

The Relevance of Qiyas in Contemporary Legal Determination : Analysis of the Perspective of Usul Fiqh

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ABSTRACT

Qiyas is one of the source Islamic law which is of a nature rational and have role important in development Islamic law in particular in answer problem contemporary that is not in a way explicit mentioned in the Qur'an and Hadith. this article aiming For analyze relevance and validity the use of qiyas in determination law to modern issues such as digital transactions reproduction artificial, and development technology financial, through approach principle fiqh. Research This use method qualitative-descriptive with approach normative as well as study literature to works classic and contemporary in field principle fiqh . Results of the analysis show that qiyas remains relevant as instruments of ijtihad in respond dynamics social and contemporary developments during fulfil conditions for valid qiyas according to the scholars. With Thus qiyas does not only functioning as tool complement but also as means important in guard flexibility and sustainability Islamic law in the modern era.

Keywords: *Qiyas; Usul Fiqh; Islamic Law; Ijtihad; Contemporary Law*

INTRODUCTION

Islamic law is built on base sources the main thing is textual and rational. The Qur'an and Hadith become source the main thing is absolute, while ijma' and qiyas become source secondary functioning expand coverage Islamic law in answer various problem people. Among source law secondary mentioned, qiyas own position strategic in the process of ijtihad, especially when texts text No give answer explicit to new problem appear .

Marked developments over time with progress technology globalization and change social and cultural has present various problems new in life Muslims, such as issue digital transactions fintech, organ transplants to problem bioethics and rights riches intellectual. Condition This demand existence approach Islamic law is capable adapt without lost spirit normative. This is where qiyas plays a role. role important as method analogy that can bridge between the laws that have been established with situation new that has not been discussed in a way explicit .

However Thus the use of qiyas in context contemporary often cause debate especially related its validity limitations and relevance . Therefore that research This aiming For to study in a way deep how is qiyas still can used as tool determination law in answer challenge contemporary, with examine it through perspective principle jurisprudence .

Development knowledge knowledge and technology mature This has give birth to various phenomenon social economic and cultural that have not Once discussed in a way explicit in the Qur'an and Hadith. For example the emergence of cryptocurrency

which has given rise to question law related his status in sharia transactions ; practices baby tube and sperm donor that causes polemic in law Islamic family ; until problem digital legacy execution that has not been set up in a way Details in literature jurisprudence classic .

Phenomena This demand existence answer law that does not only nature normative-textual but also capable of consider benefits and context social modern society . In the situation This is qiyas being one of the the most possible method of ijti had For used because allow analogy between case new with old cases that have been own determination law . Although so the application of qiyas in context current No always simple remember complexity issues involving element technology global culture and development system law national .

Some circles doubtful the effectiveness of qiyas in answer problems contemporary Because considered too rely on analogies that sometimes No comparable with reality new far away different . But on the other hand many scholars and academics Islamic law is permanent believe that qiyas, with the right conditions and rules can guard continuity Islamic law without ignore dynamics of the times.

METHOD

Study This use method qualitative with approach normative-theological which aims For to examine relevance the concept of qiyas in context determination Islamic law regarding problem contemporary . Approach This focus on study to texts sharia theories principle fiqh as well as application of qiyas in tradition classical and contemporary Islamic law .

The data sources in this study consist of two types:

1. Primary data in the form of classical literature on ushul fiqh such as *al-Risalah* by Imam al-Syafi'i, *al-Mustashfa* by al-Ghazali, *Ihkam al-Ahkam* by Ibn Hazm, as well as relevant contemporary works;
2. Secondary data in the form of journal articles, fatwas from modern scholars (such as the Indonesian Ulema Council, Dar al-Ifta', and others), as well as the results of academic studies that discuss the application of qiyas to new cases.

Data collection techniques were carried out through study library (library research). While technique data analysis using analysis descriptive-qualitative namely with explain concepts basis of qiyas, studying the terms and pillars of qiyas according to the ulama, as well as analyze its implementation in cases contemporary . The analysis process also includes identification Advantages and limitations of qiyas in respond current development .

FINDINGS AND DISCUSSION

The position of Qiyas in Principles of Fiqh

Qiyas linguistically means "to measure" or "to equate". In the context of ushul fiqh, qiyas is the process of equating the law of a new case (far') with an old case (ashl) because of the similarity of illat (legal reason). Scholars agree that qiyas is one of the methods of ijti had used when no explicit text is found in the Qur'an or Hadith. Qiyas occupies an important position in the development of Islamic law, especially in the Hanafi and Syafi'i schools, although it is rejected by the Zahiri group who reject analogy.

The Relevance of Qiyas in Contemporary Context

In the modern era, various new legal problems have emerged, such as:

1. Non- cash transactions (e-wallet, cryptocurrency),
2. Technology reproduction (baby) tube cell donor reproductive),

3. Medical problems (euthanasia, organ transplantation),
4. Innovation sharia business (leasing, sharia insurance).

The problem the No found in text in a way explicit so that needed ijihad method like qiyas for determine the law . For example the use of qiyas in equalize law bank interest (riba) with usury on transactions gold and silver ; or inner qiyas equalize law baby tube with law lineage based on illat connection genetics .

Qiyas becomes very relevant Because :

1. Flexible and contextual so capable respond changing times.
2. Guard continuity Islamic law with still referring to sharia principles .
3. Strengthen principle maqashid sharia namely realize welfare and prevention damage (jalb al- mashalih wow from 'al- mafasid).

Limitations and Challenges in Application of Qiyas

Although qiyas has potential big its implementation No off from challenges including :

1. Determination ' illat proper law often become polemic .
2. Complexity modern case no always Can analogous in a way direct .
3. Difference view between scholars and schools of thought in conclude valid qiyas.

Based on analysis literature and studies to the concept of qiyas in principle jurisprudence as well as its application in various problem law contemporary obtained a number of findings main as following :

1. Qiyas is Still Relevant as a Method of Ijtihad
Qiyas is proven still relevant in the process of determination Islamic law regarding cases new that has not been own provision explicit in the Qur'an and Hadith. In many fatwas and decisions modern law qiyas is used For to hook problem new with law origin that has been clear as long as there is similarity illat law .
2. Qiyas is Able to Accommodate Social Dynamics
In the issues like digital transactions products Islamic finance and its problems modern medicine qiyas is used For answer question law in a way flexible However still bound by sharia principles . This is show the ability of qiyas as tool adaptation to changes of the times, without ignore values normative Islam.
3. The Conditions and Rules of Qiyas Are Still Relevant but Need Contextualization
Although structure the basis of qiyas is like pillars (ashl far', illat law) are still used but understanding to illat and benefits need customized with reality more contemporary complex . Therefore that contemporary qiyas often combined with approach maqashid sharia for strengthen argumentation law .
4. Qiyas Does Not Stand Alone, But Needs Support from Other Methodologies
In practice, qiyas is often accompanied by other ijihad methods such as istihsan, maslahah murlah, or istislah. This matter show that contemporary scholars more nature integrative in compile law new not only depend on one ijihad method .
5. There Are Still Challenges in the Implementation of Qiyas in the Modern Era
Difficulty in determining the right illat, the complexity of new problems, and differences of opinion among scholars and fatwa institutions are obstacles in the application of qiyas . Therefore that is needed strengthening ijihad methodology and capacity the knowledge of the mujtahids in understand context contemporary .

Research result show that qiyas is still own position important in the process of determination Islamic law in particular in face challenge law contemporary . This is show that even though qiyas is classical ijihad method but the underlying principles still applicable as long as its use done with notice context contemporary and values maqashid sharia.

First, the relevance of qiyas as a method of analogy is clearly visible in various contemporary legal practices. The most obvious example is the determination of the law on cryptocurrency which is analogous to usurious transactions in gold and conventional currencies. In this case, scholars use qiyas by looking at the similarities of illat in the form of the potential for excessive speculation (gharar) and the ambiguity of value (jahalah). This shows that qiyas is able to be a bridge between textual evidence and modern social reality.

Second, although qiyas is still very much needed, its application cannot be done textually or rigidly . In many cases, the illat of the law that is the basis of qiyas requires reinterpretation to suit the new context. For example, in the case of test tube babies, the illat used to determine lineage does not only consider biological aspects, but also ethical aspects and the welfare of the child. This indicates that qiyas in contemporary practice must be combined with the maqashid sharia approach to produce just and contextual laws.

Third, the biggest challenge in the use of contemporary qiyas is in determining illat. The complexity of modern problems requires Islamic jurists to have cross-disciplinary insight, including an understanding of technology, medicine, economics, and socio-culture. If illat is not determined precisely and objectively, then the resulting law can be weak or even irrelevant.

Fourth, the finding that qiyas cannot stand alone strengthens the argument that contemporary ijihad is integrative and multidisciplinary . In many fatwas and studies of modern Islamic law, qiyas is used together with other methods such as istihsan, maslahah mursalah, and saddu al-dzari'ah, to strengthen the legal decisions taken. This shows the development of the methodology of ijihad, which makes qiyas not just a legal analogy, but also part of a complex system of legal reasoning.

Thus, qiyas remains an important tool in ijihad, but its use must be done carefully and contextually. Islamic scholars and academics of law need to continue to develop the methodology of ijihad so that Islamic law can respond to the challenges of the times dynamically and remain in accordance with the basic values of sharia.

CONCLUSION

Based on results research and discussion that has been done can concluded that qiyas remains own strong relevance in determination contemporary Islamic law . As one of the main ijihad method in principle fiqh qiyas play a role important in bridge between texts sharia with problem new emerging consequence changes of time and progress technology . Qiyas allows mujtahids to compile law to case new based on equality illat law with cases that have been own determination . The application of qiyas is proven can give solution to various modern issues such as digital transactions bioethics and development sharia economy during done with still notice principles maqashid sharia and conditions the validity of qiyas Alone .

However Thus qiyas in the contemporary era face a number of challenges especially in matter determination the right and relevant illat with modern context . Therefore that the use of qiyas must accompanied by with understanding multidisciplinary and integrative approach with other methods of ijihad like benefit murlah istihsan and maqashid sharia. With a careful and methodological approach qiyas can Keep going become instrument important in development responsive Islamic law against the times, without lost root normative .

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Hopefully article This can give contribution positive for development studies Islamic law in particular in understand and apply qiyas as ijihad method in context law contemporary .

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