abdullah Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*, (London: Routledge, 2006), p. 80-85.

[46] Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an*, (Austin: University of Texas Press, 2002), p. 123-130.

Criticism of Syahrur's Islamic Legal Logic, Syahrur explicitly rejects the use of traditional *qiyas* in the method of *istinbat* (deriving Islamic legal rulings), arguing that this method is irrelevant in the modern context. He contends that traditional *qiyas* relies too heavily on partial similarities and fails to accommodate dynamic social changes. Syahrur views analogy-based approaches as reductionist and incapable of addressing the evolving needs of society. As an alternative, he proposes a *qiyas* approach grounded in modern scientific knowledge and empirical realities to better understand *shari'ah*. He also emphasizes the importance of linguistic and semantic approaches to sacred texts to ensure that the laws derived are more relevant to contemporary contexts.[47]

However, Syahrur's new perspective on *qiyas* has faced significant criticism from Islamic scholars and legal academics. One of the main criticisms is that rejecting *qiyas* undermines one of the foundational pillars of *usul al-fiqh* (principles of Islamic jurisprudence), which has been accepted by the majority of scholars. *Qiyas* plays a crucial role in expanding the scope of Islamic law, particularly in cases where explicit textual evidence from the Qur'an or Hadith is absent. Through this method, Islamic law can remain relevant without losing its normative foundations. Critics argue that rejecting traditional *qiyas* could, in fact, reduce the flexibility of Islamic law in addressing contemporary issues.[48] For instance, modern technological advancements, such as those in bioethics, often require *qiyas* to draw analogies with preexisting legal cases.

Furthermore, critics argue that Syahrur's reasoning overly depends on rationalism, often sidelining the normative aspects of Islamic law. *Qiyas* does not merely rely on surface-level similarities but also delves into the underlying cause (*'illah*) of legal rulings. In this way, it is an adaptive method that preserves the integrity of divine revelation. For example, the prohibition of alcohol (*ḥarām*) in Islam is not solely based on explicit textual evidence but also on the analysis of its underlying cause (*'illah*), namely its harmful effects on human intellect. In this context, rejecting *qiyas* could weaken the comprehensive process of *ijtihad* (independent reasoning).[49]

Another criticism directed at Syahrur concerns his emphasize on an empirical and pragmatic paradigm. He argues that Islamic law must be contextualized within social realities and the needs of modern society. While this idea could encourage legal reform, some critics assert that Syahrur's approach tends to overlook the transcendent and universal nature of *shari'ah*.[50] For instance, Islamic law is not solely intended to meet human pragmatic needs but also to uphold the relationship between humans and Allah (*ta'abbudi*). In this regard, Syahrur's approach is seen as overly focused on worldly aspects, potentially reducing the spiritual dimension of *shari'ah*.

Syahrur has also faced criticism for his linguistic interpretation of sacred texts, which some consider overly liberal. Many scholars argue that his linguistic methods insufficiently respect classical exegetical traditions and scholarly consensus (*ijma'*). His interpretation of texts is often regarded as subjective, leading to conclusions that contradict mainstream

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[47] Muhammad Syahrur, *Al-Kitab wa al-Qur'an: Qira'ah Mu'ashirah*, (Damaskus: Al-Ahali, 1990), p. 135-140.

[48] Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, (Cambridge: Islamic Texts Society, 1991), p. 264-266.

[49] Yusuf al-Qaradawi, *Fiqh al-Awlawiyyat*, (Kairo: Maktabah Wahbah, 1995), p. 59-62.

[50] Abdullah Saeed, *Islamic Thought: An Introduction*, (New York: Routledge, 2016), p. 88-91.

understandings.[51] For example, Syahrur frequently proposes alternative interpretations of certain terms in the Qur'an, resulting in controversial legal conclusions.

From another perspective, traditional scholars emphasize that *qiyas* is an integral part of *usul al-fiqh* that has stood the test of time throughout Islamic history. It provides space for scholars (*mujtahidun*) to balance reason and revelation without compromising either. By rejecting traditional *qiyas*, Syahrur is criticized for failing to honor Islam's rich intellectual heritage, which has enabled Islamic law to remain relevant across various eras.[52]

Strengths and Appreciation of Syahrur's Islamic Legal Ideas

Although Muhammad Syahrur's thoughts on *qiyas* have been met with considerable criticism, his approach also possesses notable strengths that are appreciated by his supporters. One of the primary merits is his boldness in challenging Islamic legal traditions that are often considered static, offering a fresh perspective better aligned with the demands of contemporary times. Syahrur argues that traditional *qiyas* as a conventional analogy method often hinders the renewal of Islamic law due to its excessive reliance on partial similarities between past and new cases. His empirically and semantically grounded approach is seen as more capable of addressing the complex contemporary issues such as bioethics, technology, and international relations.[53]

Supporters of Syahrur also praise his encouragement of Islamic legal reform through the integration of sacred texts and modern scientific knowledge. By emphasizing the importance of understanding social and historical contexts, Syahrur seeks to make Islamic law more relevant and applicable. In the context of globalization, this approach is considered essential for addressing new challenges that were previously unimaginable to classical scholars.[54] For instance, on issues of human rights, Syahrur argues that Islamic law must be interpreted flexibly to accommodate universal principles recognized by the international community.[55]

Moreover, Syahrur's approach to the linguistic aspects of the Qur'an is deemed innovative. He emphasizes that interpreting sacred texts should not be confined to classical exegetical traditions but must also take into account advancements in language and modern semantics. His supporters argue that this method opens opportunities for new interpretations that are more inclusive and relevant to the needs of contemporary society.[56] As such, this approach is seen as enabling a progressive reading of the Qur'an without neglecting the essence of divine revelation.

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[51] Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age*, (New York: Rowman & Littlefield, 2014), p. 78-80.

[52] Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh*, (Cambridge: Cambridge University Press, 1997), p. 170-173.

[53] Zainal Abidin Bagir, "Contemporary Approaches to Islamic Jurisprudence: A Study of Muhammad Shahrur's Thought," *Journal of Islamic Studies*, Vol. 60, No. 3 (2023), p. 234-236.

[54] Yasir Suleiman, *The Qur'an and Modern Society: Revisiting the Linguistic Approach of Muhammad Shahrur*, (London: I.B. Tauris, 2022), p. 87-89.

[55] Khaled Abou El Fadl, *Islam and the Challenge of Democracy*, (Princeton: Princeton University Press, 2021), p. 92-95.

[56] Amina Wadud, "Linguistic Innovation in the Qur'an: Muhammad Shahrur's Methodology," *Muslim World Journal*, Vol. 59, No. 1 (2021), p. 15-19.

Contemporary scholars have also praised Syahrur's emphasizes on social justice in Islamic law. Syahrur frequently links his legal interpretations to the principle of justice, which he considers one of the primary objectives of *shari'ah* (*maqāṣid al-sharī'ah*). In this regard, he seeks to adapt Islamic law to the realities of a pluralistic and dynamic modern society, making it acceptable to diverse social groups.[57] This approach is viewed as particularly relevant in reconciling Islamic norms with modern values, especially in the context of increasing efforts to align religious principles with the demands of modernity.[58]

Conclusion

Overall, Syahrur's perspective on *qiyas* has sparked significant debate among Muslim scholars. While his ideas present new challenges to traditional methods, the main critique of his views lies in the lack of attention to the validity and historical role of traditional *qiyas* in preserving the dynamism of Islamic law. Therefore, his thoughts require further review to avoid sharp polarization between traditional and modern approaches and to ensure that the renewal of Islamic law remains rooted in the fundamental principles of *shari'ah*. Appreciation for Syahrur's approach does not imply ignoring the challenges and risks that accompany it. His supporters acknowledge that this approach demands caution to prevent falling into entirely subjective interpretations. Consequently, they emphasize the importance of balancing methodological innovation with respect for the existing Islamic legal tradition. Furthermore, this study concludes that in the renewal of *ijtihad* methodologies proposed by Syahrur, particularly concerning *qiyas*, several of his theories essentially replicate what has already been formulated by traditional *usul al-fiqh* scholars. However, Syahrur repackages these ideas with a modern and distinct framework. Thus, it is necessary to further develop the theories of classical-traditional scholars using new paradigms and interpretations, while still adhering to the general principles of *shari'ah*.

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[57] Abdullah Saeed, *Islamic Thought in the Contemporary World*, (New York: Routledge, 2020), p. 103-106.

[58] Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation*, (Oxford: Oxford University Press, 2019), p. 45-47.

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