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# Can Secular Law Be Understood as Sharia Law? A Philosophical Exploration

***Husni[1], Miftahul Khairat[2], Hidayatina[3]**

Universitas Islam Negeri Sultanah Nahrasiyah Lhokseumawe, Indonesia[1,2,3]

Corresponding author: *husni@uinsuna.ac.id

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**Abstract**

This article aims to philosophically examine whether secular law can be conceptually situated within the framework of sharia law by reinterpreting *ḫiṭābullāh ta'ālā* as encompassing not only revealed texts but also natural and social phenomena. Employing a qualitative normative approach through conceptual and textual analysis of classical *uṣūl al-fiqh* literature, *maqāṣid al-šarī'aḥ* theory, and contemporary legal discourse, this study analyzes the epistemological and theological foundations of law formation. The findings demonstrate that secular law embodying universal values such as justice, public welfare, human dignity, and environmental balance may function as a medium for conveying *ḫiṭābullāh* within the category of the "open book" (*al-kitāb al-maftūḥ*), and can be integrated into Islamic legal reasoning through mechanisms of *ijtihād*, *'urf*, and *maṣlaḥaḥ mursalaḥ*, provided it remains consistent with the fundamental objectives of sharia. The study concludes that secular law and sharia law are not inherently antagonistic but potentially complementary, with *maqāṣid*-oriented reasoning enabling Islamic law to respond elastically to modern socio-legal realities, albeit with significant theological and legal implications such as a shift toward anthropocentric interpretation and the emergence of hybrid legal structures. This article contributes academically by offering a reconceptualization of *ḫiṭābullāh* and a philosophical framework for harmonizing sharia law with secular legal systems without reducing Islamic law to mere pragmatic legitimation.

**Keywords:** Sharia Law, Secular Law, Ijtihad, Maqashid Sharia, Universal Value

## Introduction

Can secular law, born of human rationality and social consensus, be considered part of divine law? This question disturbs the traditional boundaries between the sacred and the profane, between revelation and reason, and between sharia law and secular law. In the modern context, where universal values such

as justice, welfare, and human rights are a common reference, this question is not only relevant but also urgent to be answered. This article seeks to explore the relationship between sharia law and secular law through the lens of *ḫiṭābullāh ta'ālā*, which includes not only revelation (Qur'an and Hadith) but also creation (natural and social phenomena).

Throughout history, Islamic law (*syara*) has been understood as a system that originates from divine revelation, which is believed to be an eternal and universal decree. However, in practice, sharia law is never isolated from the social and cultural context in which it is applied. Classical scholars such Gazali and Syathibi have developed the concept of *maqāṣid al-šarī'aḧ* (the purpose of Islamic law) that emphasizes universal values such as the protection of religion, soul, intellect, progeny, and property (Al-Ġazālī, n.d.; Al-Šāṭibī, 1997). These values are not only found in revelation, but also in natural and social phenomena, which are part of *ḫiṭābullāh ta'ālā*. Thus, sharia law is not only divine, but also dynamic and responsive to human reality.

In the era of globalization, secular law—which is derived from human reason and social consensus—has become the dominant legal system in many countries, including Muslim countries (Islamic Legal Systems, n.d.). However, secular law is often considered a threat to the authority of sharia law, because it is considered to ignore divine sources and prioritize pragmatic interests. In fact, many of the values in secular law, such as justice, equality, and environmental protection, are in line with Islamic principles. The question is: Can secular law that is in line with Islamic values be considered part of sharia law? Or does it remain a human product separate from divine authority?.

This article addresses a central question: how can secular law, insofar as it embodies universal values aligned with Islamic principles, be conceptually integrated into the framework of Islamic law through a reconceptualization of *ḫiṭābullāh ta'ālā* that transcends revealed texts while preserving the primacy of revelation as the ultimate legal authority?.

This paper is not only relevant for academics and legal practitioners, but also for the wider community concerned with the challenges of integrating Islamic values in the modern context. By analyzing the relationship between sharia law and secular law through the lens of *ḫiṭābullāh ta'ālā,* this article seeks to show that universal values, such as justice and benevolence, can be a bridge between two legal systems that are often considered to be contradictory. In the end, this article invites readers to reconsider the boundaries between the divine and the human, and to see the potential for harmonization between sharia law and secular law in achieving a common goal: justice and the welfare of humanity.

Several studies have examined the interaction between secular law, Islamic law, and other normative systems within plural legal contexts. Etherton's analysis of legal pluralism in the United Kingdom highlights the structural

tension between secular law and religious faith, particularly in resolving conflicts between individual religious beliefs and universal human rights norms (Etherton, 2019). This study conceptualizes secular law as a neutral arbiter that manages competing value systems, yet it ultimately positions religious law as subordinate to secular constitutional frameworks. While offering a robust account of legal pluralism, Etherton's work does not address the possibility of integrating secular law into a religious epistemological framework, especially within Islamic legal thought.

From the perspective of Islamic legal theory, studies on Islamic law and modernity have largely focused on the institutional and political challenges faced by sharia in the context of the modern nation-state. Hallaq and other contributors argue that the traditional socio-legal institutions supporting sharia have collapsed under modern state structures, making the restoration of sharia as an autonomous legal system increasingly problematic (Fadel, 2007). Other scholars, however, suggest that modern positive law enacted by the state can incorporate sharia principles to a certain extent. These studies primarily concentrate on institutional compatibility and constitutional accommodation, rather than on a philosophical reconceptualization of secular law itself within Islamic epistemology.

Empirical socio-legal research has further explored how Islamic law interacts with non-state normative systems, particularly customary law (*adat*). Studies on Betawi Muslim marriage traditions demonstrate that customary practices such as *palang pintu* are negotiated through Islamic legal concepts like '*urf* and *maṣlaḥah*, allowing cultural traditions to persist when they do not contradict core Islamic principles (Al Farisi et al., 2023). Similarly, research on Javanese Muslim communities in Malaysia shows a dialectical relationship between Islamic law and customary law, where traditions are selectively maintained or abandoned through ongoing negotiation processes (Rafianti et al., 2021). These studies convincingly illustrate the flexibility of Islamic law in engaging with local customs, yet they remain focused on empirical accommodation at the socio-cultural level.

Despite their contributions, the above studies share a common limitation. Research on legal pluralism tends to frame secular law and religious law as distinct normative orders in tension, while studies on Islamic–customary law relations emphasize negotiation without questioning the epistemological status of non-religious law within Islamic theology. None of these works explicitly address whether secular law—when substantively aligned with justice, public welfare, and human dignity—can be understood as part of *khitābullāh* beyond the domain of revealed texts.

This study departs from previous research by offering a philosophical and epistemological reconstruction of secular law within the framework of Islamic

legal theory. Rather than merely describing accommodation or conflict, it proposes a reconceptualization of *khitābullāh ta'ālā* as encompassing both revealed texts and social realities, conceptualized as the "open book" (*al-kitāb al-maftūḥ*). By situating secular law within *maqāṣid*-oriented reasoning, this article introduces a novel perspective that transcends the binary opposition between secular and sharia law. The novelty of this research lies in its attempt to integrate secular law into Islamic legal epistemology itself, rather than treating it as an external system to be resisted, tolerated, or pragmatically accommodated.

## Method

This study employs a qualitative normative legal research method with a philosophical and conceptual approach (Husni & Khairat, 2024). The research focuses on analyzing legal concepts rather than empirical data, aiming to examine the epistemological relationship between secular law and sharia law. Primary sources consist of classical and contemporary works in *uṣūl al-fiqh*, *maqāṣid al-šarī'ah* theory, and Islamic legal philosophy, while secondary sources include scholarly articles, books, and legal discourses on secularism, legal pluralism, and modern law. Data are analyzed through conceptual analysis and interpretative reasoning to reconstruct the notion of *khitābullāh ta'ālā* beyond revealed texts and to assess the compatibility of secular law with maqāṣid-oriented Islamic legal reasoning. This method allows the study to move beyond descriptive accounts of legal interaction and to offer a normative-philosophical framework for integrating secular legal norms within Islamic legal epistemology.

## Results and Discussion

### The Basic Concept of Sharia Law

Lelexically, the word law means "to set something over something". For example, when it is said "The athlete runs the fastest", then the "fastest" is assigned to the athlete's run and that is what is called the law. In *iṣṭilāḥī*, jurisprudence experts put forward two definitions of law or sharia law; *uṣūlīyīn* dan *fuqahā'*. According to *uṣūlīyīn*, the definition of law is "Allah's commandment about the act of mukallaf, whether in the form of demands, choices or other rules" (al-Armuwī, n.d.; al-Bayḍāwī, 2008; al-Isnawī, 1981; al-Rāzī, n.d.; al-Subkī & Al-Subkī, 1983; al-Taftāzānī, 1996; al-Ṭūfī, 1998; al-Zarkašī, 1992).

The meaning of "Allah's commandment" (*jins*; genus) in the definition is *kalam* or the revelation of Allah (Ibn al-Tilmisānī, 1999). The phrase "about the act of *mukallaf*" (*fashl*; the first differential) sets aside Allah's commands that are not related to the act of *mukallaf*; affirm the specification of the decree called sharia law. This specification excludes four categories of Allah's commands that cannot be called sharia law, namely the commandment about His substance, His

deeds, objects that are not *mukallaf*, and those related to the biological elements of the *mukallaf* themselves. The word "in the form of demands, choices or other rules" (*fashl*; The second difference is to set aside other commandments, such as the commandment or word of Allah about the dream of the Prophet Abraham slaughtering his son.

The meaning of "demand" is Allah's will towards the *mukallaf*, either to do (the command) or to abandon it (prohibition). "Choice" (*taḫyīrī*) is the giving of freedom to the *mukallaf* to do or not. The meaning of "other rules" (*waḍ'ī*) is the association of one thing with the act of *mukallaf*, it can be in the form of a cause, condition or obstacle (*māni'*) for the act of *mukallaf*. For example, death is made by Allah as the cause of the emergence of inheritance rights, killing as an obstacle to obtaining inheritance rights, and ablution as a condition for the validity of prayer.

The word *mukallaf* in this definition means a person who has reached puberty and has reason. Although according to some scholars, circumcision is legal for children to pray and fast, but in general children, let alone crazy people, are not included in the scope of *mukallaf*. Likewise, *taklīf* is prevented for those who do not know and those who are "forced" (*al-mukrah*), even if they commit murder. But the murderer sinned by harming himself (Al-Subkī, 1999, 2003).

Meanwhile, according to the *fuqahā'* the Islamic law refers more to the result or will of Allah's commandment, not the commandment of Allah itself. The definition that represents this understanding states that the law is the purpose or impact of Allah's commands related to the act of *mukallaf* in the form of demands, choices, or other provisions (al-Nimlaẖ, 1999; al-Salmī, 2005). The purpose or effect is something that is determined by the commandment of Allah, such as the obligatory (*wujūb*) law of fasting as a result of Allah's demands in Surah al-Baqaraẖ [2] 183 (Al-Zuḥaylī, 1999).

If simplified, the law according to *uṣūlīyīn* is *ḫiṭābullāh, kalāmullāh* or revelation. While the law according *to fuqahā'* is the impact that arises from *the ḫiṭābullāh, kalāmullāh* or revelation. However, according to the majority of scholars, practically this difference has no significant impact, because the two cannot be separated; complement each other (*talāzum*) (al-Zuḥaylī, 1986).

Since the law of sharia is the decree of Allah, whether it is the decree itself or its effect, there is no law except Allah's (Al-Subkī, 2003). It also has the consequence that the law resulting from ijtihad "has the right" to be called sharia law. Because ijtihad itself is the optimal effort of a *faqīh* in understanding the sharia evidence to produce *fiqh* (al-Jazarī, 1993; Al-Subkī, 2003; al-Subkī & Al-Subkī, 1983). Thus, at the same time, it is not called ijtihad if what is produced are the laws of reason, the rules of language, psychological concepts (*al-ḥissīyaẖ*) and so on.

This confirms that the work of *faqīh* in ijtihad is to analyze various postulates to find Allah's law that is (almost) certain in a problem. This definition also contains four main elements of ijtihad, namely: First, ijtihad is the maximum exertion of reasoning power. Second, the effort is carried out by people who have reached the degree of *faqīh*. Third, the product or result of ijtihad is the Islamic law of '*amalīyah*. Fourth, ijtihad is pursued by analyzing various postulates (*istinbāṭ*) (Syarifuddin, 1997).

*Faqīh* himself, as a practitioner of ijtihad (mujtahid), is required to have fulfilled five conditions: namely puberty, reason*, faqīh al-nafs* (al-Maḥallī, 1996), mastering the ability to think rationally (*dalīl al-'aqlī*), and being at the intermediate level in mastery of the Arabic language, *fiqh* proposals, and legal support (*muta'allaq al-ahkām*) in the Qur'an and Sunnah even though he does not memorize the *matn* (Al-Subkī, 2003).

The two perspectives above, *uṣūlīyīn* and *fuqahā'*, complement each other because the source remains the same, namely Allah, either directly through revelation or indirectly through ijtihad. Because valid *ijtihad* must be based on the evidence of shari'a and carried out by qualified *faqīh*, so that the result is still considered as the discovery of Allah's law, not human creation. Thus, sharia law is purely divine, because only Allah has the right to determine it, either directly or indirectly.

## Secular Law and Universal Values

Secularism is an understanding that separates religion from political affairs, the state, and public institutions, with the belief that religious and secular values must be distinguished. This ideology spreads its ideology through the principles of pragmatism and utilitarianism, and desires political activities that are free from religious influence (Savero & Fios, 2020). Therefore, secular law is a legal system that derives from human reason and social needs, the substance of which is completely separate from religious and ethical considerations (Umar, 2014). However, usually the law is "fixed" to create order, justice, and general welfare based on the principles of rationality, human rights, and community consensus (Sumadi, 2016).

Secular law also uses universal values, such as justice, benefit, and balance as its inspiration and content (Sahbani, 2016). The main sources of secular law include four main things: First, academic reason and rationality that rely on scientific analysis, moral philosophy, and legal theory. Second, social consensus as the spirit of democracy, which is institutionalized in decisions through legislative processes, referendums, or public participation. Third, the constitution and international treaties are the highest legal documents agreed upon by a country or the global community. Fourth, jurisprudence, which is a court decision that establishes a legal precedent (Asshiddiqie, 2006).

Secular legal authority derives from human legitimacy which includes: First, the state authority, which is technically embodied in the government and the legislature, as a lawmaker, which involves debate, negotiation, and compromise between various interests (Zamakhsyari et al., 2020). Second, society (social contract), following the theory of the social contract (Rousseau, Locke) which states that law is valid because it is approved by the people. Third, the rule of law, which is the principle that all people, including rulers, are subject to the same law (*What Is the Rule of Law*, 2023). In all this, there is no claim of "sanctity" or "finality" in secular law; it can be changed through political mechanisms or judicial review.

Theoretically, secular law is completely neutral of all religions, it is solely based on universal principles such as human rights, justice, and equality. However, in practice, there is almost no legal system that achieves absolute neutrality. This is due to at least two things: First, religious values that have taken root, to the point that many moral values that are considered universal (such as the prohibition against murder or theft) actually also refer to religious teachings. This makes it difficult to completely separate the law from the influence of religion. Second, the conflict between individual rights and collective traditions. Laws often have to strike a balance between individual rights (such as freedom of religion) and collective traditions that may be based on a particular religion.

There are two examples of cases to reinforce this reality. First, family law in India. As a self-proclaimed secular country, but family law in India, such as marriage, divorce, and inheritance, is governed by different laws for different religious groups. For Hindu communities it is regulated by the Hindu Marriage Act, for Muslims it is regulated by sharia law, and for Christians it has its own marriage laws. This shows that the Indian legal system is still influenced by religion, the Hindu majority as well as the Muslim and Christian minorities (Mangarengi & Hamzah, 2021).

The second example, as a secular country, France prohibits the use of conspicuous religious symbols (such as the hijab) in public schools. Although this is based on the principle of *laïcité* (secularism), many critics point out that this policy is discriminatory against Muslims. This suggests that even laws intended to promote secularism can have an unfair impact on certain religious groups (Mazher Idriss, 2018).

The above phenomenon makes the alignment of the values in secular law with the principles of various religions, including Islam, make sense. For example, the prohibition of discrimination based on race, gender, or religion in secular law is in line with the Islamic principle of equality of human beings before Allah (Surah al-Hujurat: 13). Likewise, environmental protection in

secular law is in line with the Islamic principle of maintaining the balance of nature (Surah Ar-Rum: 41).

## The Role of Natural and Social Phenomena as a Medium for Delivering *Ḫiṭābullāh*

Muslims agree, both *Sunnaḥ* or Muktazilah, that *ḥākim* as the settler and source of law is Allah SWT (Syuwayḫ, 2000). One of them is affirmed in Surah al-An'ām [6] verse 57, which affirms that "Establishing the law is only the right of Allah" (*in al-ḥukm illa lillāh*).

As the owner of the will and the decree-setter (*Shārī'*), Allah "communicates" His will and laws with words (*qawl*); manifests into revelation *matlū*, and creation (*khalq*); manifests into all creatures and natural phenomena. As a communicator, the information from Him is basically directed to all creatures. Meanwhile, in humans, the real communicator is the substance of his humanity, namely the intellect. It is the intellect that digests and transforms the Divine will, which is absolute, into a relative human practice.

The majority of scholars say that the beginning of revelation is the five verses at the beginning of surah al-'Alaq [96] (al-Zarkašī, 1957). The command to read at the beginning of the letter is not limited to the revelation that has been revealed (the Qur'an) alone, but covers other creatures and phenomena of creation. Those two things, the Qur'an and His creation, are in the same position to be read starting with mentioning His name. This then leads to the conclusion that there are two "books" of Allah that must be read, namely: First, the book *of munazzal* (revealed) and miraculous power. Second, the open book (*maftūḥ*) is in the form of all created beings and their social and natural interactions (al-'Ulwānī, 2006).

In addition, there are many verses that encourage you to "read" and "reason" natural and social phenomena. Thanthawī Jawharī calls the number of *kawnīyaḥ verses* more than 700 verses. This means that the Qur'an actually contains more *kawniyah* verses than legal verses, which according to him only amount to 150 verses (Jawharī, n.d.). The command to read is against one's own self, as mentioned in Surah al-Dzāriyāt [51] verse 21, which tells people to *bash* themselves. The word *bashar* is also used in Surah al-Ḥasyr [59] verse 2, which is the basis for the validity of ijtihad. The *fa'tabirū* command in Surah al-Ḥasyr [59] refers to a social phenomenon, in the form of feelings of frustration that have an impact on the destruction of one's own property.

Natural phenomena, such as the water cycle, plant growth, and the movement of the stars, are part of God's command that invites humans to reflect on and understand His wisdom. All of this is not only a source of inspiration for science, but also a medium for the transmission of divine values, such as balance and harmony.

Social phenomena, such as justice, welfare, and solidarity, are also part of God's commandment. These values are not only found in the revelation of the *munazzal*, but also in the traditions and culture of the people. For example, the tradition of mutual cooperation in Indonesian society is in line with the Islamic principle of helping in kindness (SurahAl-Maidah: 2). Thus, social phenomena can be a medium for conveying divine values, although they are not explicitly mentioned in the revelation.

There are rules of *mukalaf* behavior that Allah directly "explains" in various *naṣṣ* revealed to His Messenger and there are also those that He includes their postulates and indications, including in natural and social phenomena, which are then "discovered" by the mujtahid through his ijtihad. That is why it is agreed that the rule that is the basic foundation (*uṣūl*) of law is "there is no law except from Allah" (*lā ḥukm illa lillāh*). It should also be agreed that all social and natural phenomena are also the commandment of Allah and are the evidence of the law (*al-ḥukm al-šar'ī*), especially those related to the practical activities of *mukallaf*, whether in the form of demands, choices or *waḍ'ī* (al-Nimlaẗ, 1999).

To convey His laws, Allah created evidence, and the revelation of *munazzal* is just one of them. Since the Prophet functions as a *mubayyin*, the Prophet can also be called a *Shari'* (al-Subkī & Al-Subkī, 1983). Therefore, the Sunnah is also agreed upon as one of the sources and legal postulates. For Allah Himself affirms that (all) the words of the Messenger are revelations.

The Qur'an itself often combines the word *al-kitāb* with two other words (Šams al-Dīn, 1947): First, *al-furqān*, as in Surah al-Baqaraẗ [2] verse 53, which is something that leads to true knowledge, and distinguishes it from falsehood (al-Aṣfihānī, 1992; al-Qurthubī, 2003). Second, *al-mīzān*, as in Surah al-Syūra [42] verse 17 and al-Ḥadīd [57] verse 25, is something that allows people to know their rights and obligations and act justly in legal matters.

It gives a strong direction that *furqān* is reason and *mīzān* is justice. Since both are "revealed" (*munazzal*) from Allah, like *al-kitāb*, they are both self-sufficient (*ṯābitaẗ fī nafsihā*). That is why reason is also recognized as playing an important role in the discovery of law, and many studies confirm the findings of reason (Šams al-Dīn, 1947). In this regard, it is very relevant to the message contained in a hadith that all goodness is known through reason and, therefore, there is no religion for the unreasonable (Al-Aṣbihānī, 2004; Ibn Abī al-Dunyā, 1989).

Further, secular communities, through secular law, can also be considered as "transmitters" of divine values, such as justice and benevolence. Although secular communities do not recognize the divine source of these values, they remain a medium for the delivery of God's commandments. For example, the human rights movement spearheaded by secular communities is in line with Islamic principles of the protection of individual rights (Surah Al-Isra: 70).

It should be understood that secular law that is in accordance with Islamic principles is more accurately referred to as the command of Allah in the category of open books (*maftūḥ*). In the context of *fiqh*, it can be considered as '*urf* or *maṣlahaẖ*; it can be adopted and reinterpreted with sharia principles through the process of ijtihad. This process can actually be said to have taken place, such as the adoption of the modern banking system and financial institutions of some Muslim countries after adapting it to sharia principles, the most important of which is the prohibition of usury.

The placement of secular law as a postulate can also be seen as an analogy to the position of fatwa in front of ordinary people, especially when there are differences. Where the fatwa of an alim for a layman has the same status as the evidence for mujtahid. When there is a contradiction in the evidence, the mujtahid is required to perform *tarjīḥ*. Likewise, a layman must perform *tarjīḥ* when there is a conflict between two or more fatwas (al-Salmī, 2005; Ibn ʻĀšūr, 1923).

Its placement as a benefit has actually also provided a smooth path to reach sharia law. Because, in the view of scholars, *maṣlaḥaẖ* is one of the postulates in the determination of sharia law. In this regard, Ibn al-Qayyim stated as follows: When the signs of justice have become clear, and the essence is revealed through any means, then there is the sharia of Allah and His religion. Allah Almighty does not limit the paths to justice, the proofs, or its signs to a particular form, nor does He deny other methods that are equal or even more powerful. Rather, through the various paths He has established, God makes it clear that His purpose is the establishment of justice and the realization of balance in human life. So, any path that is able to bring about justice and balance, that's part of religion (Ibn Qayyim, n.d.-b, n.d.-a, 1996).

There are four important points that can be drawn from this statement of Ibn al-Qayyim: First, the values of justice are the core of religion. The phrase "there is the sharia of Allah" (*fa ṯamma šar'ullāh*) is a radical theological claim that legitimizes all forms of governance that serve a divine purpose, even if it is not mentioned in the classical text. Second, the phrase "any way" (*ayy ṭarīq*) indicates the breadth of the source that can be recognized —whether through revelation, human reason, or tradition— if the result is justice, then it automatically becomes part of religion. Third, the phrase "signs of justice" (*amārāt al-'adl*) refers not only to the final result (justice), but also to the process of identification through visible indicators. This includes empirical evidence, such as reduced social inequality, or the existence of community consensus. Fourth, the phrase "by any means" (*bi ayy ṭarīq kān*) affirms that methodology is not sacred as long as its substance is achieved. It can be through secular law, custom, or social experimentation.

This paradigm, which is highly inclusive, places "religion" as a universal value (justice) and "law" as an instrument to achieve it. Thus, secular law, customs, or other human innovations are not automatically "foreign" to Islam as long as they are justice-oriented. This is a revolutionary view and provides a solution to the challenges of modernity.

## Integration of Secular Values into Sharia Law

From a human perspective, law is known in three ways. First, it was conveyed by Allah directly, and this method was specific to the apostles who were then conveyed to their people. Second, by way of ijtihad. This method is carried out by Muslims who meet the criteria of mujtahid (al-Subkī & Al-Subkī, 1983). With this ijtihad, Islamic law continues to "dialogue" with the reality of the times, because Islam and its laws do not live in a vacuum.

History shows that ijtihad is an integral part of the overall Islamic law. This is because Muslims continue to grow, living in different parts of the world, in different and changing times, cultures and challenges. On the other hand, *the narration* of the Qur'an and the Sunnah has ended with the death of the Prophet PBUH. Meanwhile, the Qur'an reveals itself and is believed to be an eternal and universal guide. If we rely solely on the meaning of *naṣṣ* and *ẓāhir*, then many things are beyond his reach. This is one of the most important functions of ijtihad; bridging the limitations of *naṣṣ naqlīyaẖ* with real phenomena (*al-ḥawādiṯ al-waqā'i'*) (al-Šahrastānī, 1993).

The process of integrating secular values into Islamic law has actually taken place throughout the history of Islamic law, albeit often without realizing it. Classical scholars, such as Ibn al-Qayyim, provide a strong theological foundation for this. The scholar further gave a concise and more emphatic statement, that "where there is benefit, there is the sharia of Allah" (*ḥayṯumā wujidat al-maṣlaḥaẖ fa ṯamma šar'ullāh wa dīnih*) (al-Šanqīthī, 1990; Al-Ṭayyār et al., 2012; al-Zuḥaylī, 1984; Ḥakīm, 2002; Ibn ʻĀšūr, 2004; Muṣaylḥī, 2022). This revolutionary statement opens the door to the absorption of universal values such as justice, human rights, and environmental protection into the framework of Islamic law, as long as these values do not conflict with the basic principles of sharia.

This integration mechanism occurs through various approaches. Contemporary ijtihad allows scholars to contextualize secular values such as democratic systems or sustainable economies into the language of *fiqh*. A clear example can be seen in the development of Islamic banking. Here are some secular concepts that have the opportunity to be accepted through the principles *of maṣlaḥaẖ* and/or *'urf* by paying attention to their position in *maqāṣid al-šarī'aẖ*. First, UBI (universal basic income), in the economic field, which can be the sharia of Allah if proven to reduce poverty (*hifẓ al-māl*). Second, tobacco regulation, in the health sector, it is the sharia of Allah because it protects the

intellect (*hifẓ al-'aql*). Third, the carbon tax policy, in the environmental sector, it becomes the sharia of Allah as a form of *hifẓ al-nafs* (protection of the soul)

However, this process is not without its challenges. Textualist groups often reject integration on the grounds of maintaining the purity of the sharia, while liberals are sometimes caught up in the reduction of Islamic law as a mere tool to legitimize Western values. This is where the importance of the filter of *maqāṣid šarī'aḧ* as a keeper of balance; ensuring that any adoption of secular values remains oriented towards the protection of religion, soul, intellect, progeny, and property.

In the end, the integration of secular values and law is not about subordinating sharia to modernity, but rather proving the elasticity of Islamic law in responding to the changing times. Just as water takes the form of a container without losing its essence, sharia law is able to absorb wisdom from wherever it comes from as long as it remains faithful to its divine purpose. This is what makes Islamic law remain relevant in the midst of the complexity of the contemporary world, without having to lose its sacred identity.

## Theological and Legal Implications

1. Theological implications

   The integration of secular values into Islamic law has profound theological implications. First, the implications for the concept of authority in Islamic law. When principles such as democracy, human rights, or environmental justice are adopted into the framework of sharia, this indirectly shifts the paradigm from theocentrism (law as a fixed divine command) to a more dynamic anthropocentrism. This shift raises a theological question: to what extent is man's authority in interpreting the divine will, and where is the line between sacred revelation and profane interpretation? Some may view it as a "betrayal" of the purity of the Shari'a, while others see it as an actualization of the principle of *taqarrub ilā al-ḥaqq* (approaching the truth).

   Second, this integration touches on the concept of perfection and finality of sharia. If secular values that are considered "new" can be integrated, does that mean that classical Islamic law is incomplete? Here the concept of *maqāṣid al-šarī'aḧ* can be a theological bridge, separating the eternal goals of the shari'a (such as justice and benefit) from the temporal form of law. However, this approach has not gone unnoticed by critics, especially those who believe that the sharia is perfect and final, so it does not require "additions" from the secular system.

   Third, integration raises an epistemological dilemma about the source of law. So far, between revelation (the Qur'an and the Sunnah), as the holder of the highest authority, has tended to be opposed to secular law, which is

based on reason and empirical experience. When these two sources come together, the question arises: can the secular human mind be the legitimate "will" for understanding the divine will? Some contemporary Muslim thinkers answer this with Fazlur Rahman's theory of "double movement", which is to read sacred texts through a modern context, while at the same time assessing modernity through the lens of sacred texts (Yusuf et al., 2021). However, this approach still leaves a tension between the sacred and the profane in the Islamic legal building.

2. Legal implications

There are also at least three legal implications of the integration of secular values into Islamic law. First, creating structural transformations in the Islamic legal system. This process gave birth to various hybrid laws, such as Islamic banking which adopted secular financial instruments with a combination of anti-usury principles. This raises technical challenges in the harmonization of the system, especially the legal status of the products of the secular legislation adopted – whether it is binding (mandatory) or simply permissible (*mubāḥ*). Practices in various Muslim countries show a variety of approaches, ranging from full adoption (such as Turkey's secular criminal law) to selective models (such as Indonesia's Marriage Law which blends Islamic law with secular principles of a minimum age of marriage).

Second, it affects the hierarchy of legal sources. The secular values adopted often serve as 'restrictions' (*qayyid*) against the interpretation of classical texts, such as the restriction of polygamy with strict administrative requirements. This created a new dynamic in the fiqh proposal, where *qiyās* and *istiḥsān* increasingly accommodated secular considerations such as legal certainty and the protection of human rights. Consequently, new legal products have emerged that are difficult to classify binarily as 'sharia' or 'secular', such as sharia bonds (sukuk) whose structure follows the global capital market but meets the principle of profit sharing.

Third, it creates complexity in the judicial system and law enforcement. Religious courts in many Muslim countries must now handle cases involving secular elements such as sharia fintech disputes or digital inheritance, which are not explicitly regulated in classical *fiqh* books. This situation forces judges to do ijtihad by referring to various sources, ranging from the fatwas of international institutions such as the AAOIFI (Accounting and Auditing Organization for Islamic Financial Institutions) to secular regulations on consumer protection. The main challenge is to maintain a balance between flexibility and consistency, and to prevent the occurrence of 'positive Islamic laws' that lose their sharia spirit. At the global level, this integration also gives rise to double standards in transnational law, such as sharia business

contracts that must simultaneously satisfy both the secular legal system and the principles of *fiqh.*

## Conclusion

The exploration that has been carried out shows three important things: First, secular law and sharia law do not have to be positioned in opposites, the two can intersect through universal values. Through the lens of *ḫiṭābullāh Ta'ālā,* which includes revelation and natural and social phenomena, universal values can be the meeting point between the two legal systems. The integration of secular values into sharia law, through contemporary ijtihad, allows Islamic law to remain relevant in the modern context without sacrificing its basic principles.

Second, this integration carries profound implications, both theologically and legally. On the one hand, it shifts the discussion of authority from a mere text to the achievement of divine goals (*maqāṣid*), while at the same time triggering challenges related to the finality of the shari'a. On the other hand, integration gives birth to hybrid forms of law of Islamic principles with secular instruments, although it risks creating complexity in law enforcement. The key to its success lies in the balance between flexibility and fidelity to the basic principles of sharia.

Finally, third, dialogue between secular law and sharia is not only possible, but necessary to answer the challenges of the times. By using *maqāṣid al-šarī'aḥ* as a filter, the integration of secular values can enrich the treasures of Islamic law while strengthening its contribution to global justice. However, this process requires caution to avoid reducing the sharia to a mere tool of legitimacy, as well as ensuring that the authority of revelation remains the primary foundation.

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