

## Ijtihad and Its Application in Financial Economics

**Annisa Afwani<sup>1\*</sup>, Dinda Nurayuni Humaira<sup>2</sup>, Elva Mahmudi<sup>3</sup>**

<sup>1,2</sup>Department of Islamic Economics and Business, State Islamic University of North Sumatra, Medan, Indonesia

<sup>3</sup>Department of Islamic Family Law, STAIN Mandailing Natal, Panyabungan, Indonesia

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### ABSTRACT

This study discusses the role of ijtihad in the innovation of Islamic banking and financial products, focusing on products such as Sukuk and Murabahah. Ijtihad plays a key role in ensuring Islamic financial products comply with sharia principles, particularly when addressing challenges posed by interest-based conventional financial systems. Sukuk, as an alternative to conventional bonds, is based on ownership of real assets, while Murabahah is a financing method that does not involve interest. In addition, this paper also highlights the challenges faced by Islamic fintech, especially in the P2P lending model, which requires ijtihad to ensure compliance with Islamic principles. The author emphasizes the importance of general principles in muamalah, such as the prohibition of usury and injustice, as well as the need for careful ijtihad to maintain the relevance of Islamic financial products to the needs of the times. Obstacles in the ijtihad process, including differences of opinion among scholars, the complexity of modern financial products, and limited resources, are also discussed. In addition, the role of women in contemporary ijtihad is recognized as an important contribution in providing new perspectives and fighting for gender justice.

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### Corresponding Author:

Annisa Afwani

Department of Islamic Economics and Business, State Islamic University of North Sumatra, Medan, Indonesia

Email: [annisaafwani0503232073@uinsu.ac.id](mailto:annisaafwani0503232073@uinsu.ac.id)

## 1. Introduction

As a fundamental principle in Islamic law, ijtihad has gained renewed importance in addressing that refers to intellectual efforts to explore and establish sharia law in the context of issues that are not directly explained in the Quran and Hadith. In this modern era, ijtihad has become increasingly important, especially in the face of emerging challenges in the economic and financial fields. With the rapid development in the financial sector, including Islamic banking and investment, an innovative and adaptive approach is needed to ensure that the financial products and services offered remain in accordance with Islamic principles.

This research aims to discuss the role of ijtihad in the innovation of Islamic banking and finance products, with a focus on products such as Sukuk and Murabahah. Sukuk, as an alternative to conventional bonds based on usury, offers a solution that is in line with sharia

principles through the ownership of real assets. Meanwhile, *Murabahah* as a financing method that does not involve interest, provides a fairer and more transparent alternative for customers.

In addition, this paper will also explore the challenges faced by sharia fintechs, particularly in the peer-to-peer (P2P) lending model, which requires *ijtihad* to ensure compliance with sharia principles. In this context, it is important to understand the general principles in *muamalah*, such as the prohibition of usury, *gharar*, and tyranny, as well as the need for careful *ijtihad* to maintain the relevance of Islamic financial products to the needs of the times.

This study aims to offer a critical perspective on the role of *ijtihad* in developing Islamic financial innovations that align with contemporary economic demands. The author also hopes that this study can increase readers' understanding of the importance of *ijtihad* in dealing with contemporary issues in the field of Islamic economics and finance.

*Ijtihad*, as an intellectual effort to explore and establish sharia law, has an important role in facing contemporary challenges in the economic field. According (Abidin, 2019), *ijtihad* in the field of Islamic economics is an important instrument in responding to modern social and economic developments, so that sharia principles remain relevant and applicable in the global era. In the context of Islamic banking, products such as *Sukuk* and *Murabahah* are the result of contemporary *ijtihad* that integrates the values of justice, transparency, and sustainability principles in the Islamic financial system. *Sukuk*, for example, functions as an alternative to conventional bonds by affirming ownership of real assets and avoiding the element of usury. This is in line with (Saputra & Hilabi, 2022), view that the development of Islamic financial products, such as *Sukuk* and *Murabahah*, is the result of innovative *ijtihad* to answer the needs of the modern market without ignoring sharia *maqasid*. Meanwhile, *Murabahah* as an interest-free financing method reflects the value of fairness and openness, where *ijtihad* functions to ensure that each stage of the transaction is in accordance with sharia principles, especially in the aspects of price transparency and fairness for customers.

The challenges faced by sharia fintechs, especially in the peer-to-peer (P2P) lending model, also require *ijtihad* to ensure compliance with sharia principles. In this regard, it is important to understand the general principles of *muamalah*, such as the prohibition of *riba*, *gharar*, and tyranny, which form the foundation for developing Islamic financial products. According to (Umam et al., 2025), the development of Islamic fintech requires continuous *ijtihad* to harmonize technological innovation with sharia objectives, ensuring justice, transparency, and trust in every transaction. This study also highlights the importance of women's contributions in contemporary *ijtihad*. Asma Barlas, a Pakistani intellectual, argued that interpretations of the Qur'an free from patriarchal bias can offer new perspectives on women's rights in Islam. In her book *Believing Women in Islam*, Barlas stated that Islam does not oppress women but grants them equal dignity. Thus, *ijtihad* not only serves to address economic challenges but also plays a role in advancing social justice within Islamic society.

Through this literature review, it is hoped that it can provide a deeper understanding of *ijtihad* and its application in the innovation of Islamic banking and financial products, as well as its contribution to economic development in accordance with Islamic principles. *Ijtihad* plays an important role in the development of Islamic economics in the modern era, enabling scholars and economists to find solutions to contemporary challenges that did not exist in the past, while adhering to sharia principles.

## 2. Methods

This research employs a qualitative, normative doctrinal approach based on library research. Primary sources include classical Islamic legal texts and contemporary literature on Islamic finance, while secondary sources comprise academic journals and fatwas. According to (Afifah Zahra, 2024) the normative-doctrinal method is essential in Islamic legal studies

because it connects classical jurisprudential reasoning with contemporary applications, especially in the field of Islamic economics. The study analyzes how classical methods of *ijtihad* such as *qiyas*, *istihsan*, and *maslahah mursalah* are applied in contemporary Islamic financial products, particularly in *Sukuk*, *Murabahah*, and Islamic *fintech*.

### 3. Results and Discussion

#### 3.1 Definition and Development of Ijtihad

The word *ijtihad* comes from the Arabic word “*جهد*” (*jahada*), which means “to exert effort or strive with all one’s ability to achieve something.” In short, *ijtihad* implies earnest and persistent effort to obtain understanding or a legal solution. According to (Suwandi & Alauddin Makassar, 2024), *ijtihad* is a process of exerting intellectual and legal reasoning to derive laws when the Qur’an and Sunnah do not explicitly address an issue, thereby allowing flexibility and adaptability in Islamic jurisprudence. Similarly, (Hasniar, 2025) explains that *ijtihad* forms an essential part of Islamic legal methodology, grounded in the Qur’an and Sunnah, and often leads scholars to reach consensus (*ijma’*) as a collective form of reasoning. Thus, *ijtihad* not only reflects intellectual rigor but also functions as a dynamic tool that connects classical Islamic sources with evolving human realities.

Moreover, the use of *ijtihad* in a general sense is very relevant to the interpretation of the Qur’an and al-Sunnah. When a principle or shari’ah is based on the general meaning of a text of the Qur’an and al-Sunnah, then the text and the principles (rules) of the shari’ah must be linked to the reasoning of the law. For it is difficult to imagine, however, when a text of the Qur’an or al-Sunnah, however clear and detailed, no longer requires *ijtihad* for its interpretation and application in concrete situations.

From this point of view, according to Abdullahi Ahmed, it is clear that *ijtihad* is a fundamental concept and very active in the formation of shari’ah during the VIII and IX centuries AD. Once the shari’ah matures as a legal system, and the development of various new principles and rules is felt to be sufficient, the space for *ijtihad* seems to narrow towards the point of extinction. This phenomenon is known in the history of Islamic jurisprudence as the closing of the door of *ijtihad*. However, many contemporary scholars demand the reopening of the door of *ijtihad*.

As for terminology, the definition of *ijtihad* put forward by ushul fiqh experts is: "The direction of all abilities by a fiqh expert or mujtahid to gain knowledge of the laws of sharia" (Amir, 1997). In this sense, *ijtihad* has the function of issuing (*istinbat*) sharia law, so that *ijtihad* does not apply in the field of theology and morality. And. The meaning of *ijtihad* according to ushul fiqh scholars is known by the wider community. It is Ibrahim Hosen who in this case represents a group of fiqh experts in the definition of *ijtihad* limiting it to the field of fiqh only, that is, the field of law related to charity. As for some other scholars, such as Ibn Taymiyah said that *ijtihad* also applies in the world of Sufism. Likewise, the opinion of Harun Nasution who says *ijtihad* in fiqh is the definition of *ijtihad* in a narrow sense, while in a broad sense *ijtihad* also applies in the fields of politics, faith, Sufism, and philosophy.

The journey of *ijtihad* in the development of *fiqh*, seen from a historical point of view, shows that *ijtihad* has essentially existed since the time of the Prophet Muhammad (peace be upon him). During his lifetime, *ijtihad* was practiced by the Prophet himself and his companions when no revelation had yet been revealed on a specific matter. As explained by (Djamil, 2020), the practice of *ijtihad* during the Prophet’s era served as an initial framework for legal reasoning, while the primary source of law remained the divine revelation in the Qur’an and Sunnah. Subsequently, *ijtihad* continued to evolve during the periods of the *sahabah*, *tabi’in*, and later generations, each era marked by its own characteristics and intellectual contributions to the growth of Islamic jurisprudence.

The development of jurisprudence during the time of the Prophet Muhammad ﷺ has provided a real example as well as training the companions to do *ijtihad*. In fact, the Prophet ﷺ himself encouraged the companions to dare to do *ijtihad* by explaining the rewards for those who do it. In a hadith, it is stated that if a judge wants to establish a law and he does *ijtihad*, then the result of *ijtihad* is correct, then he gets two rewards; And if he does *ijtihad* and is wrong, then for him is a reward. This hadith is an important basis for understanding the flexibility of Islamic law and the role of *ijtihad* in the social and legal context during the time of the Prophet ﷺ (Suryadilaga, 2021)

During the *shahabat* period, the use of *ijtihad* was more emphasized on the methods of *mafhūm* and *qiyās*, as these approaches provided flexibility in addressing emerging issues in society. As explained by (Hidayat, 2023), *qiyās* and *mafhūm al-mukhālafah* were instrumental in formulating legal rulings when explicit texts were not available, allowing the *sahabah* to adapt Islamic law to new realities. One notable example is found during the caliphate of Abu Bakr al-Siddiq, who exercised *ijtihad* by declaring war on those who refused to pay *zakat*. According to (Rahman, 2022), Abu Bakr's reasoning was that neglecting *zakat* would endanger the enforcement of one of Islam's pillars, even though the Prophet (peace be upon him) had previously handled *zakat* collection with gentleness and persuasion. Thus, the *ijtihad* of the *sahabah* demonstrated both fidelity to revelation and contextual reasoning in applying Islamic law.

During the time of Umar bin al-Khattab as caliph, for example, regarding the determination of the legal limit for *khamr* drinkers, Umar bin al-Khattab consulted with the companions to decide the appropriate punishment. As recorded in historical sources, Ali bin Abi Talib proposed that the punishment for a *khamr* drinker should be eighty lashes, reasoning by *qiyās* to the punishment for false accusers of adultery, since drunkenness often leads to uncontrolled speech and false statements. This opinion was subsequently agreed upon by the other companions, forming an *ijma' sahabat* (consensus of the companions). As noted by (Rahmawati, 2023), Umar's approach illustrates the early institutionalization of deliberative *ijtihad* in Islamic governance. Similarly, (Al-Qaradhawi, 2015), emphasizes that the flexibility shown by Umar and other companions in adapting legal rulings to contextual realities reflects the living spirit of *ijtihad* within the framework of *maqāṣid al-sharī'ah*.

After the above period, the development of *ijtihad* and *fiqh* has progressed very rapidly from time to time. It was in this fourth period that Islamic jurisprudence reached the peak of its glory along with the progress of the Islamic world in almost all fields of knowledge. In the period that is often called the *ijtihad* and golden period of Islamic jurisprudence, famous mujtahids such as Abu Hanifah bin Nu'man (699-772 AD), Malik bin Anas (712-798 AD), Muhammad bin Idris al-Shafi'i (766-820 AD) and Ahmad bin Hanbal were born. (780-855 M) (T.M. Hasbi, 2023). In addition to the four imams of the school, history also records other famous mujtahids in this period, such as Zaid bin Ali bin al-Husain (80-122 AH), Ja'far al-Shidiq (80-148 AH), Abd alRahman bin Muhammad al-Awza'i (88-157 AH), Dawud bin Ali bin Khallaf al-Zhahiri (224-330 AH). In fact, al-Shafi'i has changed the results of his *ijtihad* of *qawl qadim* when he was in Iraq with *qawl jadid* when he was in Egypt.

### 3.2 Mujtahid Requirements and Mujtahid Classification

#### 1. Conditions of Mujtahid

Talking about the conditions of *ijtihad* is nothing but talking about the conditions of the mujtahid. Similarly, vice versa, that is, speaking the conditions of mujtahid is none other than talking about the knowledge of *sharia'*, being able to see the *dzon* in *shari'i* matters, about the conditions of *ijtihad*. Imam al-Ghazali in his book *al-Mustasyfa* states that mujtahid has two conditions:

- a. Knowing and mastering prioritizes what must be done and turns our back on what must be done.
- b. He should be the righteous one. Shunning all ma'siyat makes the nature and attitude of justice (is). This is important because this condition is the basis for whether the fatwa can be used as a handle or not. A person who does not have such a fatwa should not be used as a hold. As for the unjust nature for oneself, meaning that the fatwa or ijtiḥad is for oneself, the unjust nature is not an obstacle. This means that in it is unjust, it is permissible to do ijtiḥad for oneself, and the fatwa becomes a hold for oneself.

The conditions for more detailed opinions of uṣḥul scholars on the person who submits ijtiḥad are as follows:

- a. Having extensive knowledge of the Qur'an and understanding it includes knowledge related to it, such as nasikh mansukh, asbabu al-Nuzul mujmalḍan mubayyan, muthlaq muqayyad, mantuq and mafhum lafadz 'amm khasa.
- b. Memorize the Qur'an in its entirety (Imam Shafi'i).
- c. Having knowledge of the Sunnah of the Prophet includes al-Jarh wata dil.
- d. Knowing the legal issues that became the ijma of the previous scholars.
- e. Know Arabic well and perfectly, understand the science of nahwu and others.
- f. Knowing Uṣḥul fiqh.
- g. Knowing the maqashid as-Shari'ah.  
Faith, intelligence and others (Rachmat, 2024).

## 2. Mujtahid Qualifications

Without meeting the requirements, a person cannot be categorized as a mujtahid who has the right to perform ijtiḥad. Among the scholars who do. Ijtiḥad has several levels. And this level depends on the activities that the mujtahid himself does. The levels among the mujtahid are as follows:

- a. Mujtahid muthlaq mustaqil (Independent mujtahid), i.e. mujtahid who builds his own theory and istinbath without relying on the rules of istinbat of others. Included in these ranks is the Imam of the 4 Madzhab, laist ibn sa'ad. Al-auza'l, Sufyan al-Sauri, Abu Saur and others.
- b. Mujtahid Muntasib (Affiliated Mujtahid) are scholars who practice ijtiḥad using the rules of the Imam madzhab that they follow. But, in the matter of furu' he is usually different from the scholars of the madzhab that he follows. Among them are Abu Yusuf, Hanafiyyah, Malikiyyah, Shafi'iyyah, Ibn Taymiyah and others.
- c. Mujtahid fi al-Madzhab is a mujtahid who follows the scholars of his madhhab both in the rules of istinbat and furu'.
- d. Mujtahid Murajjih is a mujtahid who does not declare the law of furu'. They were limited to comparing the previous hujtahid thoughts, then choosing the one considered (rajjih) to be the strongest.

## 3.3 Distribution of Ijtiḥad

### 1. Ijtiḥad Istinbathi

*Ijtiḥad istinbathi* is a form of ijtiḥad that is carried out based directly on the *nash-nash* of Sharia, by examining and deriving legal meanings contained within them. The results of such ijtiḥad then serve as benchmarks for resolving emerging legal issues. (Zahid, 2019) explains, *ijtiḥad istinbathi* demands profound mastery of Arabic, *usul fiqh*, tafsir, and hadith to ensure accurate interpretation of divine texts. Furthermore, according to (Hasyim, 2022), the difficulty of fulfilling these requirements in the modern era has made perfect *ijtiḥad istinbathi*

increasingly rare, as few scholars today can meet the classical standards of *mujtahid mutlaq*. Thus, while *ijtihad* remains essential for addressing new legal questions, its pure *istinbathi* form continues to face intellectual and methodological challenges in contemporary times.

## 2. Ijtihad Tathbiqi

If *ijtihad istinbathi* is based on *nash-nash*, then *ijtihad tathbiqi* is based on a problem that occurs in the field. In this case, a *mujtahid* is directly dealing with the legal object where the idea or legal substance of the product of *ijtihad istinbathi* will be applied. For a *mujtahid* *ijtihad*, it is required to understand *Maqashid as-Syar'i* deeply, this is to determine whether the legal idea produced if applied to the t-shirt faced can reach *Maqashid as-Syar'i* or not.

## 3. Ijtihad Intiqai

*Ijtihad Intiqai* is choosing from one of the strongest opinions found in the legacy of Islamic *fiqh* which is full of *fatwas* and rulings. A *mujtahid* with careful effort can choose a stronger and more relevant opinion to apply today.<sup>3</sup> In this case a *mujtahid* is not bound by one of the opinions of a particular scholar, however, he looks at all the existing opinions, compares and examines the postulates they put forward, and then objectively chooses the one that is the strongest and more suitable to be applied.

## 4. Ijtihad Insya'i

*Ijtihad Insya'i* is the taking of new legal conclusions from a question, which has been raised by previous scholars, either new or old. If the problem under study is new that has never been found in the treasures of Islamic *fiqh*, then the *mujtahid* *Munsyi* seeks to determine the law by thoroughly researching and understanding the case at hand, so that he will precisely determine the law according to the desired purpose of the existing *Shari'ah*. If the issue being studied by the *mujtahid* *Munsyi* is a case and the law has been raised by the scholars before, then a *mujtahid* *Munsyi* can perform *ijtihad* by issuing a new opinion outside the existing opinion.

### 3.4 The Field of Ijtihad and the Strength of Ijtihad Results

In summary, there are two fields of *ijtihad*:

1. *Shari'ah* matters that have no *nash* at all.
2. *Shari'ah* matters that have *nash* but not *qath'i wurud* or *dalalah* (not sure of the designation of the meaning).

If in the field of *ijtihad* then there is *ijtihad* in a case, then the result of *ijtihad* becomes law, if it is associated with the authority of *qodhi/judge*, then the judge's authority is only limited to giving decisions based on the law, not to adjudicate the law itself.

*Qodhi* does not have the right to judge the law, because his authority is only to apply the law or decide cases based on the law. This is just as the *mujtahid* does not have the right to *ijtihadi* on matters that already have *nash* which is *qoth'i* (the text of which is certain to designate its meaning).

If someone is desperate to perform "*ijtihad*" against those who already have their *nash* *qoth'i*, and the result of their "*ijtihad*" is contrary to the *nash*, then it is not only that the *ijtihad* is invalid, but it means that it is against the *nash*. Just as the judge decides the case by deliberately violating the law, it is not only null and void, but even deliberately violates the law. *Ijtihad Against the Law That Already Exists Nash Qath's Is Prohibited*

For example, it is not permissible to do *ijtihad* about the obligation of fasting for Muslims, the prohibition of *khamr*, the prohibition of eating pork, the prohibition of eating usury. The obligation to cut off the thief's hand if there is no doubt and has qualified to be cut-. It is also about the law of the division of the deceased's inheritance among his children, where the share of a man is equal to the share of two daughters, and other laws that have been established by

the definite postulates of the Qur'an or definite postulates of hadith, which have been agreed upon by Muslims and have been known from religious teachings with certainty so that they have become the joints of the thoughts and behaviors of Muslims.

We should not be carried away by the current of those who want to play with religion, who want to turn nash-nash muhkamat into mutasyabihat and the laws of qath'i are considered as dzanni laws, which can be used and can also be rejected or can be removed or can be binding. Because basically the muhkam nash is the place of return of the mutasyabihat nash, and the qath'i laws are the reference point of dzanni laws. So that the law of qath'ii is the law and measure when there is a contradiction. So if these qath'i laws are made into laws that are not qath'i and are still considered as the location of disputes and contradictions, it means that there is no longer a law that is used as a place of reference and as a reliance, and there is no measure that is used as a legal basis.

### 3.5 The Application of Ijtihad in Contemporary Financial Economics

*Ijtihad* can be used to determine the legal provisions of a matter for which there are no definite postulates in either the Qur'an or the Sunnah. In such cases, scholars seek to derive rulings through reasoned interpretation. According to al-Amidi, the term *sharia law* here refers to laws that cover *zanni* (speculative) areas, which can be explored through *ijtihad*, thus distinguishing them from other laws. Meanwhile, *qath'i* (definitive) rulings, such as the five pillars of worship, are beyond the scope of *ijtihad*, and errors in these areas are considered sinful. Conversely, in *ijtihadiyah* matters, mistakes in reasoning do not incur sin, as the process itself is an act of devotion in seeking truth. Hence, *ijtihad* has become a recognized system of legal reasoning within Islamic thought, designed to solve contemporary issues based on the foundational principles of the Qur'an and Sunnah (Hallaq, 1986).

The majority of classical and contemporary scholars argue that ushul fiqh occupies a very important position in the sharia sciences. In fact, the science of ushul fiqh is often referred to as the mother of sharia science. The science of ushul fiqh provides an understanding of the methodology of *istinbat* (determination of Islamic law) of scholars in formulating and determining an issue of Islamic law, therefore ushul fiqh is a methodology of Islamic jurisprudence, which is the methodology of Islamic jurisprudence that produces Islamic legal products, produces fiqh muamalah, fatwas, and regulations. Islamic economic scholars are part of the muj-tahid scholars, because Islamic economist scholars must have *ijtihad* to solve various economic problems, answer questions about the permissibility of various modern business transactions, the halal haram of certain business forms, provide solutions to economic thinking, think about relevant contracts for Islamic financial institutions. Provide sharia economic fatwas, if requested by the sharia economic community. To overcome all of this, a sharia expert or sharia council must master the science of ushul fiqh in depth, because this knowledge is necessary for *ijtihad*.

The application of *ijtihad* in contemporary financial economics can be done in several ways, including:

- Understanding economics as one of the requirements for *ijtihad* in the field of economics.
- Using collective *ijtihad* (al-Jamai') to overcome complex contemporary problems.
- Applying two famous ushuliyah rules related to muamalah.

*Ijtihad* is an effort made by scholars to find the law on problems that are not clearly explained in the Qur'an and Al-Hadith. *Ijtihad* is the third source of law after the Qur'an and Al-Hadith. Some methods that can be used in *ijtihad* include: Qiyas, Istihsan, Istishab, Istislah, Sadd al-dhariah, Uruf. In *ijtihad*, a mujtahid must know the laws that have been agreed upon by the scholars.

### 3.6 Ijtihad in Islamic Banking and Financial Product Innovation

The case of ijthihad in the innovation of Islamic banking and finance products can be seen in products such as Sukuk (Islamic bonds) and Murabahah (buying and selling financing). Examples are:

#### a. Sukuk (Sharia Bonds)

- Case: Initially, conventional bonds were considered not in accordance with sharia principles because of the element of *riba* (interest). However, many Islamic countries need funding from investors for infrastructure development or other urgent projects.
- Ijtihad Performed: Jurists and sharia economists perform ijthihad to develop the concept of Sukuk, where these bonds are based on the ownership of real assets, not interest-bearing debts. As a result, the state or company can get funds from investors without usury, because the profits given to investors are based on income from the asset (e.g. infrastructure projects) and not from interest.
- Innovation: Sukuk provides an avenue for the state or company to obtain funds without violating sharia principles, thus attracting more investors from among Muslims.

#### b. Murabahah Financing

- Case: Many individuals and businesses need access to credit for needs such as venture capital or the purchase of certain goods. However, conventional interest-based credit systems are not allowed in Islam.
- Ijtihad Performed: To solve this problem, experts developed Murabahah financing, in which Islamic banks buy goods desired by the customer and then sell them to the customer at a pre-agreed price, including a clear and open profit margin.
- Innovation: Murabahah allows Islamic banks to provide halal financing, while maintaining transparent profits without interest.

#### c. Sharia Fintech (P2P Lending)

The development of financial technology (fintech) requires a new ijthihad in creating Islamic financial products that are in accordance with the needs of the times. One of them is Peer-to-Peer Lending (P2P Lending) which is in accordance with sharia principles.

- Case: P2P lending platforms that operate on sharia principles require ijthihad in determining whether the model used is in accordance with sharia provisions, especially in terms of risk and profit sharing between lenders and borrowers. In sharia P2P lending products, for example, there is an agreement to use *mudharabah* (profit-sharing) or *murabaha* (buying and selling) contracts instead of the interest system.
- Ijtihad is carried out in: Drafting a contract that is fair and does not harm one of the parties. Develop a clear and transparent profit-sharing system, so as to avoid the element of uncertainty (*gharar*). Regulate funding mechanisms that do not conflict with sharia principles, including ensuring that there is no element of usury.
- Conclusion: Innovation in Islamic financial products often involves ijthihad to adapt Islamic law to modern economic conditions and needs. This ijthihad aims to ensure that new financial products can provide solutions that are in accordance with sharia principles, while still meeting the needs of the ever-evolving market.

The basic sources of muamalah and other branches of *fiqh* are the Qur'an and As-Sunnah. But in the field of muamalah its narration is also based on the general principles *المبادئ العامة* of



and the general rules الكلية القواعد of in order to make it easier for the fuqaha to perform ijtihad on new things made by humans. Among these general principles are:

1. Prohibit acts of tyranny and must be pleased with each other

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

Meaning: "O you who have believed, do not eat your neighbor's property in an unrighteous way, except in the form of business on the basis of mutual will among you. Do not kill yourselves. Indeed, Allah is Most Merciful to you". (QS. An-Nisa': 29).

2. Forbidding gharar

عن أبي هريرة قال نهى رسول الله صلى الله عليه وسلم عن نبع الحساء وعن نقع المزر (راوه مسلم)

Meaning: "From Abu Hurairah RA said: The Prophet PBUH has forbidden the buying and selling of al-hashah and the buying and selling of gharar" (HR. Muslim).

3. Prohibits maisir (gambling) or speculation

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ﴿٩٠﴾

Meaning: "O you who believe, indeed (drinking) khamar, gambling, (sacrificing to idols, casting lots with arrows, is one of the deeds of the devil. So, stay away from these deeds so that you may have good luck" (QS. Al-Maidah: 90).

4. Prohibiting Riba

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِّنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ ﴿٢٧٥﴾

Meaning: Those who eat usury cannot stand, except like those who stand staggering because of the trance of Satan. This happens because they say that buying and selling is the same as usury. In fact, Allah has legalized buying and selling and forbidding usury. Whoever has come to him a warning from his Lord (concerning usury), then he stops so that what he has obtained before belongs to him and his affairs (are up) to Allah. Whoever repeats (the transaction of usury), they are the inhabitants of Hell. They remain in it. (Q.S Albaqarah:275).

#### 4. Conclusion

Ijtihad has a very important role in developing and applying sharia principles in the context of modern financial economics. Ijtihad is not only needed to address contemporary issues such as Islamic banking, investment, and innovative financial products such as Sukuk and Murabahah, but also to ensure that these products remain in line with Islamic values.

The obstacles faced in the ijtihad process, such as differences of opinion among scholars, the complexity of modern financial products, and technological developments, demand a careful and collaborative approach. In addition, the importance of women's role in contemporary ijtihad shows that diverse perspectives can enrich the understanding and interpretation of Islamic law.

The conditions that must be met by the mujtahid, including in-depth knowledge of the Qur'an, Hadith, and ushul fiqh, as well as justice, are an important foundation in the ijtihad

process. Thus, the proper application of ijtiḥad based on sharia principles will enable Muslims to actively participate in the modern economy, while maintaining the integrity and relevance of Islamic law amid contemporary financial innovations and global economic shifts.

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