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Abdurrahman Wahid's Islamic Legal Theory from a Sociological Perspective: Toward a Transformative Jurisprudence in Indonesia

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Abstract

This article examines Abdurrahman Wahid's Islamic legal theory from a sociological perspective, arguing that his thought constitutes a distinctive that has been insufficiently theorised in existing scholarship. While prior studies have extensively analysed Wahid's ideas on democracy, pluralism, politics, and the indigenisation of Islam, the specifically sociological dimensions of his legal theory remain comparatively under explored. Addressing this gap, the study asks how Wahid's jurisprudential framework can be understood as a sociologically grounded theory of Islamic legal transformation, and how that framework contributes to social change in plural Indonesia. Employing qualitative content analysis within an interpretive intellectual history framework, the article analyses Wahid's primary writings and documented legal positions through three theoretical lenses: sociological jurisprudence, transformative legal pluralism, and maqasid oriented hermeneutics. The findings demonstrate that Wahid systematically relocates Islamic law from doctrinal formalism toward law as an instrument of normative, institutional, and cultural transformation. This paradigm is substantiated through his reinterpretation of religious freedom, gender equality, Pancasila constitutionalism, the Ajinomoto controversy (2000-2001), and policies on minority recognition. The article contributes conceptually by introducing sociological maqâṣid jurisprudence as an analytical category, methodologically by integrating doctrinal analysis with sociological legal theory, and empirically by demonstrating doctrinal coherence across Wahid's legal positions.

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Keywords: Abdurrahman Wahid, Islamic Legal Theory, Maqâṣid al Sharîah, Sociological Jurisprudence, Social Transformation.

Introduction

Islamic law in Indonesia has developed as a normative system in continuous interaction with social, political, and cultural dynamics. From a sociology of law perspective, law cannot be understood as a static entity, but as the product of a dialectic among text, context, and social actors through ijtihad and reinterpretation. Contemporary Islamic legal studies nonetheless remain dominated by normative textual approaches that treat law as a finalized system, thereby under attending to its sociological and transformational dimensions. This article addresses that gap by analyzing Abdurrahman Wahid's Islamic legal theory from a sociological perspective, proposing that his thought constitutes a distinctive jurisprudence of pluralism, an alternative paradigm that conceives Islamic law as dynamic, contextual, and oriented toward social transformation in Indonesia.

Islamic law has become an integral part of the lives of Indonesian Muslims,[1] evolving dynamically in response to societal changes over time.[2] This evolution reflects the broader reality that societal dynamics significantly influence various aspects of life,[3] including Islamic law systems.[4] As such, the

[1] Al Makin, "Unearthing Nusantara's Concept of Religious Pluralism: Harmonization and Syncretism in Hindu-Buddhist and Islamic Classical Texts," *Al-Jami'ah* 54, no. 1 (2016): 1–30, https://doi.org/10.14421/ajis.2016.541.1-30; Chris Chaplin, "Islam, Politics and Change. The Indonesian Experience after the Fall of Suharto, Edited by Kees van Dijk and Nico J.G. Kaptein," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 172, no. 2–3 (2016): 387–90, https://doi.org/10.1163/22134379-17202010; Ahmad Yasa, "The Development of Indonesian Islamic Law: A Historical Overview," *Journal of Indonesian Islam* 9, no. 1 (2015): 101–22, https://doi.org/10.15642/JIIS.2015.9.1.101-122; Kamaruzzaman Bustamam-Ahmad, "The Application of Islamic Law in Indonesia: The Case Study of Aceh," *Journal of Indonesian Islam*, 2007, https://doi.org/10.15642/JIIS.2007.1.1.135-180.

[2] Mohammad Hashim Kamali, "Istihsan and The Renewal of Islamic Law," *International Institute of Advanced Islamic Studies (IAIS) Malaysia*, 1991, https://journal.iaincurup.ac.id/index.php/alistinbath/article/view/4153/pdf; Bustamam-Ahmad, "The Application of Islamic Law in Indonesia: The Case Study of Aceh"; M.B. Hooker, "Southeast Asian Sharī'Ahs," *Studia Islamika* 20, no. 2 (August 31, 2013), https://doi.org/10.15408/sdi.v20i2.387; Edi Gunawan, "Pembaruan Hukum Islam dalam Kompilasi Hukum Islam," *Hunafa: Jurnal Studia Islamika*, 2015.

[3] Titin Samsudin, "Dinamika Hukum Islam dan Perubahan Sosial," *Istinbath : Jurnal Hukum*, 2018, https://doi.org/10.32332/istinbath.v15i1.1072; M A Fuadi et al., "Religious Moderation in the Context of Integration between Religion and Local Culture in Indonesia," *Journal of Al* …, 2024.

[4] Muhammad Zubair Abbasi, "Islamic Law and Social Change: An Insight into the Making of Anglo-Muhammad an Law," *Journal of Islamic Studies*, 2014,

transformation of Islamic law in Indonesia should not be viewed as rigid or ahistorical. Instead, it must be understood as a normative system that continually interacts with and adapts to its surrounding socio cultural context.[5]

Reforming Islamic law in Indonesia has been underway for quite some time. In the contemporary period, this reform is characterized by efforts to develop a distinctly Indonesian formulation of Islamic law. Prominent figures in this movement include T.M. Hasbie Ash Shidieqy, known for his concept of an *Fikih Indonesia* and Hazairin, recognized for his *Mazhab Nasional*, which later evolved into what is referred to as the *Mazhab Indonesia.*[6] In addition to these pioneers, a number of other Indonesian Muslim scholars have contributed significantly to the discourse on Islamic law reform, including Masdar F. Mas'udi,[7] Ali Yafie, Sahal Mahfudz,[8] Amir Saifuddin, Saikhul Hadi Permono, and several other prominent scholars.

Abdurrahman Wahid (1940 2009), widely known as Gus Dur, occupies a distinctive position in this landscape. Trained in the pesantren tradition, he led Nahdlatul Ulama (NU) and served as President of the Republic of Indonesia (1999 2001). This combination of scholarly authority, religious leadership, and state power produced a legal thought that integrates normative Islam with Indonesia's plural social reality. A well known illustration is his response to the Majelis Ulama Indonesia (MUI) fatwa declaring Ajinomoto flavoring arm because of pork derived enzymes: as President, Wahid opposed the ruling on grounds of broader social and economic harm, demonstrating a pragmatic yet jurisprudentially grounded approach.

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https://doi.org/10.1093/jis/etu045; Harpani Matnuh, "Law as a Tool of Social Engineering," 2018, https://doi.org/10.2991/icsse-17.2018.28.

[5] Wildani Hefni, Imam Mustofa, and Rizqa Ahmadi, "Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 30–57, https://doi.org/10.29240/jhi.v10i1.10694.

[6] Mahathir Muhammad Iqbal, "Merumuskan Konsep Fiqh Islam Perspektif Indonesia," *Al-Ahkam: Jurnal Ilmu Syariah Dan Hukum*, 2017; Moh Mukri, "Dinamika Pemikiran Fikih Mazhab Indonesia (Perspektif Sejarah Sosial)," *Analisis : Jurnal Studi Keislaman*, 2017, https://doi.org/10.42042/ANALISIS.V11I2.608.

[7] Bustamam-Ahmad, "The Application of Islamic Law in Indonesia: The Case Study of Aceh."

[8] Ahwan Fanani, "Peta Pemikiran Hukum Islam di Indonesia," *Alqalam* 26, no. 1 (2009): 1, https://doi.org/10.32678/alqalam.v26i1.1509.

Most scholarly works on Abdurrahman Wahid focus on his ideas regarding democracy,[9] pluralism,[10] politic,[11] religious moderation,[12] and the indigenization of Islam.[13] However, some studies have begun to explore his contributions to Islamic legal thought. For instance, Mukri identifies Abdurrahman Wahid as one of the key Indonesian Islamic intellectuals contributing to the development of the *Fikih Mazhab Indonesia*.[14] Similarly, Johari examines Wahid's legal thought and his role in shaping the trajectory of Islamic law in Indonesia.[15] Other research also highlights his efforts to construct a jurisprudential paradigm compatible with the principles of the Pancasila.[16]

While a substantial body of scholarship on Abdurrahman Wahid frames him as a figure associated with political pluralism or democracy, rather than as a systematic theorist of Islamic law. This article situates Abdurrahman Wahid within the sociological dimension of Islamic law—an approach oriented toward the concept of Islam as a *raḥmatan lil ʿālamīn*, where law serves to generate social benefit rather than merely validating or prohibiting individual acts. The article examines Abdurrahman Wahid's theory of Islamic law from a sociological perspective, focusing on the realms of *muʿāmalah* (social and economic transactions), *siyāsah* (state policy), and the protection of minorities, rather than on revisions to *ʿaqīdah* or *ʿibādah maḥḍah*.

To date, there has been little to no scholarly research or journal publications specifically addressing Abdurrahman Wahid's contributions to Islamic legal reform. This represents a significant gap that warrants further attention from scholars and researchers in the field of Islamic studies. This article

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[9] A Ghofur, "The Implications of Democratization towards Deformalization of Islamic Law in Indonesia: Study on Abdurrahman Wahid's Thoughts," *International Journal of Mechanical Engineering and Technology* 8, no. 6 (2017): 70–84; Abdurrahman Wahid, "Islamku, Islam Anda, Islam Kita : Agama Masyarakat Negara Demokrasi," *The Wahid Institution*, 2006.

[10] Greg Barton, Ihsan Yilmaz, and Nicholas Morieson, "Authoritarianism, Democracy, Islamic Movements and Contestations of Islamic Religious Ideas in Indonesia," *Religions* 12, no. 8 (2021): 1–20, https://doi.org/10.3390/rel12080641.

[11] Achmad Ubaedillah, "THE MINORITY AND THE STATE: Chinese Muslims in the Modern History of Indonesia," *Al-Jami'ah* 61, no. 1 (2023): 107–36, https://doi.org/10.14421/ajis.2023.611.107-136.

[12] Syaiful Arif, "Moderasi Beragama dalam Diskursus Negara Islam: Pemikiran KH Abdurrahman Wahid," *Jurnal Bimas Islam* 13, no. 1 (2020): 73–104, https://doi.org/10.37302/jbi.v13i1.189.

[13] Moh. Ashif Fuadi et al., "Religious Moderation in the Context of Integration Between Religion and Local Culture in Indonesia", *Journal of Al-Tamaddun,* 19, no. 1 (2024): 47–59. https://doi.org/10.22452/JAT.vol19no1.4.

[14] Mukri, "Dinamika Pemikiran Fikih Mazhab Indonesia (Perspektif Sejarah Sosial)."

[15] Johari, *Pemikiran Fikih Abdurrahman Wahid dan Kontribusinya dalam Pengembangan Hukum Islam di Indonesia*, ed. Supriyadi, 1st ed. (Jombang: Pustaka Tebuireng, 2019).

[16] Saefur Rochmat, "The Fiqh Paradigm for the Pancasila State: Abdurrahman Wahid's Thoughts on Islam and the Republic of Indonesia," *Al-Jami'ah*, 2014, https://doi.org/10.14421/ajis.2014.522.309-329.

seeks to complement existing studies by focusing on two central issues: Abdurrahman Wahid's approach to Islamic law reform and its implications for social transformation. Re examining his legal thought is particularly relevant considering the contemporary challenges facing Islamic law in Indonesia. Gus Dur's humanistic and contextual approach offers valuable insights for developing a more responsive, inclusive, and socially attuned framework of Islamic law. This article aims to make a conceptual contribution toward shaping Islamic legal reform that is just, open, and reflective of Indonesia's diverse societal realities.

This study employs qualitative content analysis within an interpretive intellectual history framework. Primary sources consist of Wahid's major published works, *Islam Kosmopolitan* (2007), *Prisma Pemikiran Gus Dur* (1999), *Menggerakkan Tradisi* (2001), and *Islamku, Islam Anda, Islam Kita* (2006), alongside essays, public addresses, and documented legal positions. Selection criteria prioritized texts in which Wahid explicitly addresses the relationship between Islamic law, social plurality, and transformative justice. Secondary sources were selected based on their engagement with *uṣul al fiqh*, sociology of law, and Indonesian Islamic legal reform.

The analytical procedure comprised three stages: (1) identifying Wahid's key jurisprudential concepts and their theoretical sources; (2) analysing the hermeneutical logic structuring his legal reasoning; and (3) assessing the sociological implications and transformative effects of his positions. Epistemologically, the study is doctrinal conceptual analysis embedded in sociological legal theory.

This study is highly significant for several reasons. First, in the absence of clear normative boundaries, Abdurrahman Wahid's stance on issues such as the Ajinomoto case, the status of Confucianism, and freedom of religion could be misinterpreted implying that religion is being "subordinated" to social reality. Second, Indonesia requires a model of *fiqh* (Islamic jurisprudence) that is operational at the level of a head of state without compromising *aqidah*. Third, existing literature highlights the need to address a sociological theoretical gap concerning Abdurrahman Wahid's approach to Islamic legal thought. It is in this context that this article occupies a significant position.

This article begins with the argument that Abdurrahman Wahid's approach to Islamic law reform was not only merely theoretical but also carried practical implications for social transformation. This perspective aligns with the broader functions of Islamic law as a tool for social control and social engineering.[17] Wahid's reform efforts sought to strengthen the underdeveloped

[17] R Michael Feener, "Social Engineering through Shari'a: Islamic Law and State-Directed Da'wa in Contemporary Aceh," *Indon. L. Rev.* 3 (2013): 285; Ali Sodiqin, "Antropologi Hukum

aspects of Islamic law, revise elements considered outdated, and repair those that had become problematic, with the aim of moving closer to an ideal form of Islamic law. In this context, his renewal of Islamic law thought represents a significant contribution to the transformation of Indonesian.

Discussion

The Sociological Foundations of Abdurrahman Wahid's Islamic Legal Theory

The pluralist jurisprudence of Abdurrahman Wahid is fundamentally rooted in an epistemological shift in understanding Islamic law from a rigid normative system to a dynamic, context sensitive interpretive framework. Within this perspective, Islamic law is not merely a set of fixed legal prescriptions, but a living intellectual tradition that evolves through continuous engagement with social reality. This orientation reflects a deliberate move away from legal formalism toward a substantive understanding of law as a moral and social instrument aimed at achieving justice and public welfare.[18]

What distinguishes Wahid from other Indonesian reformists such as Hasbi Ash Shiddieqy's *Fikih Indonesia* or Hazairin's *Mazhab Nasional* is not contextualism alone but an explicitly sociological epistemology.[19] Whereas Hasbi and Hazairin localise Islamic law within Indonesian custom and culture, Wahid evaluates legal validity primarily by law's capacity to realize social functions: justice, equality, and human dignity.[20] This aligns with Roscoe Pound's sociological jurisprudence: law must be judged by its social consequences.[21] Wahid himself understood law as a tool of social engineering, oriented toward reshaping society rather than merely regulating individual conduct.[22]

In Wahid's thought, this sociological orientation is anchored in Maqâṣid al Sharîa. The five universal objectives are not mere prohibitions and duties but a dynamic social charter for human welfare. He emphasizes religious freedom and human rights equality, rejecting discrimination against minorities an orientation rooted in Islam's inclusive and *rahmatan lil Alamin* character. Wahid's

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Sebagai Pendekatan dalam Penelitian Hukum Islam," *Al-Manahij: Jurnal Kajian Hukum Islam*, 1970, https://doi.org/10.24090/mnh.v7i1.581; Matnuh, "Law as a Tool of Social Engineering."

[18] Yusdani, "Islamic Law and Contemporary Challenges from Fresh Ijtihad Point of View," *Jurnal Hukum Islam* 20, no. 1 (2022), https://doi.org/10.28918/jhi.v20i1.5991.

[19] Mukri, "Dinamika Pemikiran Fikih Mazhab Indonesia (Perspektif Sejarah Sosial)."

[20] Nathan Franklin, "Gus Dur's Enduring Legacy: Accruing Religious Merit in the Afterlife," *Politics and Governance* 12 (2024): 1–16, https://doi.org/10.17645/pag.7874.

[21] Zainal Muttaqin, "Formalization of Islamic Law in Indonesia in the Framework of Social Engineering Theory by Roscoe Pound," *El-Mashlahah* 11, no. 2 (2021), https://doi.org/10.23971/elma.v11i2.2825.

[22] Johari, *Pemikiran Fikih Abdurrahman Wahid dan Kontribusinya dalam Pengembangan Hukum Islam di Indonesia*.

jurisprudential outlook is shaped by the need to reconcile normative religious authority with the complexities of Indonesia's plural social structure, where diversity is not an exception but a constitutive element of society.[23]

Islamic Law Reform in Indonesia

Islamic law reform in Indonesia can generally be categorized into four typologies, which are also observable in other Muslim majority countries. The first is intra doctrinal reform, which involves reforming Islamic legal thought by integrating various Islamic law perspectives within a unified framework that remains grounded in the legitimacy of sharia. This approach does not entirely reject traditional authorities but instead creates space for dialogue among classical *mazhab fiqh*, contemporary methodologies of *ijtihad*, and the evolving, context specific needs of today's Muslim communities.[24] In this model, reform is undertaken by adopting the dominant school of thought while selectively incorporating opinions from other schools. A clear example of this type of Islamic legal reform in Indonesia is the recognition of temporary *waqf*. Traditionally, *waqf* regulations in Indonesia were heavily influenced by the *Mazhab* Shafi'i, which holds that *waqf* must be perpetual. However, Law No. 41 of 2004 on *Waqf* reflects a shift by accommodating the Maliki view, which permits time limited *waqf*. This represents a form of intra doctrinal reform that maintains sharia legitimacy while responding to contemporary needs.

The second typology, extra doctrinal reform, represents a form of Islamic law reform that extends beyond the internal interpretive boundaries of established schools of thought or traditional *fiqh* doctrines. This model involves reinterpreting Islamic texts in ways that diverge from classical juristic opinions and, in some cases, addresses issues not explicitly covered in traditional *fiqh* literature. It emerges from the recognition that many contemporary challenges cannot be sufficiently addressed by relying solely on legal interpretations developed in vastly different historical, social, and cultural contexts. As such, extra doctrinal reform adopts a more progressive orientation, drawing upon the higher objectives of *maqāṣid al shari'ah* as its foundational framework.[25] This approach allows for the formulation of new legal norms aimed at realizing the values of justice, welfare, and the protection of human rights—even if it involves

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[23] Ardeti Jeni Abdilla, Hermanu Joebagio, and Warto, "The Religious Humanitarianism of Abdurrahman Wahid and Mahatma Gandhi and Its Relation To Authentic Interfaith Dialogue," *Studies in Interreligious Dialogue* 29, no. 2 (2019): 141–57, https://doi.org/10.2143/SID.29.2.3287304.

[24] Sri Wahyuni, "Legal Transplant: Influence of The Western Legal System in The Muslim Countries," *Justicia Islamica* 19, no. 1 (2022): 21–37, https://doi.org/10.21154/justicia.v19i1.2756; Bustamam-Ahmad, "The Application of Islamic Law in Indonesia: The Case Study of Aceh."

[25] M A Fuadi et al., "Integration between Islamic Revelation and Local Culture: A Study of Theology and the Indigenisation of Islam in Indonesia," *Pharos Journal of Theology* 105, no. 1 (2024): 1–12, https://doi.org/10.46222/pharosjot.10527.

revisiting traditional normative frameworks or incorporating principles from other legal systems provided that these do not contradict the overarching spirit and ethical objectives of Islam.

A concrete example of extra doctrinal reform is the establishment of minimum age requirements for marriage, aimed at safeguarding the rights of children and women, despite the absence of a specific age limit in the primary textual sources.[26] Likewise, the increasingly stringent legal requirements for polygamy grounded in the principle of substantive justice between wives reflect a reinterpretation of scriptural texts that were traditionally understood as permissive.[27] Another example is the legal recognition of a mandatory will (*wasiyyah wajibah*) for adopted children, which represents a constructive legal response to address gaps in justice within the inheritance system, even though modern adoption practices are not explicitly addressed in classical *fiqh* literature.

Third, regulatory reform represents a form of Islamic law reform that emphasizes administrative and institutional dimensions, aiming to incorporate sharia principles into the national legal system through formal legislation.[28] The administrative reform of Islamic law in Indonesia began with the encounter between Muslim communities and Western influences.[29] During the colonial period, for instance, Muslims who wished to donate their property were required to obtain approval from the local Regent. Other examples of administrative reforms include provisions mandating the registration of marriages and the requirement that divorces be validated through the courts.[30] Furthermore, the scope of Islamic law legislation in Indonesia extends beyond marriage law. Laws regulating *waqf* (endowments), *zakat* (almsgiving), *hajj* (pilgrimage), and sharia banking serve as concrete examples of the integration of Islamic legal principles into the national legal framework.

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[26] Yuni Roslaili, Aisyah Idris, and Emi Suhemi, "Family Law Reform in Indonesia According to the Maqashid Al-Shari'a Perspective (A Case Study of Law No. 16 of 2019)," *Gender Equality: International Journal of Child and Gender Studies* 7, no. 2 (2021): 183–97.

[27] Khoiruddin Nasution, "Metode Pembaruan Hukum," *UNISIA* XXX (2007): 329–41.

[28] Hariyanto et al., "The Communal Democracy of Yogyakarta Special Region's Government on the Islamic Law Eclecticism Perspective," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 1 (2023): 200–221, https://doi.org/10.19105/al-lhkam.v18i1.7403; Hasnil Basri Siregar, "Lessons Learned from the Implementation of Islamic Shari'ah Criminal Law in Aceh, Indonesia," *Journal of Law and Religion* 24, no. 1 (2008): 143–76, https://doi.org/10.1017/S074808140000196X.

[29] Malthuf Siroj, Ismail Marzuki, and Elkhairati, "Transformation and Future Challenges of Islamic Law in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 (2023): 93–116, https://doi.org/10.29240/jhi.v8i1.6618.

[30] Hariyanto et al., "The Communal Democracy of Yogyakarta Special Region's Government on the Islamic Law Eclecticism Perspective"; Wahyuni, "Legal Transplant: Influence of The Western Legal System in The Muslim Countries."

Fourth, codification serves as a model for Islamic law reform by systematically organizing the substance of Islamic jurisprudence. The primary aim of codification is to minimize discrepancies in judicial decisions among judges presiding over similar cases. In Indonesia, the Compilation of Islamic Law (*Kompilasi Hukum Islam*/KHI) was developed as a reference to guide judges in the Religious Courts in delivering consistent and authoritative rulings. The content of the KHI is derived from thirteen classical works of *fikih*, which have traditionally served as references for judges in these courts. As the substantive legal framework for the Religious Courts, the KHI represents a significant effort to promote legal certainty and uniformity in the application of Islamic law.[31]

Furthermore, Islamic doctrine consist of two essential dimensions that must be understood holistically: the universal (*al kulliyyāt*) and the particular (*al juz'iyyāt*).[32] The universal dimension encompasses core ethical values that transcend time and place, such as justice, compassion, equality, and respect for human dignity. These principles serve as a moral foundation that can be applied across diverse cultural and social contexts. In contrast, the particular dimension refers to more specific rulings tied to the cultural, social, and historical contexts in which the Qur'anic verses or hadith were revealed.[33] For instance, regulations concerning dress, marriage, and social interactions often reflect the norms of 7th century Arabian. Recognizing this distinction enables Muslims to avoid a rigid textualist interpretation and encourages the exercise of *ijtihad* (independent reasoning) in developing Islamic law responses that are contextually relevant and responsive to contemporary realities.[34]

Understanding this duality is essential for promoting a contextual and inclusive interpretation of Islam.[35] In the face of global challenges such as religious pluralism, gender inequality, disability rights, and environmental issues—an approach that focuses exclusively on the particular aspects of Islamic doctrines, without reference to their universal foundations, risks narrowing the scope for dialogue and fostering exclusivism. In contrast, an approach that upholds universal Islamic values as the core foundation while adapting particular

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[31] Idham, Eva Rodiah Nur, and Agus Hermanto, "Dynamic Development of Family Law in Muslim Countries," *Al-'Adalah* 19, no. 1 (2022): 161–78, https://doi.org/10.24042/adalah.v19i1.12421.

[32] David Johnston, "A Turn in the Epistemology and Hermeneutics of Twentieth Century Usūl Al-Fiqh," *Islamic Law and Society* 11, no. 2 (2004): 233–82, https://doi.org/10.1163/156851904323178764; Moh Khusen, "From Shari'a 'Ayniyya to Shari'a Hududiyya: Shahrour's Interpretation on Quranic Legal Verses," *Al-Jami'ah: Journal of Islamic Studies* 50, no. 2 (2012): 431, https://doi.org/10.14421/ajis.2012.502.431-459.

[33] Nur Zen Hasanah et al., "Contemporary Traditions and Challenges: Tafsir Maudhu'I's Study of Islam and Fundamentalism," *Bulletin of Islamic Research* 2, no. 2 (2024): 181–98, https://doi.org/10.69526/bir.v2i2.7.

[34] Farhood Badri, "A Genuine Islamic Conceptualization of Religious Freedom," *Muslim World Journal of Human Rights* 15, no. 1 (2018): 1–27, https://doi.org/10.1515/mwjhr-2018-0020.

[35] Franklin, "Gus Dur's Enduring Legacy: Accruing Religious Merit in the Afterlife."

rulings to contemporary social realities offers a vision of Islam as *rahmatan lil 'alamin*.[36] Prominent contemporary scholars such as Abdullah Saeed and Khaled Abou El Fadl also advocate for an ethical and contextual approach to interpreting Islamic texts. This method seeks to address the complexities of modern life while maintaining fidelity to the divine message.[37]

Within this conceptual framework, Islamic law can establish a constructive relationship between sharia and the state, enabling Islamic doctrines to remain pervasive while adapting to the evolving dynamics of society. As a result, the reform of Islamic law becomes an essential and inevitable process. Islamic legal reform involves interpreting Islamic doctrines in ways that align with the demands of contemporary development and the spirit of the times.[38] The primary aim of this reform is to position Islamic law as a guiding principle across various spheres of life.[39] Through such reform, Islamic law can make meaningful contributions to the improvement of people's lives.

Epistemic Perspectives in Abdurrahman Wahid's Approach to Islamic Law

Studies of Nahdlatul Ulama (NU) and its key figures particularly Abdurrahman Wahid are inseparable from the tradition of Islamic legal thought. Having been raised within the *pesantren* (Islamic boarding school) tradition, Abdurrahman Wahid recognized Islamic law as a central force in shaping societal values.[40] Nevertheless, his legal thought is often viewed as transcending the traditional *pesantren* framework.[41] For Wahid, Islamic law is not an absolute entity; rather, *fiqh* is the product of dynamic intellectual engagement. The process of formulating Islamic legal rulings is, for him, a manifestation of the pursuit of truth through dialectical reasoning. This dialectical approach inherently demands

[36] Fuadi et al., "Integration between Islamic Revelation and Local Culture: A Study of Theology and the Indigenisation of Islam in Indonesia."

[37] Abdullah Saeed and Ali Akbar, "Contextualist Approaches and the Interpretation of the Qur'ān," *Religions* 12, no. 7 (2021), https://doi.org/10.3390/rel12070527.

[38] Asmawi Mahfudz, *Pembaruan Hukum Islam, Telaah Manhaj Shah Wali Allah Al-Dihlawi*, ed. Kutbuddin Aibak, 1st ed. (Yogyakarta: Teras, 2010), 225.

[39] Bustami Muhammad Sa'id, *Mafhum Tajdid Al-Din*, 1st ed. (Kuwait: Dar Al-Da'wah, 1984), 29.

[40] Abdurrahman Wahid, *Menggerakkan Tradisi*, ed. Hairus Salim H.S., 1st ed. (Yogyakarta: LKiS, 2001).

[41] Marzuki Wahid, "Peta Intelektualisme dan Tema Pokok Pemikiran Gus Dur," in *Gus Dur di Mata Wong Cirebon*, ed. Ilman Nafi'a, 1st ed. (Yogyakarta: Pilar, 2010), 65–67.

a high level of tolerance.[42] Universal principles such as justice, equality, freedom, and respect for human dignity create space for diverse interpretations [43].

A closer examination of Abdurrahman Wahid's Islamic legal thought reveals a paradigm that differs from the conventional "orthodox truth" framework. Instead, Wahid proposes a paradigm of "social understanding",[44] reflecting a significant renewal in Islamic legal thought. This paradigm shift embodies a dynamic approach one that is capable of absorbing, anticipating, and articulating societal developments and communal needs. From this perspective, Wahid's renewed legal thought goes beyond the confines of traditional *fiqh*.[45] The scope of Islamic law, as envisioned by Wahid, extends beyond matters of ritual worship (*maḥḍah*) to include broader social issues, particularly those related to inequality and justice. This expansion signifies an effort to transform Islamic law from a static textual tradition into a living social ethic an instrument of transformative practice. At the same time, this broadened focus highlights Wahid's commitment to Islamic legal reform.[46]

The transformative thought developed by Abdurrahman Wahid reflects the actualization of an open and inclusive intellectual framework. Narrow and exclusive perspectives including within the field of Islamic law—are, in his view, incapable of contributing to the revival of Islamic civilization. Indeed, Wahid argues that such restrictive views render Muslims a hindrance to the progress of human civilization.[47] Therefore, the renewal of Islamic legal thought becomes a critical imperative. For Abdurrahman Wahid, the reconstruction of Islamic law as part of a broader reform agenda is a fundamental necessity. *Zakat*, for instance, must be continually reinterpreted and restructured to meet the evolving demands of contemporary welfare. Without the institutional reform of *zakat*, the

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[42] Nurcholish Madjid, et.al., "Universalisme Islam dan Kosmopolitanisme Peradaban Islam," in *Islam Universal*, ed. Isep Abdul Malik dan Hendrianto Attan, (Yogyakarta: Pustaka Pelajar, 2007), 1–11.

[43] Niki Alma Febriana Fauzi and Ayub, "Fikih Informasi: Muhammadiyah's Perspective on Guidance in Using Social Media1," *Indonesian Journal of Islam and Muslim Societies*, 2019, https://doi.org/10.18326/ijims.v9i2.267-293.

[44] Jeni Abdilla, Joebagio, and Warto, "The Religious Humanitarianism of Abdurrahman Wahid and Mahatma Gandhi and Its Relation To Authentic Interfaith Dialogue"; Barton, Yilmaz, and Morieson, "Authoritarianism, Democracy, Islamic Movements and Contestations of Islamic Religious Ideas in Indonesia."

[45] Mujamil Qomar, *NU "Liberal", Dari Tradisionalisme Ahlussunnah Ke Universalisme Islam*, 1st ed. (Bandung: Mizan, 2002); Suparman Marzuki and Mahrus Ali, "The Settlement of Past Human Rights Violations in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023), https://doi.org/10.1080/23311886.2023.2240643.

[46] Johari, *Pemikiran Fikih Abdurrahman Wahid dan Kontribusinya dalam Pengembangan Hukum Islam di Indonesia*; Rüdiger Lohlker, "Fiqh Reconsidered: Indigenization and Universalization of Islamic Law in Indonesia," *Interdisciplinary Journal for Religion and Transformation in Contemporary Society* 7, no. 1 (2021): 188–208, https://doi.org/10.30965/23642807-bja10011.

[47] Nurcholish Madjid, "Universalisme Islam dan Kosmopolitanisme Peradaban Islam."

realization of social justice becomes increasingly difficult. In Wahid's view, such reconstruction is not optional it is an unavoidable task.[48]

The essence of Islamic law, according to Abdurrahman Wahid, is not to unquestioningly accept the rulings of past scholars, but rather to critically examine them. Such critical engagement allows the spirit of Islamic law to serve as a guiding force amid modern developments. Islamic law should function as a framework for establishing a just social order. For Wahid, Islamic law extends beyond religious doctrine to include social and political jurisprudence.[49] However, he also emphasized that Islamic law alone is insufficient. It must be complemented by Sufism in order to achieve a balanced and holistic practice of religion a state he referred to as "complete religiosity".[50]

This reflects the dual nature of Islamic law: It can be implemented by state authorities as formal legislation and also practiced voluntarily by the public. If both dimensions are revitalized and oriented toward humanitarian values, Islamic law can make a meaningful contribution to contemporary life.[51] According to Abdurrahman Wahid,[52] Islamic legal reform is an integral part of the intellectual activities of Muslim scholars and various socio religious organizations in Indonesia. The key distinction between these two actors lies in the scope of their engagement. Nevertheless, Islamic legal reform remains a fundamental necessity for enabling Islamic law to respond effectively to societal challenges and evolving needs.

Abdurrahman Wahid's Islamic Legal Reform and the Process of Social Transformation

Mapping the implications of Abdurrahman Wahid's Islamic legal reforms for social transformation reveals numerous dimensions. However, this article focuses on two key aspects directly related to social transformation, both of which are clearly reflected in the evolution of Indonesia's socio political landscape. The first is the transformation toward pluralism. From Minhaji's perspective, Abdurrahman Wahid's Islamic legal thought has made a significant

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[48] Abdurrahman Wahid, *Sekadar Mendahului, Bunga Rampai Kata Pengantar*, ed. Tri Agus S Siswowiharjo dan Mathori A. Elwa, (Bandung: Nuansa, 2011).

[49] Qomar, *NU "Liberal", Dari Tradisionalisme Ahlussunnah Ke Universalisme Islam*.

[50] Abdurrahman Wahid, *Islam Kosmopolitan, Nilai-Nilai Indonesia dan Transformasi Kebudayaan*, 1st ed. (Jakarta: The Wahid Institute, 2007); Muhammad Iqbal Birsyada, "Sufism Ethics in Javanese Aristocracy: A Historical Perspective," *International Journal of Innovation, Creativity and Change*, 2020.

[51] Abdurrahman Wahid, *Prisma Pemikiran Gus Dur*, ed. Hairus Salim H.S., LKiS (Yogyakarta: LKiS, 1999), drive.google.com/file/d/1wIVWA_1MmDJWEOC4_btPsiSruXSE4PSb/view; Marzuki and Ali, "The Settlement of Past Human Rights Violations in Indonesia."

[52] Wahid, *Islam Kosmopolitan, Nilai-Nilai Indonesia dan Transformasi Kebudayaan*, 75.

contribution to addressing the challenges posed by national pluralism.[53] For pluralism to be a strength rather than a source of division, it must be effectively managed and embraced as a national asset.[54]

However, if not properly managed, diversity can become a threat that undermines the very foundations of social life. According to Abdurrahman Wahid, Pancasila represents a conceptual ideal of the state that must be embraced and actively upheld. In a pluralistic society like Indonesia, Islamic values as the moral foundation for Muslims must be firmly maintained in the informal.[55] It is within this context that Wahid's renewal of Islamic legal thought finds its relevance and significance. Furthermore, Wahid viewed diversity as an inherent and inseparable reality of Indonesian society. Differences of opinion are a natural consequence of such diversity. Rather than being a source of division, these disagreements serve to enrich the nation's pluralistic heritage. However, differing views must not escalate into conflict; instead, they should be approached with wisdom and used as a means to cultivate greater societal awareness. When such awareness is achieved, it can serve as a foundation for national progress.[56]

Islam and its historical development provide a strong foundation for fostering a pluralistic society normatively, historically, and socially. Normatively, numerous verses in the Qur'an and hadith emphasize the importance of respecting societal diversity. Historically, the notion of religious freedom began to emerge during the 16th and 17th centuries, and continues to develop today.[57] Abdurrahman Wahid's views on pluralism can thus be seen as an actualization of his broader thinking on Islamic law. His efforts to promote a pluralistic society were grounded, among other things, in *fiqh*.[58] This highlights the significant role that Wahid's Islamic legal thought has played in advancing social transformation, particularly in the realm of pluralism.

Wahid further posited that the relationship between Pancasila and Islam should not be viewed through an ideological lens, but rather through an interpretive framework. In this context, Islam is not considered a competing ideology but an interpretive system compatible with Pancasila aligning with the

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53 Ahmad Minhaji, "Tradisi Ijtihad dalam Islam (Dulu, Kini, dan Masa Mendatang)," *Ius Quia Iustum Law Journal*, 2001.

54 R. Suharso et al., "Teaching Multiculturalism Based on Islamic Historical Relics in Northern Java," *International Journal of Innovation, Creativity and Change*, 2020.

55 Donna Ramadhan Fitri, Abdullah A Afifi, and Afifi Fauzi Abbas, "Pemikiran Neo-Modernisme Dalam Hubungan Agama Dan Negara Di Indonesia: Studi Komparatif Pemikiran Nurcholish Madjid Dan Abdurrahman Wahid," *AL-IMAM: Journal on Islamic Studies, Civilization and Learning Societies* 3 (2022): 1–9, https://doi.org/10.58764/j.im.2022.3.9.

56 Wahid, *Sekadar Mendahului, Bunga Rampai Kata Pengantar*.

57 Ayang Utriza Yakin, *Islam Moderat dan Isu-Isu Kontemporer: Demokrasi, Pluralisme, Kebebasan Beragama, Non-Muslim, Poligami, dan Jihad*, 1st ed. (Jakarta: Kencana Prenadamedia Group, 2016).

58 Wahid, "Islamku, Islam Anda, Islam Kita : Agama Masyarakat Negara Demokrasi."

jurisprudential maxim *yuṭlaqul 'âm wa yurâd bihil khâṣ*, which suggests that general principles can be interpreted with specific intentions. Thus, Indonesian Islam plays an interpretive role in relation to Pancasila rather than functioning as an alternative ideological foundation.[59] Wahid's acceptance of Pancasila is also grounded in Islamic legal reasoning, affirming its legitimacy within the broader framework of Islamic jurisprudence.[60]

The transformation of Pancasila reflects its function as a unifying platform for Indonesia's diverse societal perspectives. This role is closely linked to its foundational aspect of pluralism, as religious tolerance is inherently embedded within Pancasila's principles. Tolerance, in this regard, is a vital precondition for the establishment and sustainability of a democratic state. Pancasila has significantly contributed to fostering national loyalty and civic commitment among the Indonesian people. Moreover, it serves as a guiding framework for the nation's political and social development, emphasizing its strategic and foundational importance in statehood and national identity.[61] The evolution of Pancasila as an ideological cornerstone was marked by a complex and dynamic process. According to Abdurrahman Wahid, Pancasila is an indispensable element of the Indonesian nation state; without it, the formation of Indonesia as a pluralistic entity would not have been possible.[62]

Abdurrahman Wahid conceptualized the relationship between Pancasila and Islam as interpretive rather than ideological. He argued that Islam should not be positioned as a competing ideological framework to Pancasila, but rather as an interpretive tradition that can coexist with and support the values enshrined in the national ideology. Within the framework of Islamic jurisprudence, this relationship corresponds to the principle of *yuṭlaqul 'âm wa yurâd bihil khâṣ* a method of interpretation wherein general texts are understood in light of specific contextual meanings. In this way, Indonesian Islam functions as a moral and cultural interpreter of Pancasila, rather than as an alternative source of political ideology.[63] Furthermore, Wahid's endorsement of Pancasila is grounded in Islamic legal reasoning, indicating that its acceptance is not only

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[59] Barton, Yilmaz, and Morieson, "Authoritarianism, Democracy, Islamic Movements and Contestations of Islamic Religious Ideas in Indonesia"; Wahid, "Islamku, Islam Anda, Islam Kita : Agama Masyarakat Negara Demokrasi."

[60] Johari, *Pemikiran Fikih Abdurrahman Wahid dan Kontribusinya dalam Pengembangan Hukum Islam di Indonesia*.

[61] Faisal Ismail, "Islam, Politics and Ideology in Indonesia _ a Study of the Process of Muslim Acceptance of the Pancasila.Pdf," *Process of Muslim Acceptance of the Pancasila*, 1995.

[62] Wahid, *Prisma Pemikiran Gus Dur*.

[63] Wahid, "Islamku, Islam Anda, Islam Kita: Agama Masyarakat Negara Demokrasi"; Barton, Yilmaz, and Morieson, "Authoritarianism, Democracy, Islamic Movements and Contestations of Islamic Religious Ideas in Indonesia."

politically strategic but also theologically justifiable within the Islamic legal tradition.[64]

Abdurrahman Wahid was deeply committed to safeguarding Pancasila from being reduced to a mere political instrument. He rejected rigid or closed interpretations of Pancasila, emphasizing instead its dynamic and inclusive nature. Through various intellectual and political efforts, Wahid sought to ensure that Pancasila functioned substantively in the realization of a just and equitable society.[65] Central to his vision was the establishment of a dialogical and reciprocal relationship between Islam and Pancasila one characterized by mutual reinforcement rather than ideological competition. In his view, Islam and Pancasila should operate in harmony, each enriching the other. The enduring relevance of Islam, Wahid argued, is reflected in its ethical embodiment within Pancasila, while Pancasila itself draws philosophical and moral legitimacy from religious values. Wahid's advocacy for a pluralistic and open interpretation of Pancasila represents a critical contribution to Indonesia's ideological and democratic development. As a widely respected religious and public intellectual,[66] he played a pivotal role in preventing the monopolization of Pancasila's meaning by any single group or political interest. His efforts have had lasting implications for the shaping of Indonesia's democratic landscape, particularly in affirming the compatibility of religious values with national pluralism and constitutional governance.

The Islamic legal thought articulated by Abdurrahman Wahid can be characterized as a form of cultural jurisprudence a jurisprudence rooted in transformation rather than confined to theoretical abstraction.[67] Wahid viewed Islamic law not merely as a codified system of norms but as a dynamic force that shapes the worldview and ethical orientation of Muslims.[68] His approach was not limited to intellectual theorization; rather, he actively demonstrated through practice how Islamic legal principles could be applied to promote social transformation. The legacy of his praxis remains influential and continues to evolve in contemporary Islamic discourse and practice. For Wahid, the value of theoretical contributions lies in their capacity to generate tangible social benefits. No matter how sophisticated a legal theory may be, he argued, it holds limited significance if it cannot be operationalized to serve the public good. Hence,

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[64] Johari, *Pemikiran Fikih Abdurrahman Wahid dan Kontribusinya dalam Pengembangan Hukum Islam di Indonesia*.

[65] Douglas E. Ramage, "Pemahaman Abdurrahman Wahid tentang Pancasila dan Penerapannya dalam Era Paska Asas Tunggal," in *Gus Dur, NU, dan Masyarakat Sipil*, ed. Ellyasa KH. Darwis, 1st ed. (Yogyakarta: LKiS, 1994), 101–24.

[66] Ramage.

[67] Jamal Ma'mur Asmani, "Fiqh Sosial Kiai Sahal Sebagai Fiqh Peradaban," *Wahana Akademika: Jurnal Studi Islam Dan Sosial*, 2016, https://doi.org/10.21580/wa.v2i2.390; Franklin, "Gus Dur's Enduring Legacy: Accruing Religious Merit in the Afterlife."

[68] Wahid, *Prisma Pemikiran Gus Dur*.

Wahid emphasized the need for Islamic law to adopt a dynamic and responsive character one that engages directly with the realities of contemporary society. This dynamic adaptability, in his view, requires Islamic legal reasoning to prioritize contextual, worldly concerns and to offer constructive solutions to the challenges faced by the community.[69]

A notable illustration of Abdurrahman Wahid's moderate and pluralistic approach in Islamic legal reasoning is his response to the Majelis Ulama Indonesia (Indonesian Ulama Council/MUI) *fatwā* declaring Ajinomoto flavoring *haram* due to its purported use of pork derived enzymes.[70] Wahid rejected this *fatwā* on pragmatic and juridical grounds. His reasoning rested on the *fiqh* principle that *dzar ar mafāsid muqaddam min jalb al mashālih*, which allowed him to factor in the socioeconomic consequences of a ban specifically, the potential for widespread unemployment in communities dependent on the flavoring industry.[71] Through this example, Wahid demonstrated how Islamic legal thought can and should engage with real world conditions. His stance reflects a jurisprudence that is not only contextual but also oriented towards the broader welfare of society. By integrating ethical legal reasoning with social concern, he reinforced his conviction that Islamic law should serve the common good and remain adaptable to changing social circumstances.

In light of ongoing challenges in the development of Islamic law in Indonesia, a critical rereading of Abdurrahman Wahid's legal and philosophical contributions remains highly relevant. His humanistic and contextual approach offers a compelling foundation for the formulation of Islamic legal frameworks that are responsive to the evolving needs of Indonesian society. This study aims to contribute conceptually to the discourse on Islamic legal reform, particularly in promoting a vision of Islamic law that is just, inclusive, and open to pluralistic engagement. Wahid's views on pluralism and Pancasila are deeply rooted in his broader paradigm of Islamic jurisprudence. He interpreted both plurality and Pancasila through a lens of inclusive and context sensitive Islamic legal thought. Central to this perspective is his conviction that Islam and modern socio political institutions are not mutually exclusive, but rather complementary systems that must operate within a shared framework of legitimacy. His jurisprudential outlook acknowledged the coexistence of spiritual and secular forms of knowledge as equally essential to the lived experience of Muslims.[72] In doing so, Wahid facilitated the integration of modern scientific and philosophical

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[69] Wahid.

[70] Rumadi, "Islam dan Otoritas Keagamaan," *Walisongo* 20, no. 1 (n.d.).

[71] I Subchi and M A Halid, *Sejarah Kementerian Agama Era Reformasi: Dari Kebijakan Agama Masa Transisi Hingga Konsolidasi Demokrasi*, *Repository.Uinjkt.Ac.Id*, 2018; Muhammad Hadi, "Contribution of Mui-Dsn Fatwa on Operational Products of Mudharabah- Wadi ' Ah Bank Sharia Indonesia," *Li Falah* 6, no. 2 (2022): 59–76.

[72] Rochmat, "The Fiqh Paradigm for the Pancasila State: Abdurrahman Wahid's Thoughts on Islam and the Republic of Indonesia."

advancements into Islamic discourse, enabling Muslims to engage constructively with contemporary political life without compromising their religious identity.[73]

One of the key limitations of Islamic law in the context of legal transformation lies in its prevailing legalistic, stagnant, and finalistic orientation. This framework often constrains the scope for dynamic interpretation and intellectual development. The legalistic character refers to an overreliance on textual literalism, whereby legal rulings are derived strictly from written sources without sufficient engagement with the broader ethical and purposive dimensions of the law, particularly the *maqāṣid al sharīʿah*. The stagnant nature of this approach reflects a reluctance to adapt or evolve in response to changing social realities, resulting in a jurisprudence that lacks forward looking vision. The finalistic attitude treats the classical *fiqh* corpus as exhaustive and conclusive, thereby marginalizing contemporary efforts to reinterpret or expand legal discourse based on new contexts and challenges. This static model often leads to the assumption that all legal issues must find their justification exclusively in traditional texts, effectively sidelining the possibilities for innovation and contextual reasoning. However, Islamic legal tradition, as emphasized by scholars such as Abdurrahman Wahid, inherently accommodates the potential for reform and development. Wahid advocated for an approach that integrates the spirit of transformation, recognizing that Islamic law must remain responsive to the evolving needs of society.[74]

Abdurrahman Wahid frequently emphasized five fundamental guarantees as core principles of Islamic law, which he regarded as embodying the universal values of Islam. These guarantees, according to Wahid, represent a holistic vision of Islamic doctrines oriented toward the protection of human dignity and social justice. He described them as "one of the doctrines that most clearly reflect the universalism of Islam." The five guarantees include: (1) the protection of physical integrity, ensuring individuals are safeguarded from bodily harm outside the bounds of legal justification; (2) the protection of religious freedom, affirming that faith must not be subject to coercion or forced conversion; (3) the preservation of family lineage and the well being of descendants; (4) the protection of personal property and wealth from unlawful seizure or arbitrary confiscation; and (5) the security of one's profession and livelihood. These guarantees align with the broader objectives of Islamic law (*maqāṣid al sharīʿah*), which prioritize the preservation of essential human interests. By foregrounding these principles, Wahid advanced an inclusive and human centered interpretation of Islamic jurisprudence, reinforcing the view

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[73] Franklin, "Gus Dur's Enduring Legacy: Accruing Religious Merit in the Afterlife."

[74] Wahid, *Prisma Pemikiran Gus Dur*; A'an Suryana, "Indonesian Presidents and Communal Violence against Non-Mainstream Faiths," *South East Asia Research* 26, no. 2 (2018): 147–60, https://doi.org/10.1177/0967828X18769393.

that Islamic law is inherently compatible with universal human rights and democratic values.[75]

Conclusion

Islamic law reform is an essential imperative in responding to the evolving challenges of contemporary society. The reformist approach advocated by Abdurrahman Wahid is grounded in a social understanding paradigm, which extends beyond ritualistic or devotional aspects of Islam to engage with broader socio political and cultural dimensions. This paradigm enables Islamic law to remain responsive and relevant amid rapid societal transformations. By emphasizing contextual engagement, Wahid's legal thought encourages the reinterpretation of Islamic norms in ways that align with the lived realities and pluralistic fabric of modern Indonesia.

Wahid's jurisprudence may be categorized as a form of cultural jurisprudence: Islamic law aimed at measurable social benefit, rejecting legalism, stagnation, and textual rigidity that restrict *ijtihad*. His insistence on the five essential protections grounds a humanistic Islamic law aligned with universal human dignity. Islamic legal reform remains an urgent imperative amid Indonesia's continuing social and political change. This article has argued that Abdurrahman Wahid's contribution is best understood not as general contextualism but as a systematic sociological maqâsid jurisprudence that relocates Islamic law from doctrinal formalism toward transformative social ethics.

A central implication of Wahid's vision of Islamic legal reform is its orientation toward social transformation. Within this framework, two interrelated dimensions emerge prominently: pluralism and Pancasila. Wahid viewed both as foundational to the creation of a democratic and inclusive Indonesian society. His jurisprudential contributions thus not only reframe Islamic law as a dynamic ethical system but also reinforce its compatibility with national values and democratic governance. Consequently, Wahid's reformist legal thought has played a pivotal role in shaping Indonesia's legal and civic landscape in ways that uphold both religious identity and pluralist ideals.

This study has limitations. First, it relies on Wahid's written works and documented positions without empirically measuring how his jurisprudence is received and implemented in institutions and communities. Second, although Wahid is situated within global reformist discourse, systematic comparison with reformists in other Muslim majority countries remains incomplete. Third, analysis of the Gusdurian network as a vehicle of jurisprudential diffusion is exploratory. Future research should combine doctrinal analysis with institutional

[75] Nurcholish Madjid, "Universalisme Islam dan Kosmopolitanisme Peradaban Islam."

ethnography and social movement studies to trace how sociological maqaṣidik jurisprudence is institutionalised in contemporary Indonesia.

References

Abbasi, Muhammad Zubair. "Islamic Law and Social Change: An Insight into the Making of Anglo Muhammad an Law." *Journal of Islamic Studies*, 2014. https://doi.org/10.1093/jis/etu045.

Arif, Syaiful. "Moderasi Beragama dalam Diskursus Negara Islam: Pemikiran KH Abdurrahman Wahid." *Jurnal Bimas Islam* 13, no. 1 (2020): 73–104. https://doi.org/10.37302/jbi.v13i1.189.

Asmani, Jamal Ma'mur. "Fiqh Sosial Kiai Sahal Sebagai Fiqh Peradaban." *Wahana Akademika: Jurnal Studi Islam Dan Sosial*, 2016. https://doi.org/10.21580/wa.v2i2.390.

Badri, Farhood. "A Genuine Islamic Conceptualization of Religious Freedom." *Muslim World Journal of Human Rights* 15, no. 1 (2018): 1–27. https://doi.org/10.1515/mwjhr 2018 0020.

Barton, Greg, Ihsan Yilmaz, and Nicholas Morieson. "Authoritarianism, Democracy, Islamic Movements and Contestations of Islamic Religious Ideas in Indonesia." *Religions* 12, no. 8 (2021): 1–20. https://doi.org/10.3390/rel12080641.

Birsyada, Muhammad Iqbal. "Sufism Ethics in Javanese Aristocracy: A Historical Perspective." *International Journal of Innovation, Creativity and Change*, 2020.

Bustamam Ahmad, Kamaruzzaman. "The Application of Islamic Law in Indonesia: The Case Study of Aceh." *Journal of Indonesian Islam*, 2007. https://doi.org/10.15642/JIIS.2007.1.1.135 180.

Chaplin, Chris. "Islam, Politics and Change. The Indonesian Experience after the Fall of Suharto, Edited by Kees van Dijk and Nico J.G. Kaptein." *Bijdragen Tot de Taal , Land En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 172, no. 2–3 (2016): 387–90. https://doi.org/10.1163/22134379 17202010.

Edi Gunawan. "Pembaruan Hukum Islam dalam Kompilasi Hukum Islam." *Hunafa: Jurnal Studia Islamika*, 2015.

Fanani, Ahwan. "Peta Pemikiran Hukum Islam di Indonesia." *Alqalam* 26, no. 1 (2009): 1. https://doi.org/10.32678/alqalam.v26i1.1509.

Fauzi, Niki Alma Febriana, and Ayub. "Fikih Informasi: Muhammadiyah's Perspective on Guidance in Using Social Media1." *Indonesian Journal of Islam and Muslim Societies*, 2019. https://doi.org/10.18326/ijims.v9i2.267 293.

Feener, R Michael. "Social Engineering through Shari'a: Islamic Law and State Directed Da'wa in Contemporary Aceh." *Indon. L. Rev.* 3 (2013): 285.

Fitri, Donna Ramadhan, Abdullah A Afifi, and Afifi Fauzi Abbas. "Pemikiran Neo Modernisme dalam Hubungan Agama dan Negara di Indonesia: Studi Komparatif Pemikiran Nurcholish Madjid dan Abdurrahman Wahid." *AL IMAM: Journal on Islamic Studies, Civilization and Learning Societies* 3 (2022): 1–9. https://doi.org/10.58764/j.im.2022.3.9.

Franklin, Nathan. "Gus Dur's Enduring Legacy: Accruing Religious Merit in the Afterlife." *Politics and Governance* 12 (2024): 1–16. https://doi.org/10.17645/pag.7874.

Fuadi, M A, M Mahbub, N H Ali, M Safitry, and I A K Dewi. "Integration between Islamic Revelation and Local Culture: A Study of Theology and the Indigenisation of Islam in Indonesia." *Pharos Journal of Theology* 105, no. 1 (2024): 1–12. https://doi.org/10.46222/pharosjot.10527.

Fuadi, Moh. Ashif et al., "Religious Moderation in the Context of Integration Between Religion and Local Culture in Indonesia", *Journal of Al Tamaddun,* 19, no. 1 (2024): 47–59. https://doi.org/10.22452/JAT.vol19no1.4.

Ghofur, A. "The Implications of Democratization towards Deformalization of Islamic Law in Indonesia: Study on Abdurrahman Wahid's Thoughts." *International Journal of Mechanical Engineering and Technology* 8, no. 6 (2017): 70–84.

Hadi, Muhammad. "Contribution of MUI DSN Fatwa on Operational Products of Mudharabah Wadi'ah Bank Sharia Indonesia." *Li Falah* 6, no. 2 (2022): 59–76.

Hariyanto, Hanif Fudin, Muhammad Fauzan, Kadar Pamuji, and Tedi Sudrajat. "The Communal Democracy of Yogyakarta Special Region's Government on the Islamic Law Eclecticism Perspective." *Al Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 1 (2023): 200–221. https://doi.org/10.19105/allhkam.v18i1.7403.

Hefni, Wildani, Imam Mustofa, and Rizqa Ahmadi. "Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law." *Al Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 30–57. https://doi.org/10.29240/jhi.v10i1.10694.

Hooker, M.B. "Southeast Asian Sharī'Ahs." *Studia Islamika* 20, no. 2 (August 31, 2013). https://doi.org/10.15408/sdi.v20i2.387.

Idham, Eva Rodiah Nur, and Agus Hermanto. "Dynamic Development of Family Law in Muslim Countries." *Al 'Adalah* 19, no. 1 (2022): 161–78. https://doi.org/10.24042/adalah.v19i1.12421.

Iqbal, Mahathir Muhammad. "Merumuskan Konsep Fiqh Islam Perspektif Indonesia." *Al Ahkam: Jurnal Ilmu Syariah Dan Hukum*, 2017.

Ismail, Faisal. Islam, Politics and Ideology in Indonesia _ a Study of the Process of Muslim Acceptance of the Pancasila.Pdf." *Process of Muslim Acceptance of the Pancasila*, 1995.

Jeni Abdilla, Ardeti, Hermanu Joebagio, and Warto. "The Religious Humanitarianism of Abdurrahman Wahid and Mahatma Gandhi and Its Relation To Authentic Interfaith Dialogue." *Studies in Interreligious Dialogue* 29, no. 2 (2019): 141–57. https://doi.org/10.2143/SID.29.2.3287304.

Johari. *Pemikiran Fikih Abdurrahman Wahid dan Kontribusinya dalam Pengembangan Hukum Islam di Indonesia*. Edited by Supriyadi. 1st ed. Jombang: Pustaka Tebuireng, 2019.

Johnston, David. "A Turn in the Epistemology and Hermeneutics of Twentieth Century Usūl Al Fiqh." *Islamic Law and Society* 11, no. 2 (2004): 233–82. https://doi.org/10.1163/156851904323178764.

Kamali, Mohammad Hashim. "Istihsan and The Renewal Of Islamic Law." *International Institute of Advanced Islamic Studies (IAIS) Malaysia*, 1991. https://journal.iaincurup.ac.id/index.php/alistinbath/article/view/4153/pdf.

Khusen, Moh. "From Shari'a 'Ayniyya to Shari'a Hududiyya: Shahrour's Interpretation on Quranic Legal Verses." *Al Jami'ah: Journal of Islamic Studies* 50, no. 2 (2012): 431. https://doi.org/10.14421/ajis.2012.502.431 459.

Lohlker, Rüdiger. "Fiqh Reconsidered: Indigenization and Universalization of Islamic Law in Indonesia." *Interdisciplinary Journal for Religion and Transformation in Contemporary Society* 7, no. 1 (2021): 188–208. https://doi.org/10.30965/23642807 bja10011.

Mahfudz, Asmawi. *Pembaruan Hukum Islam, Telaah Manhaj Shah Wali Allah Al Dihlawi*. Edited by Kutbuddin Aibak. 1st ed. Yogyakarta: Teras, 2010.

Makin, Al. "Unearthing Nusantara's Concept of Religious Pluralism: Harmonization and Syncretism in Hindu Buddhist and Islamic Classical Texts." *Al Jami'ah* 54, no. 1 (2016): 1–30. https://doi.org/10.14421/ajis.2016.541.1 30.

Marzuki, Suparman, and Mahrus Ali. "The Settlement of Past Human Rights Violations in Indonesia." *Cogent Social Sciences* 9, no. 1 (2023). https://doi.org/10.1080/23311886.2023.2240643.

Matnuh, Harpani. "Law as a Tool of Social Engineering," 2018. https://doi.org/10.2991/icsse 17.2018.28.

Minhaji, Ahmad. "Tradisi Ijtihad dalam Islam (Dulu, Kini, dan Masa

Mendatang)." *Ius Quia Iustum Law Journal*, 2001.

Mukri, Moh. "Dinamika Pemikiran Fikih Mazhab Indonesia (Perspektif Sejarah Sosial)." *Analisis : Jurnal Studi Keislaman*, 2017. https://doi.org/10.42042/ANALISIS.V11I2.608.

Muttaqin, Zainal. "Formalization of Islamic Law in Indonesia in the Framework of Social Engineering Theory by Roscoe Pound." *El Mashlahah* 11, no. 2 (2021). https://doi.org/10.23971/elma.v11i2.2825.

Nasution, Khoiruddin. "Metode Pembaruan Hukum." *UNISIA* XXX (2007): 329–41.

Nur Zen Hasanah, Rizki Alfi, Ria Rifkiah, and Asep Abdul Muhyi. "Contemporary Traditions and Challenges: Tafsir Maudhu'I's Study of Islam and Fundamentalism." *Bulletin of Islamic Research* 2, no. 2 (2024): 181–98. https://doi.org/10.69526/bir.v2i2.7.

Madjid, Nurcholish, Dkk. "Universalisme Islam dan Kosmopolitanisme Peradaban Islam." In *Islam Universal*, edited by Isep Abdul Malik dan Hendrianto Attan, 1st ed., 1–11. Yogyakarta: Pustaka Pelajar, 2007.

Qomar, Mujamil. *NU "Liberal", Dari Tradisionalisme Ahlussunnah Ke Universalisme Islam*. 1st ed. Bandung: Mizan, 2002.

Ramage, Douglas E. "Pemahaman Abdurrahman Wahid tentang Pancasila dan Penerapannya dalam Era Paska Asas Tunggal." In *Gus Dur, NU, dan Masyarakat Sipil*, edited by Ellyasa KH. Darwis, 1st ed., 101–24. Yogyakarta: LKiS, 1994.

Rochmat, Saefur. "The Fiqh Paradigm for the Pancasila State: Abdurrahman Wahid's Thoughts on Islam and the Republic of Indonesia." *Al Jami'ah*, 2014. https://doi.org/10.14421/ajis.2014.522.309 329.

Roslaili, Yuni, Aisyah Idris, and Emi Suhemi. "Family Law Reform in Indonesia According to the Maqashid Al Shari'a Perspective (A Case Study of Law No. 16 of 2019)." *Gender Equality: International Journal of Child and Gender Studies* 7, no. 2 (2021): 183–97.

Rumadi. "Islam dan Otoritas Keagamaan." *Walisongo* 20, no. 1 (n.d.).

Sa'id, Bustami Muhammad. *Mafhum Tajdid Al Din*. 1st ed. Kuwait: Dar Al Da'wah, 1984.

Saeed, Abdullah, and Ali Akbar. "Contextualist Approaches and the Interpretation of the Qur'ān." *Religions* 12, no. 7 (2021). https://doi.org/10.3390/rel12070527.

Samsudin, Titin. "Dinamika Hukum Islam dan Perubahan Sosial." *Istinbath : Jurnal Hukum*, 2018. https://doi.org/10.32332/istinbath.v15i1.1072.

Siregar, Hasnil Basri. "Lessons Learned from the Implementation of Islamic Shari'ah Criminal Law in Aceh, Indonesia." *Journal of Law and Religion* 24, no. 1 (2008): 143–76. https://doi.org/10.1017/S074808140000196X.

Siroj, Malthuf, Ismail Marzuki, and Elkhairati. "Transformation and Future Challenges of Islamic Law in Indonesia." *Al Istinbath: Jurnal Hukum Islam* 8, no. 1 (2023): 93–116. https://doi.org/10.29240/jhi.v8i1.6618.

Sodiqin, Ali. "Antropologi Hukum Sebagai Pendekatan dalam Penelitian Hukum Islam." *Al Manahij: Jurnal Kajian Hukum Islam*, 1970. https://doi.org/10.24090/mnh.v7i1.581.

Subchi, I, and M A Halid. *Sejarah Kementerian Agama Era Reformasi: Dari Kebijakan Agama Masa Transisi hingga Konsolidasi Demokrasi*. *Repository.Uinjkt.Ac.Id*, 2018.

Suharso, R., Wasino, Dewi Liesnoor Setyowati, and Cahyo Budi Utomo. "Teaching Multiculturalism Based on Islamic Historical Relics in Northern Java." *International Journal of Innovation, Creativity and Change*, 2020.

Suryana, A'an. "Indonesian Presidents and Communal Violence against Non Mainstream Faiths." *South East Asia Research* 26, no. 2 (2018): 147–60. https://doi.org/10.1177/0967828X18769393.

Ubaedillah, Achmad. "THE MINORITY AND THE STATE: Chinese Muslims in the Modern History of Indonesia." *Al Jami'ah* 61, no. 1 (2023): 107–36. https://doi.org/10.14421/ajis.2023.611.107 136.

Wahid, Abdurrahman. *Islam Kosmopolitan, Nilai Nilai Indonesia Dan Transformasi Kebudayaan*. 1st ed. Jakarta: The Wahid Institute, 2007.

———. "Islamku, Islam Anda, Islam Kita : Agama Masyarakat Negara Demokrasi." *The Wahid Institution*, 2006.

———. *Menggerakkan Tradisi*. Edited by Hairus Salim H.S. 1st ed. Yogyakarta: LKiS, 2001.

———. *Prisma Pemikiran Gus Dur*. Edited by Hairus Salim H.S. LKiS. Yogyakarta: LKiS, 1999. drive.google.com/file/d/1wIVWA_1MmDJWEOC4_btPsiSruXSE4PSb/view.

———. *Sekadar Mendahului, Bunga Rampai Kata Pengantar*. Edited by Tri Agus S Siswowiharjo dan Mathori A. Elwa. 1st ed. Bandung: Nuansa, 2011.

Wahid, Marzuki. "Peta Intelektualisme dan Tema Pokok Pemikiran Gus Dur." In *Gus Dur Di Mata Wong Cirebon*, edited by Ilman Nafi'a, 1st ed., 65–67. Yogyakarta: Pilar, 2010.

Wahyuni, Sri. "Legal Transplant: Influence of The Western Legal System in The

Muslim Countries." *Justicia Islamica* 19, no. 1 (2022): 21–37. https://doi.org/10.21154/justicia.v19i1.2756.

Yakin, Ayang Utriza. *Islam Moderat dan Isu Isu Kontemporer: Demokrasi, Pluralisme, Kebebasan Beragama, Non Muslim, Poligami, dan Jihad*. 1st ed. Jakarta: Kencana Prenadamedia Group, 2016.

Yasa, Ahmad. "The Development of Indonesian Islamic Law: A Historical Overview." *Journal of Indonesian Islam* 9, no. 1 (2015): 101–22. https://doi.org/10.15642/JIIS.2015.9.1.101 122.

Yusdani. "Islamic Law and Contemporary Challenges from Fresh Ijtihad Point of View." *Jurnal Hukum Islam* 20, no. 1 (2022). https://doi.org/10.28918/jhi.v20i1.5991.