

Qowa'idul Fiqi'ah: Implementation of Qowaid Fiqhiyah in Answering Contemporary Problems

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Info Article	Abstract
<p>Article History Received : 2025-09-07 Revised: 2025-09-17 Published: 2025-09-30</p> <p>Keywords: <i>Qawaidul Fiqqiah, Contemporary Problems, Concepts</i></p>	<p>This study examines the implementation of Islamic jurisprudence (qowaid) in addressing various contemporary problems emerging in modern society. As general principles in Islamic law, qowaid plays a crucial role in providing solutions to emerging issues not specifically addressed in the Qur'an and Hadith. The purpose of this study is to analyze the relevance and application of Islamic jurisprudence (qowaid) in addressing contemporary issues in the social, economic, technological, health, and modern muamalah (transactions). The research method used is qualitative research with a normative approach and library research. Data sources were obtained from fiqh books, qowaid books, scientific journals, and relevant Islamic legal literature. The analysis was conducted by examining several key principles, such as al-umuru bi maqashidiha (all matters depend on the goal), al-dhararu yuzal (harm must be eliminated), and al-masyaqqatu tajlibu al-taisir (difficulty brings about ease) in the context of contemporary issues. The research results show that the Islamic jurisprudence (qowaid) is of high quality and relevance in addressing the challenges of the times. The principles of Islamic jurisprudence can serve as the basis for ijtihad in establishing laws regarding various modern phenomena, such as digital transactions, the use of information technology, Islamic financial services, and even health and social issues. Thus, the application of Islamic jurisprudence (qowaid) not only maintains the existence of Islamic law but also demonstrates that Islamic law is dynamic, adaptive, and capable of providing benefits to human life in every era.</p>

I. INTRODUCTION

This study examines the application of Islamic jurisprudence (qowaid) in addressing various contemporary issues that arise in modern society. As a general principle in Islamic law, qowaid plays a crucial role in providing solutions to emerging issues not specifically addressed in the Qur'an and Hadith. The purpose of this study is to analyze the relevance and application of Islamic jurisprudence (qowaid) in addressing contemporary issues in the social, economic, technological, health, and modern muamalah (transaction) fields.

The research method used is qualitative research with a normative approach and library research. Data sources were obtained from fiqh books, qowaid books, scientific journals, and relevant Islamic legal literature. The analysis was carried out by examining several main principles,

such as al-umuru bi maqashidiha (all matters depend on the goal), al-dhararu yuzal (danger must be eliminated), and al-masyaqqatu tajlibu al-taisir (difficulty brings ease) in the context of contemporary issues.

The research results show that Islamic jurisprudence (qowaid) is high-quality and relevant in facing the challenges of the times. The principles of Islamic jurisprudence can serve as the basis for ijtihad in establishing laws related to various modern phenomena, such as digital transactions, the use of information technology, Islamic financial services, and even health and social issues. Thus, the application of Islamic jurisprudence (qowaid) not only maintains the existence of Islamic law but also demonstrates that Islamic law is dynamic, adaptive, and capable of providing benefits to human life in every era.

II. RESEARCH METHODS

This study employs a qualitative approach with a normative-juridical approach (library research). This approach is used to examine the implementation of qowaid fiqhiyah in addressing various contemporary problems through an analysis of both primary and secondary sources of Islamic law. Normative research was chosen because the focus of the study lies in the study of fiqh principles and their application to modern issues emerging in society.

In addition, this study also uses a conceptual approach and an ushul fiqh approach to understand the relevance of qowaid fiqhiyah to the dynamics of contemporary Islamic law.

III. RESULTS AND DISCUSSION

A. Basic Concepts and Implementation in Technology and Social Media

The development of technology and social media has brought about major changes in the lives of modern society. From an Islamic perspective, particularly when linked to the implementation of Qowaid Fiqhiyah (Islamic jurisprudence), technological advances can be a means to achieve public welfare as long as their use does not conflict with sharia principles. Fiqh principles serve as the basis for responding to various new issues not explicitly addressed in classical times.

1. Basic Concepts of Technology from an Islamic Perspective

Technology is essentially a product of human thought aimed at simplifying life's activities. Islam does not reject technological development; in fact, it encourages people to develop knowledge as long as its use leads to good.

Allah SWT says:

"And He has subjected to you whatever is in the heavens and whatever is on the earth—all (as blessings) from Him." (Quran, Al-Jatsiyah: 13)

This verse indicates that humans are given the opportunity to utilize various resources, including technological development, for the benefit of the community.

In Islamic jurisprudence, there is a principle:

"The basic principle of everything is that it is permissible until there is evidence to prohibit it."

This principle forms the basis for the use of technologies such as the internet, digital media, communication applications, and social media as long as they do not contain elements prohibited by sharia.

2. Implementation of Qowaid Fiqhiyah in Technology

The application of Islamic jurisprudence in technology can be seen in the following aspects:

a. The Principle of Al-Masyaqqah Tajlibut Taisir (Difficulty Leads to Ease)

Technology provides convenience for humans in various activities (المشقة تجلب التيسير) such as:

- 1) Online learning
- 2) Digital transactions
- 3) Long-distance communication
- 4) Digital-based healthcare

For example, the use of online learning applications facilitates the educational process without being limited by space and time.

b. The Principle of الضرر يزال (Harm must be eliminated)

This principle is used to avoid the negative impacts of technology, such as:

- 1) Spread of hoaxes
- 2) Online fraud
- 3) Cyberbullying
- 4) Theft of personal data

The government and society can implement digital security systems to eliminate the damage caused by technological developments. 3. Implementation on Social Media

Social media is a digital communication tool that allows individuals to interact and exchange information quickly. Its use can have both positive

and negative consequences depending on how it is used.

The application of Islamic jurisprudence principles to social media includes:

a. Disseminating correct information

Allah SWT says:

"O you who believe, if a wicked person comes to you with news, then ascertain its truth." (Quran, Al-Hujurat: 6)

This verse is an important foundation for using social media to prevent the spread of false news.

b. The Principle of Al-'Adah Muhakkamah

العادة محكمة

"Custom or custom can be used as a basis for law."

Social media is now part of the customs of modern society. Therefore, its use is acceptable as long as it does not conflict with sharia principles.

c. The Principle of Sadd Adz-Dzari'ah

Closes the path to corruption. Its application to social media includes:

- 1) Limiting morally damaging content
- 2) Avoiding slander and hate speech
- 3) Avoiding the spread of misleading information.

B. Implementation in the Sharia Economic Sector

Sharia economics is an economic system based on Islamic values, aiming to create a balance between material and spiritual aspects, as well as realizing justice and the welfare of society. Over time, Sharia economics has become understood not only as a financial system free from interest but also encompasses the principles of transactions in accordance with Islamic law. The implementation of Qowaid Fiqhiyah in Sharia economics plays a crucial role in addressing various contemporary economic issues, particularly in banking practices, digital transactions, investments, and modern business.

1. Basic Concepts of Sharia Economics

Sharia economics is built on several key principles, namely:

- a. Tawhid (faith in Allah)
- b. Justice (al-'adl)
- c. Public benefit (maslahah)
- d. Prohibition of riba
- e. Prohibition of gharar (uncertainty)
- f. Prohibition of maisir (gambling)

Allah SWT says:

"Allah has permitted trade and forbidden riba." (QS. Al-Baqarah: 275)

This verse is the main basis for the principle that economic activity in Islam is permissible as long as it is conducted in a lawful manner and does not contain prohibited elements.

2. Implementation of Qowaid Fiqhiyah in Sharia Economics

In modern economic practice, various new issues frequently arise, requiring a flexible approach to Islamic law. This is where Qowaid Fiqhiyah serves as a guideline.

- a. The Principle of Al-Ashlu fil Mu'amalat Al-Ibahah
الأصل في المعاملات الإباحة إلا أن يدل دليل على تحريمها

This principle forms the basis for various modern economic innovations, such as:

- 1) Islamic banking
- 2) Islamic e-wallets
- 3) Digital transactions
- 4) Islamic marketplaces
- 5) Islamic investments

As long as they do not contain elements of riba, gharar, and maisir, these practices are permitted.

For example, the use of digital payments in buying and selling transactions is permitted because they are simply a means of transaction that facilitates economic activity.

b. The Principle of Adh-Dhararu Yuzal (الضرر يزال) "Harm must be eliminated."

The implementation of this principle in the Islamic economy includes:

- 1) Prohibition of riba practices because they harm one party
- 2) Prohibition of fraud in transactions
- 3) Prohibition of market monopolies
- 4) Protection of consumer rights

For example, the interest system in conventional loans is considered to cause injustice, so the Islamic economy uses a profit-sharing system (mudharabah and musyarakah).

- c. The Principle of Al-Masyaqqah Tajlibut Taisir (المشقة تجلب التيسير) "Difficulty brings about ease."

This principle is applied in the development of modern economic systems, for example:

- 1) Sharia mobile banking services
- 2) Online zakat payments
- 3) Electronic transaction systems

These conveniences are provided to make people's economic activities more efficient.

- d. The Principle of Al-Umuru Bi Maqasidiha (الأمر بمقاصدها) "Every matter depends on its purpose."

This principle emphasizes the importance of intention and purpose in economic activities. For example:

- 1) Investments are made to develop halal businesses
 - 2) Buying and selling is done to obtain legitimate profits
 - 3) Sharia financing aims to improve community welfare
3. Implementation in Sharia Economic Institutions

The implementation of Sharia economics can be found in various institutions, including:

- a. Sharia Banking, Uses mudharabah, murabahah, musyarakah, and ijarah contracts. Does not use an interest system.
- b. Sharia Insurance, Uses the principles of ta'awun (mutual assistance) and tabarru'.

- c. Sharia Capital Market, Investments are made in companies that comply with Sharia principles.
- d. Zakat and Waqf Institutions, Play a role in wealth distribution and social welfare.

C. Implementation in the Health Sector

The health sector is a crucial aspect of human life that continues to evolve with advances in science and technology. From an Islamic perspective, maintaining health is part of upholding the primary objectives of sharia (maqasid sharia), particularly hifzh an-nafs (protecting the soul). Therefore, the implementation of Qowaid Fiqhiyah in the health sector is crucial to addressing various contemporary medical issues, such as the use of health technology, organ transplants, vaccinations, modern medicine, and digital healthcare.

1. Basic Concepts of Health in Islam

Islam views health as a blessing that must be protected and nurtured. Maintaining health is not only related to physical health but also encompasses mental, social, and spiritual well-being.

The Prophet Muhammad (peace be upon him) said:

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: نِعْمَتَانِ مَغْبُورٌ فِيهِمَا كَثِيرٌ مِنَ النَّاسِ: الصَّحَّةُ وَالْفَرَاغُ

"There are two blessings about which many people are deceived: health and free time." Narrated by: Abdullah ibn Abbas. Mukhārij: Muhammad al-Bukhari in Sahih al-Bukhari

This hadith shows that health holds an important place in Islam and must be well maintained.

2. Implementation of Fiqhiyah Principles in the Health Sector

- a. The Principle of Ad-Dharar Yuzal

"Harm must be removed."

This principle is the main foundation in health and medical practice. Every medical

procedure aims to eliminate or reduce the disease a person is suffering from.

Implementation:

- 1) Treatment of infectious diseases
- 2) Medical operations to save patients
- 3) Vaccination as disease prevention
- 4) Use of drugs according to medical needs

For example, administering vaccines aims to prevent the spread of diseases that could endanger the community.

b. The Principle of Al-Masyaqqah Tajlibut Taisir

المشقة تجلب التيسير

"Difficulty brings about ease."

In the health sector, Islam provides relief for people experiencing certain conditions.

For example:

- 1) Sick people are allowed to skip fasting and make up for it at another time.
- 2) Tayammum is permitted if using water is harmful to health.
- 3) Prayer can be performed sitting or lying down for sick people.
- 4) This shows that sharia provides ease when difficulties arise.

c. The Principle of Adh-Dharurat Tubihul Mahzurat

الضرورات تبيح المحظورات

"Emergency circumstances permit what is forbidden."

This principle applies to certain medical conditions.

For example:

- 1) The use of drugs containing prohibited substances when there are no other alternatives and based on medical considerations.
- 2) Emergency surgery to save a patient's life.
- 3) The use of certain treatment methods in life-threatening conditions.

However, their use must be appropriate to the level of need and not exceed the emergency limit.

d. The Principle of Al-Umuru Bi Maqasidiha

الأمر بمقاصدها

"Every matter depends on its purpose."

The primary goal of healthcare is to preserve human life.

Implementation:

- 1) Use of medical technology to improve the quality of services
- 2) Health research for the benefit of the community
- 3) Public health programs aimed at reducing disease rates

3. Implementation in Modern Health Services
 The implementation of Qowaid Fiqhiyah in modern health can be seen in:

- a. Telemedicine, Facilitating remote health consultations.
- b. Vaccination, Efforts to prevent the spread of disease.
- c. Organ transplantation, Permitted under certain conditions to save lives.
- d. Medical technology, Use of modern medical equipment for diagnosis and treatment.
- e. Sharia hospital services, Integrating health services with Sharia principles.

D. Implementation in Social and Cultural Life

Socio-cultural life is an inseparable part of human life. It encompasses patterns of social interaction, values, customs, habits, and traditions that develop within a particular environment. In Islam, socio-cultural life is permitted as long as it does not conflict with the teachings of Sharia. The implementation of Qowaid Fiqhiyah in socio-cultural life serves as a guideline for assessing and determining laws regarding various traditions and social phenomena that continue to develop in society.

The development of the times gives rise to various cultural changes, both in patterns of social interaction, lifestyle, and societal traditions. Therefore, the principles of fiqh are necessary to ensure that these changes remain within the

framework of Sharia and aim to achieve the common good.

Basic Concepts of Socio-Cultural Life in Islam:

Islam is a religion that regulates the relationship between humans and God (*hablum minallah*) and the relationship between humans and others (*hablum minannas*). Social life in Islam emphasizes the values of brotherhood, mutual assistance, justice, and mutual respect.

Allah SWT. Allah says: "O mankind! Indeed, We created you from male and female, and made you into nations and tribes so that you may know one another." (QS. Al-Hujurat: 13)

This verse shows that cultural and customary differences are part of Allah's decree aimed at creating harmonious social relations.

The Prophet Muhammad (peace be upon him) also said:

"None of you believes until he loves for his brother what he loves for himself." Narrator: Anas ibn Malik. According to: Muhammad al-Bukhari and Muslim ibn al-Hajjaj

This hadith serves as an important foundation for building good social relations.

E. Analysis of the Implementation of Qowaid Fiqhiyah on Contemporary Problems

Based on the discussion above, the implementation of the principles of Islamic jurisprudence demonstrates that Islamic law is elastic, dynamic, and relevant throughout time. The principles of Islamic jurisprudence serve not only as legal theory but also as practical methods for resolving the problems of modern society.

The Qowaid fiqhiyah system facilitates scholars and academics in conducting *ijtihad* on new issues not explicitly addressed in the Quran or Hadith. With a fiqhiyah approach, Islamic law can continue to develop without losing its fundamental principles.

In addition, the application of qowaid fiqhiyah also shows that the main objective of Islamic law is to maintain human welfare (*maqashid syariah*),

both in the aspects of religion, soul, mind, descendants, and property.

However, the implementation of qowaid fiqhiyah must still be carried out carefully by parties who have competence in sharia knowledge to prevent misuse of the rules for certain interests.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The implementation of Islamic jurisprudence (*qowaid*) in addressing contemporary problems demonstrates the crucial role of Islamic jurisprudence (*fiqh*) principles in providing Islamic legal solutions to various modern issues. Islamic jurisprudence (*qowaid*) serves not only as a theoretical guideline but also as a flexible, dynamic, and relevant method of legal *istinbath* (determination of legal issues). By adhering to general Islamic principles, scholars are able to address new issues not explicitly addressed in the Quran and Hadith.

Principles such as *al-umur bi maqashidiha* (every matter depends on its purpose), *al-masyaqqah tajlibut taisir* (difficulty brings ease), *ad-dhararu yuzal* (harm must be eliminated), and *al-'adah muhakkamah* (customs can be used as legal considerations) have proven to be applicable to various contemporary issues, such as digital transactions, sharia economics, information technology, modern health, and even social issues. The application of these principles demonstrates that Islamic law is adaptive without abandoning the basic values of sharia.

Furthermore, the implementation of Islamic jurisprudence (*qowaid fiqhiyah*) demonstrates that Islam is a religion that brings welfare, justice, and ease to humanity. In the face of rapid social change and technological development, Islamic jurisprudence (*qowaid fiqhiyah*) serves as a crucial instrument to ensure Islamic law remains relevant and provides appropriate solutions to the needs of modern society.

Thus, it can be concluded that the principles of Islamic jurisprudence (qowaid) are one of the main foundations in the development of contemporary Islamic law. A proper understanding and application of the principles of Islamic jurisprudence will help academics, religious scholars, and the general public face the various challenges of modern life wisely, proportionately, and in accordance with the objectives of Islamic law (maqasid syariah).

B. Suggestion

Based on the conclusions above, several suggestions can be proposed. First, it is necessary to strengthen the study and development of qowaid fiqhiyah in order to address contemporary issues that continue to evolve alongside advancements in technology, economics, and social life. The dynamic nature of modern society requires Islamic legal thought to remain adaptive while still maintaining the fundamental values of sharia.

Second, academics, Islamic scholars, and educational institutions are encouraged to enhance public understanding regarding the application of qowaid fiqhiyah as a flexible and relevant method of Islamic legal reasoning (istinbath). A deeper understanding of these principles will help society recognize that Islamic law is capable of responding wisely and proportionally to modern challenges in accordance with maqasid shariah.

Furthermore, future researchers are recommended to conduct more specific studies on the implementation of qowaid fiqhiyah in various contemporary fields, such as sharia fintech, artificial intelligence, digital transactions, modern healthcare, and social media issues. Such studies are important to ensure that Islamic jurisprudence continues to provide practical and contextual solutions for emerging problems.

In addition, governments, fatwa institutions, and Islamic organizations should work collaboratively in formulating policies and legal

opinions that are responsive to social and technological developments while remaining grounded in the principles of qowaid fiqhiyah. This collaboration can contribute to the creation of Islamic legal solutions that promote justice, welfare, and public benefit.

Finally, there should be greater integration between classical Islamic scholarship and multidisciplinary approaches in the study of Islamic law. This integration will enable qowaid fiqhiyah to remain relevant in contemporary society and strengthen its role as one of the primary foundations for the development of modern Islamic law.

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