



Transformation of Sharia Economic Legal Norms in Texts, Fiqh, Fatwas and Qanun

Fahmi Hasan Nugroho¹, Atang Abdul Hakim²

UIN Sunan Gunung Djati Bandung

email : fahmihasan91@uinsgd.ac.id¹, atangabdulhakim@uinsgd.ac.id²

Paper Submitted : 12 August 2025 Paper Revised : 10 September 2025 Paper Published : 1 October 2025

Abstract (English)

This article examines the transformation of normative foundations in Islamic economic law from the nash (the Qur'an and Sunnah) into more operational legal forms, namely fiqh, fatwa, and qanun, using an epistemological approach to Islamic law. The study highlights shifts in sources, authority, and methodology in the formulation of Islamic legal norms, as well as their implications for the validity and authenticity of shari'ah-based norms in modern contexts. This research is a qualitative, library-based study employing normative-epistemological analysis. The findings indicate that this transformation reflects an epistemic shift from absolute revelation to interpretative and contextual legal constructions. Fiqh represents systematic reasoning based on nash through ijtihad, fatwa serves as a contextual response to contemporary societal issues grounded in maqāsid al-shari'ah, and qanun reflects the legal-institutional formalization of Islamic law within modern nation-state frameworks. While this transformation demonstrates the adaptability of Islamic law to evolving realities, it also poses the risk of normative dilution if its epistemological continuity is not carefully maintained. Therefore, a maqāsid-based framework and collaborative engagement among scholars, academics, and regulators are essential to preserving the substantive spirit of shari'ah within contemporary legal systems.

Keywords:

Fatwa; Fiqh; Islamic Economic Law; Qanun; Legal Transformation

Abstrak (Indonesia)

Artikel ini membahas proses transformasi norma hukum ekonomi syariah dari nash menuju bentuk-bentuk hukum yang lebih operasional, yaitu fikih, fatwa, dan qanun, dengan menggunakan pendekatan epistemologi hukum Islam. Kajian ini menyoroti perubahan sumber, otoritas, dan metode dalam perumusan hukum, serta dampaknya terhadap validitas dan otentisitas norma syariah dalam konteks modern. Penelitian ini merupakan studi kualitatif berbasis kepustakaan dengan metode analisis normatif-epistemologis. Hasil kajian menunjukkan bahwa transformasi ini mencerminkan pergeseran epistemik dari wahyu yang absolut menuju konstruksi hukum yang interpretatif dan kontekstual. Fikih memuat penalaran sistematis atas nash melalui metode ijtihad, fatwa berperan dalam menjawab persoalan aktual masyarakat berdasarkan maqashid al-shari'ah, dan qanun merepresentasikan bentuk legal-institusional hukum syariah dalam sistem negara modern. Meskipun transformasi ini menunjukkan kemampuan hukum Islam dalam beradaptasi dengan perubahan, namun juga mengandung risiko reduksi nilai normatif jika tidak dijaga kesinambungan epistemologisnya. Oleh karena itu, diperlukan kerangka maqashid dan kolaborasi antara ulama, akademisi, dan regulator untuk menjaga substansi syariah tetap hidup dalam hukum kontemporer.

Kata kunci:

Fatwa; Fikih; Hukum Ekonomi Syariah; Qanun; Transformasi Hukum



Introduction

As a religion that encompasses every aspect of human life, Islam provides a comprehensive set of legal norms that regulate not only ritual worship but also the social, economic, and political dimensions of human existence. In the economic sphere, the legal norms derived from the Qur'an and the Sunnah establish ethical foundations, principles of justice, and clear boundaries of what is lawful (*halal*) and unlawful (*haram*) in transactions. (Fitriani et al., 2024; Madjid, 2018) Verses prohibiting *riba* (usury), emphasizing mutual consent in transactions, and forbidding unjust enrichment (*akl al-mal bi al-batil*) constitute the foundational pillars of the Islamic economic legal system.

Nevertheless, the textual sources of the Qur'an and the Sunnah are limited and cannot directly address the ever-evolving legal needs shaped by changing times, technological advancements, and the growing complexity of modern economic systems. (Fadillah, 2019; Herlina et al., 2025) This is where Islamic law reveals its epistemological dynamism: the normative guidance contained in the revealed texts undergoes transformation through *ijtihad*, giving rise to *fiqh*, which later develops into *fatwa* as a response to contemporary issues, and eventually becomes institutionalized in the form of *qanun*—formal legislation enacted by modern Muslim states.

This transformation is not merely a shift in form but also involves changes in context, methodology, and epistemic authority. While the revealed texts (*nash*) represent static and divine legal norms, *fiqh*, *fatwa*, and *qanun* occupy the spectrum of interpretative, provisional, and contextual authority. Such shifts raise crucial epistemological questions: to what extent does the substance of the revealed norms remain intact throughout this transformative process? What are the epistemological implications of shifting legal authority from divine texts to human interpretation, and from the individual mujtahid to the state institution?

The aim of this study is to examine and analyze the transformation of Islamic economic legal norms—from *nash* to *fiqh*, from *fiqh* to *fatwa*, and from *fatwa* to *qanun*—through the lens of Islamic legal epistemology. Specifically, it explores the changes in sources, methodologies, and authorities that shape this process, and how such changes affect the authenticity and applicability of Islamic legal norms in contemporary Muslim societies. This inquiry is significant because, in the context of globalization and the modernization of legal systems, Islamic law is expected not only to maintain its substantive relevance but also to adapt epistemologically to the realities of state law.

Literature Review

The transformation of Islamic law into positive law in Indonesia has long been a subject of scholarly interest, as it opens various avenues of inquiry. For instance, Bumaeri et al. (2021) discuss the potential for implementing Islamic law within Indonesia's legal system without necessarily transforming the state into an Islamic polity. Similarly, Nada & Dani (2022) examine the ideas of Hasbi



Ash-Shidieqy and Hazairin regarding the transformation of Islamic law in the Indonesian legal framework.

In the more specific context of Islamic economic law, several studies have emerged. Rijadi (2023), for example, highlights the importance of fiqh maxims (*qawa'id fiqhiyyah*) as analytical tools for Islamic economic law but does not explicitly address the epistemological trajectory from *nash* to more operational forms such as *fatwa* and *qanun*. Likewise, Suradi et al. (2023) analyze classical Islamic legal sources—the Qur'an, Sunnah, *ijma'*, *ijtihad*, and *qiyas*—alongside the strengthening of Islamic economic law through formal regulations such as the Islamic Banking Law and the Compilation of Islamic Economic Law. Their study emphasizes the role of *qanun* in reinforcing Islamic economic law at the state level, though it notes that implementation remains sectoral and normatively formalistic. Their focus is largely on comparing the content of *nash* and *qanun* as legal sources, rather than unpacking the methodological and epistemological transitions that bridge the two.

Earlier works have also contributed to the field. Pusvisasari et al. (2023) explore the philosophy and theoretical foundations of Islamic economic law in the context of Islamic banking, emphasizing key prohibitions against *riba*, *gharar*, and *maysir*, as well as the central concepts of *mudharabah* and *musyarakah*. Meanwhile, Komarudin & Hidayatullah (2021) trace the legislative stages of incorporating Islamic law into banking regulations in Indonesia, dividing the process into four phases: the pre-Islamic value-neutral stage, the introduction of profit-sharing systems, the formal recognition of Islamic banks, and the phase of consolidation and purification. Both studies, however, are primarily concerned with regulatory implementation and do not delve into the epistemological transformation of Islamic economic norms from *nash* to *qanun*.

From these studies, it is evident that while efforts have been made to connect Islamic legal norms with institutional practices and state regulations, there remains a gap in the literature. Specifically, no research has systematically examined the epistemological process by which Islamic economic legal norms are transformed—from *nash* to *fiqh*, from *fiqh* to *fatwa*, and from *fatwa* to *qanun*. This article seeks to address that gap by critically analyzing how divinely revealed norms are shaped, adapted, and formalized within modern legal systems, and how epistemic shifts at each stage affect the validity, flexibility, and authority of Islamic law.

Methodology

This study uses a library-based qualitative method combined with normative and epistemological legal analysis. Primary Islamic legal sources such as the Qur'an, hadith, and both classical and contemporary works of *usul al-fiqh* are examined alongside *fatwas* and state regulations governing Islamic economic law. The normative approach is applied to identify and classify



Islamic economic legal norms within the revealed texts, while the epistemological approach is used to analyze how these norms are transformed into *fiqh*, *fatwa*, and *qanun*. This process involves mechanisms of *ijtihad*, social contextualization, and legal institutionalization. The purpose of this methodology is to uncover the epistemic framework that underpins the historical and contemporary dynamics of Islamic economic law, highlighting the ways in which its legitimacy and authority are constructed, negotiated, and sustained.

Findings

Theoretical Foundations and Epistemological Perspectives on Islamic Economic Legal Norms

In Islamic legal studies, legal norms do not exist in a vacuum; rather, they are grounded in an epistemological framework that distinguishes between divine sources and human constructions, between *wahy* and *ijtihad*. Broadly speaking, the epistemology of Islamic law divides sources of law into two primary categories: *naqli* (transmitted) and *'aqli* (rational). *Naqli* sources are those handed down through transmission and authentication, and their authority is largely measured by authenticity – what is verified is accepted, while what is not authentic is rejected. These include the Qur'an, the Sunnah, consensus (*ijma'*), the opinions of the Companions, the practices of the people of Madinah, and even pre-Islamic religious laws. *'Aqli* sources, on the other hand, are derived from rational human reasoning and are therefore more dynamic, relying less on textual authenticity and more on reasoned evaluation. These include *qiyas* (analogical reasoning), *istihsan* (juridical preference), *istishab* (presumption of continuity), *sadd al-dhara'i* (blocking the means), *'urf* (custom), and *maslahah* (public interest). (Al-Zuhaili, 1986; Khallaf, 2003)

The Qur'an and the Sunnah stand as the primary and authoritative sources, forming the very foundation of Islamic law, including Islamic economic law. They contain universal and transhistorical principles such as justice, lawfulness of transactions, the prohibition of *riba*, the requirement of mutual consent, and general guidelines for economic dealings. (Al-Razi, 1981) Yet, the finite nature of these texts means they cannot directly address the vast complexities of the modern economy. This necessitates *ijtihad* as a means of rationalizing and contextualizing the texts. Here, *fiqh* plays its role as the intellectual effort of *mujtahids* who derive practical rulings from the revealed sources through the methodological framework of *usul al-fiqh*. In this sense, *fiqh* serves as an



epistemic bridge between revelation and lived reality, providing the doctrinal basis for the systematization of economic law within the various legal schools.

The epistemological transformation from *nash* to *fiqh* marks the first stage in the development of Islamic legal norms. At this stage, the authority of the text gives way to the authority of interpretation, namely *ijtihad*. Yet the transformation does not stop there. In classical Islamic history, the *fatwa* emerged as a legal response issued by a *mufti* to specific questions posed by a *mustafti* (questioner). While grounded in *ijtihad*, the *fatwa* is by nature particular and contextual, granting it greater epistemological flexibility than *fiqh* since it allows space for considerations of *maslahah* and the changing circumstances of time, within methodological boundaries (Irsyadi & Asmuni, 2023).

The next stage of transformation is the institutionalization of *fatwa* into formal regulation, especially in the context of the modern nation-state. At this point, what was once a moral-religious and private norm is elevated into a public and legally binding rule. This shift profoundly affects the character of *fiqh al-mu'amalat*: from being *ijtihadi* (open to juristic reasoning), *mukhtalaf fih* (subject to disagreement), and non-binding, it becomes *ijma'i* (collective), *muttafaq 'alayh* (agreed upon), and enforceable with coercive power (Hakim, 2019). The *qanun*, in this sense, represents the final stage of epistemic transformation of Islamic economic norms. It is not solely the product of *nash* or *fiqh*, but also the outcome of political processes, public policy considerations, and administrative pragmatism. In this position, Islamic legal norms are relocated from the realm of divine revelation into the framework of positive state law. (Amiruddin, 2018; Nurdin & Ridwansyah, 2020; Yazid, n.d.)

From an epistemological perspective, the journey from *nash* to *qanun* reflects a hierarchy of authority and normative flexibility. While the *nash* is static, *fiqh* and *fatwa* are interpretive, and *qanun* is institutional and legalistic. This raises critical questions: to what extent can the divine values embedded in *nash* be preserved after passing through layers of interpretation, contextualization, and legislation? Can a *qanun* still be claimed as an authentic representation of God's law?

Addressing such questions requires an epistemological approach that goes beyond formal validity and scrutinizes the processes of transition: how methods of *istinbat* are applied, to what extent *maqasid al-shari'ah* serve as guiding principles, and how legal authorities—whether *mujtahids*, *muftis*, or legislators—maintain the integrity of textual meaning. Within this framework, Islamic economic law is understood not merely as a system of rules but as the product of a complex interaction between revelation, reason, and social reality.



Islamic Economic Legal Norms in the Nash

The Qur'an and Sunnah provide the starting point for constructing Islamic economic law. They contain foundational principles that constitute the highest normative authority within the Islamic legal system. These principles appear not only as commands and prohibitions but also as moral values, objectives of welfare, and structures for fair socio-economic relations. In the economic field, the *nash* sets forth essential rules that continue to serve as operational foundations for modern Islamic financial institutions.

One of the most fundamental norms is the prohibition against consuming the wealth of others unjustly, as articulated in Qur'an 4:29:

لَيْسَ لِلَّذِينَ آمَنُوا لَا كُلُوا أَمْوَالَكُمْ بَيْنَكُمْ لِبَاطِلٍ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ (النساء 29)

“O you who believe, do not consume one another's wealth unjustly, unless it be trade conducted with mutual consent among you.” (al-Nisa' 29)

This verse serves as a cornerstone of Islamic economic law because it frames how Islamic law filters and evaluates various forms of human economic transactions. Al-Qurtubi (2006) explains that anyone who takes another's wealth without legitimate authorization is engaging in unjust consumption, which even includes judgments issued by corrupt judges. On this basis, all practices involving harm, fraud, exploitation, or the usurpation of rights are deemed invalid. This principle is further elaborated in other verses that explicitly prohibit *riba*, *gharar*, *maysir*, deception, and exploitative contracts.

Other verses reinforce the prohibition of *riba* in all its forms, such as Qur'an 2:274–279. These verses declare *riba* categorically forbidden and as an act provoking divine wrath. The prohibition of *riba* is one of the strongest norms in Islamic economic law, as it is the only sin for which God threatens war (al-Baqarah 279). Ibn Kathir (1999), citing Ibn 'Abbas, reports that a ruler has the authority to demand repentance from the usurer and, if the latter refuses, impose capital punishment. Beyond prohibitions, the *nash* also contains affirmative injunctions that shape the framework of economic justice, such as the obligation to pay zakat (al-Baqarah 43), honesty in weights and measures (al-Rahman 9), the duty to fulfill contracts (al-Ma'idah 1), and the encouragement of consultation in public affairs (Ali 'Imran 159). These commands regulate not only individual conduct but also establish structural norms for the collective management of economic life.

Despite the clarity of these foundational norms, many practical details remain unspecified in the texts. For example, while the Qur'an prohibits *riba* and the Sunnah elaborates its types (such as *riba al-fadl* and *riba al-nasi'ah*) along



with conditions for trading ribawi commodities, the sources do not provide explicit guidance on modern financial instruments such as credit cards, bonds, or derivatives (Al-Syafi'i, 1938; Al-Zuhaili, 1986). Here, *ijtihad* becomes indispensable in bridging normative principles of the *nash* with the complex realities of contemporary finance. (Herlina et al., 2025)

The economic norms within the *nash* also display two important epistemological tendencies. The first is *ta'abbudi* norms—those that demand compliance without a clearly discernible rational justification, such as the prohibition of *riba* in certain transactions of *ribawi* commodities, the rationale of which is not always evident. The second is *ta'aqquli* norms—those that carry rational wisdom, such as the prohibitions against fraud and exploitation, whose reasons are apparent. These two dimensions set Islamic economic law apart from secular economic legal paradigms by emphasizing the inseparable bond between humans as servants and their Creator. Compliance with Islamic economic law thus entails not only worldly but also eschatological consequences. Recognizing the distinction between *ta'abbudi* and *ta'aqquli* norms is crucial for determining the scope of *ijtihad* and the degree of legal flexibility, particularly in distinguishing between immutable principles (*thawabit*) and changeable aspects (*mutaghayyirat*), and thereby identifying where innovation is permissible and where it is not.

Accordingly, the *nash* provides the foundational framework and guiding values for the development of Islamic economic law. Yet, for these norms to function effectively in modern societies, they must be interpreted and expanded through subsequent epistemological stages—*fiqh*, *fatwa*, and *qanun*—which will be explored in the following sections.

Discussion

The Transformation of Norms from Nash to Fiqh, Fatwa, and Qanun

The transformation of legal norms from *nash* to *fiqh*, *fatwa*, and *qanun* reflects a distinctive epistemological process in Islamic law. This transformation illustrates a shift from revelation to rationality, from universal norms to applied details, and from the individual domain to institutional structures. Examining this process is not merely about tracing formal legal changes, but also about analyzing epistemic shifts and authority in the production and legitimacy of Islamic legal norms.

1. From Nash to Fiqh: Rationalizing Norms

The first stage occurs when *nash* becomes the foundation for formulating detailed rulings through the mechanism of *ijtihad*. *Fiqh* emerges from the



systematic effort of *mujtahid* to derive practical laws from the Qur'an and Sunnah using the methodology of *usul al-fiqh* (Al-Minangkabawi, 2013; Mudzhar, 1998). At this stage, *nash* cannot be understood through a purely textual reading; it requires analysis through interpretive tools such as *dilalat al-alfaz*, *istidlal*, *istihsan*, and others. This indicates a profound epistemological shift – from divine text to human interpretation, from immutable revelation to human understanding.

Fiqh differs from *nash* in several ways. While *nash* is static and generally unrestricted by context, given the principle *al-'ibrah bi 'umum al-lafzh la bi khusus al-sabab*, *fiqh* is the result of human *ijtihad*, hence provisional, context-dependent, and influenced by both methodology and socio-cultural environment. *Fiqh* norms are not universal but relative, reflecting juristic reasoning within particular circumstances. Still, *fiqh* often remains conceptually stable, as its primary aim is to build a consistent and rational system of legal thought.

In Islamic economics, classical *fiqh* texts have elaborated a comprehensive legal system of *mu'amalat* covering contracts such as sale, partnership (*shirkah*), leasing (*ijarah*), forward sale (*salam*), manufacturing contract (*istisna'*), and debt. However, contemporary transactions such as leasing finance, *sukuk*, or fintech innovations were unknown to both *nash* and classical *fiqh*. This underscores the necessity of continuing *ijtihad* to ensure that Islamic economic law remains responsive to modern realities.

2. From Fiqh to Fatwa: Contextualizing Norms

The next transformation occurs when *fiqh* is applied contextually through *fatwas*. A *fatwa* is a juristic response to practical issues faced by the community, provided by a *mufti* or *fatwa* institution on the basis of sound *ijtihad* (*Mu'tamad al-Fatwa fi Dar al-Ifta*, 2011; Mudzhar, 1998). Unlike *fiqh*, which is concerned with building systematic legal theory, *fatwa* addresses concrete, often urgent questions within specific socio-economic and cultural contexts.

Epistemologically, *fatwa* occupies a unique position at the intersection of normative law and social practice. It is rooted in *nash* and *fiqh*, but gives greater weight to considerations such as *maslahah*, *sadd al-dhara'i*, and *maqasid al-shari'ah*. Consequently, *fatwa* is dynamic and adaptable to the needs of the *mustafti* (Jum'ah, 2021). This dynamism is evident, for example, in the rulings of Indonesia's National Sharia Council (DSN-MUI), which often provide innovative solutions and multiple alternatives (*makharij fiqhiyyah*) to reconcile modern needs with Sharia principles (Helmi, 2018; Jauhari et al., 2023).



However, this flexibility also entails consequences. Since neither *fiqh* nor *fatwa* are legally binding, authority becomes pluralized and dispersed across different scholars and institutions, often leading to divergent rulings. As a result, Muslims may choose among competing *fatwas*, much as they select from differing opinions in *fiqh*, provided they do so without ill intent. This plurality, while enriching, can also create confusion in practice—particularly when secular systems are more familiar and entrenched in society than Islamic legal norms.

3. From Fatwa to Qanun: Institutionalizing Norms

The final stage is when *fatwa* and *fiqh* norms are codified into state law or official regulation—a process known as *taqnin*. Here, Islamic legal norms move from being moral-religious guidance to binding rules of positive law within the framework of the modern nation-state.

Examples include Indonesia's Law No. 21/2008 on Islamic Banking, Law No. 33/2014 on Halal Product Assurance, as well as regulations from Bank Indonesia and the Financial Services Authority (OJK) on Islamic finance. These laws explicitly recognize MUI's *fatwas* as authoritative references for Sharia compliance (Al-Hakim, 2013; Khair, 2019; Rifai et al., 2022).

Yet, this stage inevitably involves non-scholarly actors—legislators, bureaucrats, economists—whose decisions may reshape Islamic legal substance for technical, political, or administrative reasons. This opens the door to compromises, as seen in Indonesia's dual banking system, where conventional interest-based banking coexists despite MUI's *fatwa* declaring bank interest impermissible.

Epistemologically, *qanun* represents the culmination of Sharia economic norms after a long transformation: from revelation to *ijtihad*, from textual authority to institutional authority, from Sharia idealism to positive law. On the one hand, this demonstrates Islam's legal adaptability to modern governance. On the other hand, it raises concerns about whether divine values remain intact, or whether bureaucratic formalization has diminished their essence. Thus, the legitimacy of *qanun* must be assessed not only by formal legality but also by its alignment with *maqasid al-shari'ah*. An ideal *qanun* should embody justice, transparency, and public welfare as mandated by Sharia—not merely function as enforceable regulation.

Epistemological Analysis and Implications of the Transformation

The transformation of Islamic economic legal norms from *nash* to *fiqh*, *fatwa*, and *qanun* is not merely a shift in legal-formal structures; it also reflects



epistemological changes that shape the workings of Islamic law, the validity of its sources, and the configuration of authority within it. From the perspective of Islamic legal epistemology, each stage of this transformation alters the way law is produced, validated, and received by society.

At the level of *nash*, authority derives directly from divine revelation, which is absolute and final. Legal validity here is *ta'abbudi* (based on divine command) and thus does not require rational or empirical justification, unlike secular law which relies on such reasoning. Norms derived from *nash*—such as the prohibition of *riba* or the obligation of justice in transactions—are theologically regarded as timeless and universal. Yet, given the limited number of *mu'amalat* verses and the often concise (*mujmal*) nature of the texts, interpretation and contextualization become necessary in order to respond to changing realities.

The second stage is *fiqh*, which represents human understanding of revelation. Here, the epistemological shift is from divine decree to intellectual construction. The process of *istinbat* and the application of human reasoning through *qiyas*, *istihsan*, *istislah*, and other methods, mark the entry of human intellect as a source of law. Since *fiqh* is the product of *ijtihad*, it is relative, provisional, and open to disagreement. At this stage, authority shifts from the text itself to the jurist as interpreter, who bears the responsibility of aligning human reasoning with divine intent to the best of their ability. Thus, *fiqh* occupies a dynamic epistemic position—it is not sacred like revelation, nor is it arbitrary opinion; rather, it is a methodological synthesis of text and reason that enables Islamic law to engage reality while remaining rooted in its sources.

The next stage, *fatwa*, represents a deeper contextualization of legal norms. Unlike *fiqh*, which is primarily systematic and theoretical, a fatwa directly addresses concrete issues faced by society. It does so not only by relying on scriptural texts and juristic methods, but also by considering social, economic, and cultural realities. In this stage, the epistemology of Islamic law expands its criteria of validity through rational considerations such as *qiyas*, *maslahah*, *sadd al-dhara'i*, and especially *maqasid al-shari'ah* as instruments for evaluating legal correctness. Yet, this contextualization also presents challenges: to what extent can a fatwa continue to embody the spirit of *nash*, rather than merely respond to social pressure or pragmatic demands?.

The final stage is *qanun*, where Sharia norms are adopted into modern positive law. At this point, authority no longer rests solely with jurists or revelation, but with the state and its legislative mechanisms. The aim of *qanun* is to provide legal certainty and binding force across society. Yet, *qanun* operates within the logic of the state, not purely within the logic of Sharia. This opens the



possibility of “freezing” or “softening” normative meanings for technocratic or political reasons—for instance, Indonesia’s continued maintenance of a dual banking system, despite the MUI fatwa declaring interest-based banking impermissible.

The epistemological implications of this transformation are profound. First, there is a shift from textual to contextual epistemology: legal validity is no longer determined solely by fidelity to the text, but also by the ability of law to respond to contemporary needs and deliver public benefit. Second, authority shifts progressively—from *nash* to jurists (*mujtahid* and *mufti*), and finally to the state (legislators and bureaucrats). This can strengthen the integration of Islamic law into the modern legal system, but it also risks diluting the divine and *ta’abbudi* dimensions that form the spiritual essence of Islamic law.

In the field of Islamic economics, the greatest epistemological challenge is to preserve balance between fidelity to divine values and flexibility in engaging modern economic realities. Norms that have undergone multiple stages of transformation must remain traceable to the *maqasid al-shari’ah*, the ultimate objectives of Islamic law. Without this, Islamic economic law risks losing its spiritual and ethical core, becoming a dry legal instrument no different from secular legal systems.

For this reason, an integrative approach is required in understanding the transformation of Islamic economic legal norms: bridging revelation and reason, text and context, values and structures. An epistemological framework grounded in *maqasid al-shari’ah* offers a pathway to maintaining continuity between divine guidance and living law in society.

Conclusion and Recommendations

The transformation of Islamic economic legal norms from *nash* to *fiqh*, *fatwa*, and *qanun* is an epistemological process that highlights both the flexibility and the dynamism of Islamic law in responding to social, economic, and institutional change. This process demonstrates that while Islamic law is rooted in immutable revelation, its realization in human society is necessarily interpretive and contextual. From divine *nash*, law is interpreted by jurists through *fiqh*, addressed contextually by *muftis* through *fatwa*, and eventually institutionalized by the state through *qanun*. An epistemological reading of this transformation reveals that each stage carries a distinct epistemic character: from transcendent truth to functional truth. On one hand, this reflects the capacity of Islamic law to live and adapt across time. On the other hand, it raises serious challenges in safeguarding the authenticity of Sharia’s normative values



against erosion during processes of institutionalization and politicization. The shifting locus of authority—from *nash* to the state, from scholars to bureaucrats—requires epistemic vigilance to prevent the law from becoming overly formalized yet spiritually and ethically hollow. The success of this transformation, therefore, should not be measured by the sheer number of Sharia-based qanun enacted, but by the extent to which *nash* continues to animate and inspire those legal products. Based on this analysis, several key recommendations can be made, first, strengthening the epistemology of *maqasid al-shari'ah* as an integrative framework at every stage of legal reasoning—from *fiqh* derivation to the drafting of public regulations. Second, reinforcing the independence of *muftis* and *fatwa* institutions, enabling them to bridge Sharia ideals with the legal needs of the state without compromising scholarly integrity. Third, promoting sustained dialogue among jurists, academics, and regulators to ensure that Islamic economic law remains Sharia-compliant, technically sound, and socially just. Last, expanding epistemological literacy in Islamic law, particularly among policymakers and practitioners of Islamic economics, so that legal transformation is not reduced to a bureaucratic process but becomes a collective effort to preserve divine authenticity within contemporary legal systems. Ultimately, this study aspires to contribute to strengthening epistemological discourse in the development of Islamic economic law—moving beyond the purely normative and legal-formal, toward a vision that is also philosophical, contextual, and oriented toward comprehensive public welfare.

References

- Al-Hakim, S. (2013). Perkembangan regulasi perbankan syariah di Indonesia. *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan*, 13(1), 15. <https://doi.org/10.18326/ijtihad.v13i1.15-31>
- Al-Minangkabawi, A.-K. (2013). *Hasyiyah al-Nafahat 'ala Syarh al-Mahalli 'ala al-Waraqat* (M. S. Hasyim (Ed.); 2 ed.). Dar al-Kutub al-'Ilmiyah.
- Al-Qurthubi, M. b. A. (2006). *al-Jami' li Ahkam al-Qur'an* (A. b. A. M. Al-Turki (Ed.); 1 ed.). Muassasah al-Risalah.
- Al-Razi, F. al-D. (1981). *Mafatih al-Ghaib*. Dar al-Fikr.
- Al-Syafi'i, M. b. I. (1938). *al-Risalah* (A. M. Syakir (Ed.)). Mathba'ah Musthafa al-Babi al-Halabi.
- Al-Zuhaili, W. (1986). *Ushul al-Fiqh al-Islami*. Dar al-Fikr.
- Amiruddin, M. M. (2018). Imposisi Fatwa Terhadap Regulasi Perbankan Syariah (Studi Komparasi Perbankan Syariah Indonesia dan Malaysia). *Bilancia: Jurnal Studi Ilmu Syariah dan Hukum*, 12(1), 49–78. <https://doi.org/10.24239/blc.v12i1.334>
- Bumaeri, A. D. A., Ahyani, H., & Hapidin, A. (2021). Transformasi Nilai Hukum Islam terhadap Hukum Positif di Indonesia. *Amnesti: Jurnal Hukum*, 3(2), 60–70.



- <https://doi.org/10.37729/amnesti.v3i2.1118>
- Fadillah, N. (2019). Kontribusi Ilmu Pengetahuan dan Teknologi (IPTEK) dalam Perkembangan Sistem Ekonomi Islam. *El-Faqih: Jurnal Pemikiran dan Hukum Islam*, 5(1), 43–50. <https://doi.org/10.29062/faqih.v5i1.27>
- Fitriani, Abubakar, A., Arsyad, A., Hasri, M., & Srigandawati. (2024). Prinsip Sosio-Ekonomi Islam dalam Al-Qur'an (Analisis Terhadap Landasan Strategis Pengentasan Kemiskinan di Tengah Perkembangan Zaman). *Jurnal Al-Kharaj: Studi Ekonomi Syariah, Muamalah dan Hukum Ekonomi*, 4(12109069). <https://doi.org/10.30863/alkharaj.v4i2.7549>
- Hakim, A. A. (2019). *Fiqh Perbankan Syariah: Transformasi Fiqh Muamalah ke dalam Peraturan Perundang-undangan*. PT Refika Aditama.
- Helmi, R. (2018). Manhaj Penetapan Fatwa Hukum Ekonomi Syariah di Indonesia. *Syariah: Jurnal Hukum dan Pemikiran*, 18(2). <https://doi.org/10.18592/sy.v18i2.2518>
- Herlina, Haddade, A. W., & Bakry, M. (2025). Ijtihad Proses Upaya Menjawab Problematika Hukum Islam. *GJMI*, 3(2). <https://doi.org/10.59435/gjmi.v3i2.1351>
- Ibn Katsir, I. b. U. (1999). *Tafsir al-Qur'an al-'Azhim* (S. b. M. Al-Salamah (Ed.); 2 ed.). Dar Thibah.
- Irsyadi, M. A., & Asmuni. (2023). Analisis Komparatif Metode Fatwa MUI dan Dâr Al-Iftâ Mesir. *Muasarah: Jurnal Kajian Islam Kontemporer*, 5(2), 61–73. <https://doi.org/10.18592/msr.v5i1.11505>
- Jauhari, M. S., Ansory, I., & Ghoni, A. (2023). Metode Ijtihad dan Alur Penerbitan Fatwa Dewan Syariah Nasional (DSN) MUI. *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam*, 22(1). <https://doi.org/10.15408/kordinat.v22i1.33486>
- Jum'ah, A. (2021). Atsar Dzahab al-Mahall 'Ala al-Hukm al-Syar'i. In *al-Fatawa al-Islamiyyah min Dar al-Ifta al-Mashriyyah* (3 ed., hal. 148–160). Dar al-Ifta al-Mashriyyah.
- Khair, A. (2019). Dinamika Penataan Regulasi Ekonomi Syarian. *El-Mashlahah*, 8(2), 184–194. <https://doi.org/10.23971/el-mas.v8i2.1322>
- Khallaf, A. W. (2003). *Ilm Ushul al-Fiqh*. Dar al-Hadits.
- Komarudin, P., & Hidayatullah, M. S. (2021). Alur Legislasi dan Transformasi Hukum Perbankan Syariah di Indonesia. *Mizan: Journal of Islamic Law*, 5(1). <https://doi.org/10.32507/mizan.v5i1.868>
- Madjid, S. S. (2018). PRINSIP-PRINSIP (ASAS-ASAS) MUAMALAH. *J-HES: Jurnal Hukum Ekonomi Syariah*, 2(1), 14–28. <https://doi.org/10.26618/j-hes.v2i1.1353>
- Mu'tamad al-Fatwa fi Dar al-Ifta. (2011). Dar al-Ifta al-Mashriyyah. <https://bit.ly/2XJwBOW>
- Mudzhar, M. A. (1998). Pengaruh Faktor Sosial Budaya Terhadap Produk Pemikiran Hukum Islam. In C. H. Bisri (Ed.), *Hukum Islam Dalam Tatanan Masyarakat Indonesia*, (1 ed.). Logos Wacana Ilmu.
- Nada, S., & Dani, R. N. (2022). Fikih Indonesia dalam Perspektif Pemikiran Hasbi Ash-Shidieqy dan Hazairin. *El-Aqwal: Journal of Sharia and Comparative Law*, 1(2), 79–88. <https://doi.org/10.24090/el-aqwal.v1i2.6935>
- Nurdin, R., & Ridwansyah, M. (2020). Aceh, Qanun and National Law: Study on Legal Development Orientation. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 4(1). <https://doi.org/10.22373/sjhk.v4i1.6416>
- Pusvisasari, L., Bisri, H., & Suntana, I. (2023). Analisis Filosofi dan Teori Hukum



- Ekonomi Syariah dalam Konteks Perbankan Syariah. *Juria: Jurnal Ekonomi Utama*, 2(3), 269–277. <https://doi.org/10.55903/juria.v2i3.125>
- Rifai, A., Siregar, M. R., & Setiawan, I. (2022). Hakikat Hukum dan Dampak Sosial dari Fatwa DSN-MUI Tentang Pasar Modal Syariah. *El-Iqtishady: Jurnal Hukum Ekonomi Syariah*, 4(1). <https://doi.org/10.24252/el-iqthisady.vi.29720>
- Rijadi, P. K. (2023). Norma Ekonomi Syariah dari Nash Sampai ke Qanun : Perbankan Syariah. *Taraadin*, 3(2), 46–54. <https://jurnal.umj.ac.id/index.php/taraadin/article/view/16718>
- Suradi, Setiadi, Ridwan, A. H., & Hakim, A. A. (2023). Analisis Norma Nash dan Qanun Dalam Perspektif Hukum Ekonomi Syariah. *Ad-Deenar: Jurnal Ekonomi dan Bisnis Islam*, 7(1). <https://doi.org/10.30868/ad.v7i01.4062>
- Yazid, I. (n.d.). Taqnin al-ahkam; Sejarah, Keabsahan dan Tantangan di Indonesia. *Al Maslahah Jurnal Hukum dan Pranata Sosial Islam*, 193–208.

