Islamic Jurisprudence (Fiqh Science) in an Epistemological Perspective

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ABSTRACT: The study of fiqh science (Islamic Jurisprudence) occupies an important position in Islam, because Islamic teachings can be implemented with guidance from fiqh science. The study of the science of fiqh continues to experience significant developments, especially in reviewing its epistemology. For this reason, this research aims to discuss the science of jurisprudence from an epistemological perspective, by exploring its epistemological sources and exploring the principles of justice, social benefit (goodness), ethical and adaptive values that can be applied in society. This research is designed to explain the science of Fiqh from an epistemological perspective which focuses on the sources of Fiqh law, methods and principles of legal exploration. To find the answer to this problem, this research uses the library research method with content analysis as the scalpel. From the use of this method, the conclusion was found that from an epistemological point of view, Fiqh Science is a science that provides normative details about Sharia laws, which originate from the Qur'an, Hadith, Ijma', and Qiyas, which are explored through the process of *ijtihad* (serious effort) in giving birth to the law. The process of excavating (*istinbath*) of Fiqh law continues to explore the meaning of revelation, by involving reason and logic in interpreting religious texts. This research also found that the science of Fiqh is dynamic and constructive, adapting to current developments without ignoring the basic principles of Islamic teachings.

KEYWORDS: Epsitemology, Fiqh, Ushul Fiqh, Ijtihad, Istinbath.

INTRODUCTION

The science of fiqh, as the main scientific discipline of Islamic law, has a very important role in the lives of Muslims, both in the aspects of worship, muamalah and social aspects. Fiqh teaches and guides Muslims on how to live their personal and social lives in accordance with the principles set out in the Koran and al-Hadith. However, along with developments over time, fiqh faces challenges in responding to contemporary problems that are developing in society. This challenge is answered by fiqh scholars by continuing to try to explore fiqh law in order to provide solutions to new problems that are developing in society. For this reason, fiqh scholars in exploring and producing law are not limited to classical texts, but also contemporary legal texts. Efforts to explore and formulate these laws are studies that fall within the realm of scientific epistemology.

The epistemology of science provides a philosophical framework for how science is built and developed from the sources of knowledge itself. The epistemology of science includes questions about the origins of knowledge, criteria of truth, and the ways we obtain and verify knowledge. In the context of jurisprudence, if viewed from an epistemology perspective, jurisprudence is a scientific discipline that not only focuses on religious teaching texts, but also on methods and intellectual processes in producing legal decisions. This intellectual method and process is an epistemological process. This epistemological perspective serves to enrich the analysis of fiqh by examining how interpretation of religious texts is carried out through a rational and logical reasoning process. In this way, epistemology, which is used as a "scalpel", plays a role in formulating fiqh law as a legal product for the Islamic ummah.

The importance of the epistemological perspective in understanding fiqh is to criticize the objective approach in Islamic law. According to Hallaq (2020) that Islamic jurisprudence is an intellectual product. The science of Fiqh can be seen in its dynamic social and historical context, not just as a rigid system. Therefore, epistemology is a tool for evaluating how the laws of fiqh are applied and developed in facing the challenges of the modern era (Nasr, 2021).

A deeper understanding of the relationship between jurisprudence and scientific epistemology will enable us to better understand how the laws of jurisprudence are formed and interpreted in a broader context. This approach can provide a more flexible and dynamic solution in responding to the needs of contemporary Muslim society without ignoring the basic legal principles contained in the Koran and Hadith.

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This research will also identify and criticize various views on objectivity in fiqh, especially related to legal decisions based on interpretations of religious texts such as the Koran and Hadith. Through an epistemological perspective, this research can provide a more systematic framework for analyzing the relationship between religious texts and the application of the principles of rationality, experience and objectivity in the science of jurisprudence (fiqh).

Fiqh Science in an Epistemological Framework

The word "fiqh" etymologically means "understanding" or "deep understanding". Apart from that, "fiqh" can also be interpreted as "knowing something and understanding it well" (Shaifudin, 2019). In a morphological review, the word fiqh comes from the words *faqiha-yafqahu-fiqhan* which means "to understand or understand". So the term fiqh gives the meaning of understanding in sharia law (Karim, 2011).

The epistemology of the science of Fiqh is related to the istinbath (excavation) of Islamic law from the sources of the Koran, al-Hadith, Ijma' and Qiyas. The process of extracting Islamic law (*istinbath*) requires its own method, which is known as Ushul Fiqh. In the study of epistemology, Ushul Fiqh is a "scalpel" for formulating and producing Islamic laws. Ushul fiqh occupies a significant position in dissecting the texts of the Qur'an al-Hadith which are the basis of sharia. Even though the Shari'a is considered a manifestation of God's will which is permanent and eternal, in its implementation, this Shari'a is interpreted and applied based on the context of the time and place which continues to develop. Therefore, in the discipline of Ushul Fiqh, there is a process of *ijtihad* (earnest effort) which allows scholars to produce new fatwas based on general principles contained in sacred texts. From this context it can be understood that fiqh is a legal product resulting from the istinbath process carried out by Ushul Fiqh. Between Fiqh Science and Ushul Fiqh have a very close and complementary relationship. In short, it can be emphasized that Ushul fiqh is a method of exploring Islamic law, while fiqh is a product of Islamic law.

If viewed from the perspective of the philosophy of science, the epistemology of Fiqh describes the existence of law in a social and historical context. Fiqh contains laws that are detailed and apply throughout time, until there are new provisions that require adjustments to be made with current developments. Fiqh is seen as unable to answer this, so it is Ushul Fiqh that functions to answer this challenge with a reasoned approach that touches on philosophical aspects. This touch on the philosophical aspects of Ushul Fiqh, borrowing Thomas Kuhn's paradigm theory, provides insight into how fiqh law can develop without losing its essence (Suryani, 2022).

The Ushul Fiqh methodology includes the use of reason in interpreting religious texts that do not explicitly explain certain issues, by applying principles such as *qiyas* (analogy) and *ijma'* (mutual consensus). From an epistemological perspective, Ushul Fiqh describes the relationship between revelation and reason. The *ijtihad* method in Ushul Fiqh is a concrete example of how legal knowledge is developed in the fiqh tradition (Shaifudin, 2019).

The modern epistemological approach provides a perspective to understand that the laws contained in fiqh are not knowledge separate from social reality, but rather constructive knowledge, interacting with the context and needs of the times. This is where Ushul Fiqh then interprets the context of the times to produce law, the product itself is Fiqh Science. In this case, Fiqh epistemology can be aligned with the epistemological view of social constructivism which explains that knowledge is formed through social interaction and human understanding (Nasution, 2023).

Fiqh plays a role in achieving maslahah (common good) which includes physical, social and spiritual aspects. The main aim of fiqh is to ensure that every human action is within a framework that brings benefits to Muslims and society at large. In an epistemological perspective, this leads to the theory of value in knowledge which emphasizes the importance of goals in the application of knowledge in real life (Abduh, 2021).

In the context of epistemology, Islamic law is not something static, but rather a knowledge that is dynamic and can be influenced by developments in society and advances in science (Kuntowijoyo, 2020). For this reason, fiqh, from an epistemological perspective, can be seen as part of social science, because many fiqh products are about relationships between individuals and between groups in Islamic society.

Fiqh legal products influence many social aspects, starting from matters of marriage, inheritance, muamalah (transactions), to criminal law (Kuntowijoyo, 2020). Jürgen Habermas, offers the understanding that social knowledge is not only theoretical, but is also influenced by social and historical conditions. Social knowledge is not only theoretical, but is also influenced by social and historical conditions. This approach is relevant in analyzing Fiqh as a science that is formed in the interaction between sacred texts and a developing social context (Nasution, 2023). This approach is relevant in analyzing Fiqh as a science that is formed in the interaction between sacred texts and a developing social context (Kuntowijoyo, 2020).

From the explanation in this section, it can be understood that within an epistemological framework, Fiqh is a scientific discipline that does not only focus on formal legal regulation, but also includes the dimensions of the legal excavation process which requires the help of Ushul Fiqh within the framework of ijtihad to produce contextual law. As a science that continues to develop, Fiqh legal products are required to be able to adapt to changing times, without ignoring their theological and methodological roots. Thus, epistemology provides important insights in understanding how Fiqh as a science can survive and be relevant in modern society.

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Sources of Epistemology of Fiqh Science.

Fiqh, as a scientific discipline that studies sharia laws, has several main sources of knowledge that form the basis for establishing Islamic law. The main sources of Fiqh knowledge are the Koran, Hadith, Ijma', and Qiyas, each of which has an important role in making legal decisions. The Qur'an, as the final book of revelation, provides basic guidance in the lives of Muslims, and is the main source of law that must be translated in various ever-changing social situations. On the other hand, Hadism is an explanation of the teachings of the Koran that came from the Prophet Muhammad SAW and provides further details about how the Koran is applied in the daily lives of Muslims (Suryani, 2022).

However, not all problems can be answered directly by the Koran and Hadith. Therefore, in Fiqh, there is the principle of Ijma' or consensus of the ulama which implies the ulama's agreement on a legal issue that is not explicitly regulated by the Qur'an and Hadith. *Ijma'* (mutual agreement) is used as a binding source of law in certain situations (Abduh, 2021). Furthermore, *Qiyas* (analogy), which is an analogy method, is used to determine the law for cases that are not mentioned in religious texts. In this process, the ulama make an analogy between problems that are not directly regulated and problems that already have provisions in the Koran or Hadith. Thus, reason (ratio) becomes one of the main tools in translating religious texts into the broader context of life.

From an epistemological perspective, Fiqh science can be understood as a science that is not only based on revelation, but also involves rational reasoning. The process of acquiring knowledge in Fiqh requires an interaction between revelation (the Qur'an and Hadith) and reason (human reason) to interpret the relevant laws. In this case, ijtihad, as an intellectual effort to understand and apply Islamic law, plays an important role in the development of the science of Fiqh. *Ijtihad* is carried out by ulama by using their intellect to understand sacred texts and adapt them to the needs of the times (Kuntowijoyo, 2020).

Modern epistemological theory makes an important contribution to understanding the dynamics of knowledge in Fiqh. One of them is the theory of constructivism, which teaches that knowledge is not only absorbed passively, but is formed through interactions between individuals and the world around them. In the context of Fiqh, legal knowledge is formed through dialogue between fixed religious texts and dynamic social contexts. This is in line with the epistemological view which states that knowledge in Fiqh is a construction that continuously develops (Nasution, 2023). In this case, morals and social values are also part of the way the ulama interpret the law for the good of the ummah, as found in the principles of *maslahah al-mursalah* (decisions aimed at the welfare of the ummah) and istihsan (choosing opinions that are lighter or easier for the ummah) which are used to resolve complex legal issues.

In practice, the science of Fiqh develops along with the application of more innovative interpretation methods. For example, *'urf* (customs) is recognized by the ulama as part of a source of law that cannot be separated from the social context. This is where epistemology plays a role in explaining that knowledge cannot be separated from the social context, and Fiqh must be adaptive to the needs of the times (Suryani, 2022). This is in line with social epistemological theories which emphasize that knowledge is built by communities and cannot be understood only in the framework of pure theory or isolated texts.

Overall, the acquisition of knowledge in Fiqh does not only rely on revealed texts, but involves a dynamic process of interpretation that adapts to the context of the times and the social needs of society. Therefore, in epistemology, Fiqh can be seen as a science that continues to develop, with a methodology that combines revelation and reason in studying Islamic legal issues. Fiqh as a science has a constructive nature, where reason plays an important role in determining the appropriate application of law in the ever-changing life of Islamic society (Abduh, 2021).

Principles in Exploring Fiqh Science.

Fiqh is a branch of knowledge in Islam that studies laws related to aspects of worship, muamalah, and various other social activities in the lives of Muslims. As a scientific discipline rooted in revelation, Fiqh does not only speak about its legal products but what is more important is the method of obtaining the law itself. The method of obtaining fiqh law is important considering that fiqh science actually regulates human relationships with God (vertical relationship), but also regulates relationships between humans in society (horizontal relationship) (Shaifudin, 2019). In an epistemological perspective, the science of Fiqh includes ethical, social and theological dimensions that form the basis of Islamic legal practice. Fiqh is not just a technical regulation of law, but also includes rules that give rise to justice, prosperity and compliance with sharia principles in social life.

Theologically, the exploration and acquisition of fiqh laws is to take into account the guarantee of harmony in human relationships with God and each other. It contains the basic principle that every human action in this world should be directed towards achieving Allah's pleasure, both in terms of worship and in the context of social life. In this case, Fiqh law can be understood as a source of rules for realizing life in accordance with God's law through the establishment of laws that apply in every situation and condition. This is in line with the understanding in epistemology which emphasizes that the science of fiqh can give birth to knowledge about noble values related to the greater goals of life. Thus, the birth of Fiqh laws still considers the balance between adherence to religious teachings and practical needs in everyday life (Abduh, 2021).

Fiqh plays a role in regulating the social aspects of life with the main aim of realizing justice for all mankind. Legal decisions resulting from Fiqh are oriented towards reducing social inequality, minimizing injustice, and providing equal rights for every individual in society. Therefore, the epistemology of jurisprudence emphasizes the importance of the principles of social justice, so that it will give birth to justice in inheritance law, muamalah, and criminal law in Islam (Nasution, 2023). In this context, the

epistemology of fiqh upholds justice as an important principle in the process of exploring law while still considering its relevance to current developments.

Apart from that, the exploration of Fiqh law also emphasizes the principle of mutual maslahah (maslahah). In this context, the principle of maslahah in question is known as maslaha murlah. Maslaha murlah is the main principle in Fiqh which is used to ensure that every legal decision produced in the istinbath process must bring benefits to humanity and maintain the welfare of society. Maslahah values cover various aspects of life, from economic, social, cultural, to health. From an epistemological perspective, this shows that the process of exploring law in Fiqh does not only focus on theoretical or ritual aspects, but also integrates humanist values that are beneficial for the welfare of humanity as a whole. Fiqh functions to maintain harmony in society by ensuring that each individual can live in accordance with established social norms without harming the public interest (Suryani, 2022).

No less important, the science of Fiqh in the process of exploring its laws pays great attention to *the principles of ethical values* that underlie the way Muslims interact with each other. Fiqh provides guidelines on how Muslims should act politely, fairly and humanely in everyday life. For example, in various aspects of muamalah (social transactions), Fiqh teaches about the importance of honesty, transparency and fairness in trade, which not only benefits individuals, but also society as a whole. This ethical principle is not only to enrich intellectuals, but also to improve individual and societal morality (Kuntowijoyo, 2020).

Furthermore, fiqh epistemology also considers *adaptive principles* to social conditions and developments of the times. From an epistemological perspective, Fiqh is a constructive knowledge system for realizing goodness and justice in social life while still paying attention to current conditions. Therefore, in every legal decision making and exploration, Fiqh is not only oriented towards standard, original and classical religious texts, but also always considers the social context and universal values that can be accepted by contemporary society. In this way, the science of Fiqh that is developing in today's society can remain relevant and adaptive to changing times, without sacrificing the basic principles of Islamic teachings.

Thus, the principles of legal exploration in the science of Fiqh illustrate that Fiqh is not just a formal legal product, but is also a legal product that takes into account social justice, benefit, ethics and adaptive conditions in the lives of Muslims in line with the challenges of the times. The principles of exploring Fiqh law cannot be separated from the epistemological framework while remaining based on the basic principles of the Islamic religion which originate from the Koran and Hadith, as well as the dynamic results of ijtihad.

CONCLUSION

From the description above, it can be concluded that the science of Fiqh is a very open science from an epistemological perspective. For this reason, from an epistemological perspective, the science of fiqh is not only a product of legal istinbath which originates from religious texts, but is also an intellectual process that is ijtihadi in nature which involves the potential of reason and logic in the form of interaction between revelation and reason in answering legal problems among the people. Islam. When epistemology is seen as the study of sources of knowledge, the sources of Fiqh knowledge are clearly taken from the Koran, Hadith, Ijma', and Qiyas, which are then combined with ijtihad to produce relevant and dynamic laws. The principles of exploring Islamic law which later gave birth to fiqh legal products still consider the realization of justice, benefit and welfare of the people, on the basis of social justice and ethics in muamalah. Overall, the science of Fiqh functions as a tool to achieve a life that is in accordance with the Shari'a, oriented towards the common good, and remains relevant to current developments.

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