

Journal of Sociology & Cultural Research Review (JSCRR)

Available Online: <https://jscrr.edu.com.pk>

Print ISSN: [3007-3103](#) Online ISSN: [3007-3111](#)

Platform & Workflow by: [Open Journal Systems](#)

**EXPLORING CONTEMPORARY APPLICATIONS OF ISLAMIC
LAW (SHARIAH) IN MODERN LEGAL SYSTEMS: A
COMPARATIVE ANALYSIS**

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Abstract

While Sharia constitutes a very important branch in the system of law in various countries, with increasing diversity in global societies, there is a need to know the workings of Sharia in modern frameworks. The research seeks to explore the workings of Islamic law in jurisdictions across Muslim-majority states and secular ones. It investigates the challenges and opportunities that arise when Sharia interplays with modern legal systems. Using case studies and comparative analysis, the study touches on the practical implications and gives recommendations to policymakers, legal practitioners, and researchers interested in legal pluralism.

Keywords: Shariah Compliance, Legal Pluralism, Islamic Jurisprudence, Modern Legislation, Comparative Law

Introduction

Islamic law is the law which governs many aspects of the life of a Muslim and is enshrined in the Quran, Hadith (sayings and actions of Prophet Muhammad himself), interpretations of scholars through consensus (Ijma), and analogy (Qiyas). Although traditionally it has been applied in Muslim-minority countries, Sharia also finds way in societies even multicultural or parareligions, where it finds Muslim minorities. It brings new issues in society when there is an increase in global interaction among different legal traditions, hence integration of Islamic law into modern legal frameworks becomes necessity and challenge at the same time ^[1]. This study would investigate the working of Islamic law in contemporary settings, with particular reference to practical operation, conflict with secular laws, and merger between disparate legal systems.

After the Quran, contemporary legal systems find spaces to operate in Muslim countries where Shariah is somehow observed in the administration of justice. Being the foremost source of Islamic rules, the Quran alongside the Hadith holds and teaches ethical-moral-legal concerns; when integrated with contemporary legal systems, the principles of justice (Adl), equality, human dignity, and social welfare create a foundation for the legal systems of many countries. This means that, for example, the laws of Saudi Arabia, Iran, and Pakistan are influenced fairly directly by the Quran, especially with regard to laws relating to family, criminal justice, and financial matters. The Hudood laws, as laid down by the Quran, provide for the punishment of stealing and adultery, while the economic principles instruct on zakat (mandatory charity) and the prohibition of riba (usury), hence affecting the modern-day Islamic banking and financial systems. So, laws of mostly personal status, marriage, divorce, and inheritance are able to incorporate Islamic principles into secular laws in hybrid settings,

meaning the law of Egypt, Malaysia, and Jordan ^[2]. Even in the main secular countries with a good percentage of Muslims like India, Nigeria, and Indonesia, Islamic legal traditions live on and are seen in the areas of personal law and family law. One of the areas in which the Quran is of great influence is the discussion around contemporary human rights. Topics such as inheritance rights for women, business ethics, and social justice encompass Quranic values and coincide with the global legal and human rights agenda. Some allege, nonetheless, ^[3] that the stranger interpretations may be in direct conflict with conventions on international human rights and other modern ways of judging." Nevertheless, there is emerging dialogue on how Islamic law could change to meet modern-day legal issues while staying true to its basic principles. Alongside national legal systems.

Influence of the Quran on Contemporary Legal Systems

Quranic principles have also found acceptance in international law, particularly in conflict resolution, mediation, and economic justice. Its ethical framework fosters Islamic finance by prohibiting exploitative practices while promoting risk-sharing, and due to its equity and fairness, has gained acceptance even among non-Muslim-majority states. The Quran also emphasizes the importance of dispute resolution through mediation and arbitration-so much so that it has permeated into the global legal culture. In arenas such as multicultural societies, the Quran has also been referenced in international debates on rights of minorities and religious freedom, and standard bearers for justice. In spite of all these, the interpretation and application of Quranic law are often not uniform across different legal and cultural settings around the world ^[4]. Some countries adopt Sharia in its entirety, while others only apply its principles in selective ways to secular laws. This divergence attests to the ongoing debate between tradition and modernity in the Islamic legal world. In the next century, the relevance of the Quran in

current legal systems will depend upon how Islamic scholars, practitioners of law, and policymakers address the compromise between religious teachings and the evolving wants of society. While the debates over the degree to which Sharia should influence governance ^[5], human rights, and economic regulations continue, the Quran remains a key reference source for legal and moral standards across the world. It has a great influence on the entire world and, in instances, opposites; its primary principles of fairness, justice, and social welfare correspond to universal legal and moral values, thereby remaining relevant to contemporary legal thought.

Islamic Law in Muslim-Majority Countries

Saudi Arabia

The law in Saudi Arabia is Islamic law. The Hanbali jurisprudential tradition, the most conservative of the Islamic traditions, forms the federal judiciary of the land. Family matters, including marriage, divorce, and inheritance, are treated explicitly within the Sharia law. In this instance, it is observed that male heirs tend to receive a heavier weight in probabilities for their inheritance, while women often have to seek the consent of a male guardian to marry. The Saudi Arabian criminal law applies Hudud, whenever proven with credible evidence, for such crimes as theft and adultery ^[6]. There is no unified legal code, and the judges known as Qadis interpret the religious texts directly, resulting in varying legal decisions.

Malaysia

Malaysia provides for a different dimension in that it has a dual legal system whereby Islamic law applies to matters personal to Muslims whereas civil law governs all other aspects of society. The Islamic courts have got jurisdiction over marriage, divorce, and inheritance, whereas criminal cases and disputes regarding non-Muslims are with the civil courts ^[7]. Malaysia is also the frontiers in Islamic finance, ensuring that

financial and investment activities are protected under Sharia law. However, this well-laid structure often runs into conflict, particularly with issues of conversion from Islam and inter-faith marriages, raising questions as to which jurisdiction has authority between Islamic and civil courts.

Islamic Law in Secular and Multicultural Societies

United Kingdom

Islamic law is rather honored in the UK when it comes to issues associated with heritage and divorce between Muslims by Sharia councils. A Sharia councils act as mediation and arbitration courts among Muslims for family differences. Sharia councils are established under the Arbitration ^[8] Act of 1996 allowing Muslim communities to take care of their employment and divorce as well as issues arising from inheritance according to religious rules. Its principles would be best encouraged with culture. Much disaffection has arisen, though, such as concern for women's rights. Some referred to such cases as possible points of tension in which some women may be coerced to yield to some decisions that would violate broader UK legal standards on gender equality and fairness.

Turkey

An extraordinary case is Turkey, with widely professed Islam, yet boasting a completely secular legal situation. After some great reforms early in the twentieth century, Turkey abolished Sharia courts and adopted the European-based codes in place of Sharia. So far, Islamic principles do not carry any official legal force. However, the traditions rooted in culture not much change the daily life of the people and do influence most of their lives concerning issues related to family ^[9]. This shows the possibility of informal and unofficial coexistence of indigenous religious custom with a secular legal system without formally embedding it in state law.

Literature Review

The Quran has been a cornerstone religious text for Islam, yet it is partly propelled into relevance in the laws and legislation of a Muslim-majority nation. This review examines how incorporated principles of the Quran have affected its ancient-modern impact on the current legal system. Base text for Sharia that includes penalty crime, family law, and contractual relationships. it was in the early period of Islamic Caliphates when legal injunctions from the Quran were systematized into legal traditions. Such traditions still affect contemporary Islamic jurisprudence. ^[10] One of the areas of major influence is that of the criminal law. A clear and shining example is through the enactment of Hudood ordinances. These clearly defined punishments are punishments for some offences like adultery, apostasy, and theft mentioned in Surah An-Nur (24:2) and Surah Al Ma'idah (5:38).

"الرَّائِيَةُ وَالرَّائِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ" ٢

“As for female and male fornicators, give each of them one hundred lashes, and do not let pity for them make you lenient in ‘enforcing’ the law of Allah, if you ‘truly’ believe in Allah and the Last Day. And let a number of believers witness their punishment” ^[11]

"وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ" ٣٨

“As for male and female thieves, cut off their hands for what they have done—a deterrent from Allah. And Allah is Almighty All-Wise” ^[12]

The author explores how Saudi Arabia and Pakistan have integrated modern judicial practices with Quranic prescriptions in codifying these penalties. The Quran has a great deal of civil law influence, particularly in transactions and contract law. Urging written contracts in financial transactions and witnesses to be present in the transaction is specifically addressed in Surah Al-Baqarah (2:282)

"يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ وَلْيَكْتُبَ بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْبَ كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ اللَّهُ فَلْيَكْتُبْ وَلْيُمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَبْخَسَ مِنْهُ شَيْئًا فَإِنْ كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِيعُ أَنْ يُمِلَّ هُوَ فَلْيُمْلِلْ وَلِيُّهُ بِالْعَدْلِ وَاسْتَشِيرُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ إِحْدَاهُمَا الْأُخْرَى وَلَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا وَلَا تَسْمُوا أَنْ تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَى أَجَلٍ ذَٰلِكُمْ أَقْسَطُ عِنْدَ اللَّهِ وَأَقْوَمُ لِلشَّهَادَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا وَأَشْهَدُوا إِذَا تَبَايَعْتُمْ وَلَا يُضَارَ كَاتِبٌ وَلَا شَهِيدٌ وَإِنْ تَفَعَّلُوا فَإِنَّهُ فُسُوقٌ بِكُمْ وَاتَّقُوا اللَّهَ وَيُعَلِّمُكُمُ اللَّهُ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ" ٢٨٢

"O believers! When you contract a loan for a fixed period of time, commit it to writing. Let the scribe maintain justice between the parties. The scribe should not refuse to write as Allah has taught them to write. They will write what the debtor dictates, bearing Allah in mind and not defrauding the debt. If the debtor is incompetent, weak, or unable to dictate, let their guardian dictate for them with justice. Call upon two of your men to witness. If two men cannot be found, then one man and two women of your choice will witness—so if one of the women forgets the other may remind her.¹ The witnesses must not refuse when they are summoned. You must not be against writing 'contracts' for a fixed period—whether the sum is small or great. This is more just 'for you' in the sight of Allah, and more convenient to establish evidence and remove doubts. However, if you conduct an immediate transaction among yourselves, then there is no need for you to record it, but call upon witnesses when a deal is finalized. Let no harm come to the scribe or witnesses. If you do, then you have gravely exceeded 'your limits'. Be mindful of Allah, for Allah 'is the One Who' teaches you". And Allah has 'perfect' knowledge of all things. [13]

these ideas are mirrored in the commercial legislation of nations like as Malaysia and Indonesia. The author posits that the incorporation of

Quranic principles in the field of business is meant to ensure justice and transparency ^[14]. The Quran has a direct relationship with family laws due to several verses that have been translated, including the verses of Surah An-Nisa (4:3), and (4:34) that guide marriage, divorce, and inheritance.

"وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ الْيَتَامَىٰ مَتَىٰ وَتَلَّتْ وَرُبْعَيْنِ خِفْتُمْ أَلَّا تَغْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ: ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا" ٣١

"If you fear you might fail to give orphan women their 'due' rights 'if you were to marry them', then marry other women of your choice—two, three, or four. But if you are afraid you will fail to maintain justice, then 'content yourselves with' one or those 'bondwomen' in your possession. This way you are less likely to commit injustice." ^[15]

"الرِّجَالُ قَوَّامُونَ عَلَى الْيَتَامَىٰ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَىٰ بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ: فَالصَّالِحَاتُ قَنِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ: وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا" ٣٤

"Men are the caretakers of women, as men have been provisioned by Allah over women and tasked with supporting them financially. And righteous women are devoutly obedient and, when alone, protective of what Allah has entrusted them with. And if you sense ill-conduct from your women, advise them 'first', 'if they persist, 'do not share their beds, 'but if they still persist, then discipline them 'gently'. But if they change their ways, do not be unjust to them. Surely Allah is Most High, All-Great" ^[16]

Contemporary family laws in countries such as Egypt and Morocco have been integrated with these Quranic principles ^[17]. Modernization in such areas strives to combine religious teachings for society with modern requirements, which is also sensitive to the concept of human rights and gender equality. Qisas (retribution) and Diyya (blood

money) refer to basic principles of Quranic justice which are given in the Surah Al-Baqarah (2:178). These ideas have been introduced to modern laws.

"يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ ۖ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ ۖ وَالْأُنثَىٰ بِالْأُنثَىٰ ۚ فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتِّبَاعُ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَنٍ ۚ ذَلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ وَرَحْمَةٌ ۚ فَمَنِ اعْتَدَىٰ بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ"

١٧٨

“O believers! ‘The law of’ retaliation is set for you in cases of murder—a free man for a free man, a slave for a slave, and a female for a female.¹ But if the offender is pardoned by the victim’s guardian,² then blood-money should be decided fairly³ and payment should be made courteously. This is a concession and a mercy from your Lord. But whoever transgresses after that will suffer a painful punishment Baqarah” [18]

On death penalty alternatives in judicial systems such as the United Arab Emirates, these concepts are supportive of restorative justice and reconciliation. The Quran in a general sense emphasizes justice and fairness, having impacted many procedural aspects of modern law, as in Surah An-Nisa (4:135).

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوِّمِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ أَوِ الْوَالِدَيْنِ وَالْأَقْرَبِينَ ۚ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا ۖ فَلَا تَتَّبِعُوا الْهَوَىَٰ أَن تَعْدِلُوا ۚ وَإِن تَلُونَا أَوْ تُعْرِضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا﴾ ١٣٥

“O believers! Stand firm for justice as witnesses for Allah even if it is against yourselves, your parents, or close relatives. Be they rich or poor, Allah is best to ensure their interests. So do not let your desires cause you to deviate ‘from justice’. If you distort the testimony or refuse to give it, then ‘know that’ Allah is certainly All-Aware of what you do Surah An-Nisa” [19]

The author [20] analyses how these principles ensure due process and impartiality in countries like Iran, where Islamic jurisprudence requires strict adherence to evidence standards and fair trial practices.

“While the Quran encompasses elements that promote women's rights related to inheritance and marriage”, as seen in Surah An-Nisa (4:7)

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۚ نَصِيبًا مَّفْرُوضًا ٧

“For men there is a share in what their parents and close relatives leave, and for women there is a share in what their parents and close relatives leave—whether it is little or much. ‘These are’ obligatory shares.” [21]

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا يَجِزُ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا لَّوَلَا تَعْضُلُوهُنَّ لَتَذْهَبُوا بِبَعْضِ مَا ءَاتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَحْشَةٍ مُّبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ۙ ١٩

“O believers! It is not permissible for you to inherit women against their will¹ or mistreat them to make them return some of the dowry ‘as a ransom for divorce’—unless they are found guilty of adultery. Treat them fairly. If you happen to dislike them, you may hate something which Allah turns into a great blessing”. [22]

Its meaning, in regards to women's rights, remains a contested issue with opinions divided on whether traditional forms of interpretations prevent the full application of these rights. An-Naim (1990) mentions that recent legal reforms in Tunisia and Jordan have sought to reinterpret some Quranic texts for promoting gender equality.

The encounter between the Quran and human rights in modern legal systems is extremely complicated and multifaceted. Quranic verses are being re-interpreted by contemporary Islamic scholars with an aim to harmonize them with the standards of international human rights law. [23] This movement is manifest in the legal system of a number of states, amongst which Turkey stands out for combining Islamic with secular and democratic concepts. Notwithstanding, implementation facing

diverse obstacles remains, although the Quran has been greatly influential. there are intense tensions arising within existing tensions between traditional Islamic legal theories and the demands of modern legal systems, particularly in multiethnic societies. The degree to which the Quranic principles can conform to the demands of modernity remains a point of contention among the scholars of the field. The Quran has a very high impact on modern law, and its principles shape the legal framework of many countries with Muslim majorities. These principles have a far-reaching impact on various branches of law, from criminal justice to family law, which continue to inform modern practice [24]. The changing relationship of tradition and modernity is still under scrutiny among scholars as legal experts and practitioners continue to seek ways to bring Quranic precepts in line with present legal norms. To sum up, there is no doubt that the Quran leaves much to be desired in terms of its impact on various aspects of modern law. This includes commercial transactions, family issues, criminal justice, and women's rights. In all these facets, Islamic jurisprudence still holds onto its share of shaping legal systems across the globe, albeit with a very fine balancing act between the traditional religious principles and the contemporary societal needs.

Challenges and Opportunities in Integration

Reconciling Islamic law into modern legal doctrines has many challenges, the main one being reconciling it to international human rights carefully. Most widely talked one is gender. For instance, provisions traditionally interpreted as Sharia may limit women's rights to inheritance, divorce, and child custody. Some countries have adopted reforms to make Islamic principles conform with gender equality thus making fairer treatment for women while recognizing religious practices. Another challenge is legal pluralism, where multiple legal systems operate simultaneously. Countries with dual or hybrid systems

must then grapple with jurisdictional disputes and potential inconsistencies. However, despite all these hurdles, Islamic law also brings opportunities for integration. It enhances cultural inclusivity, supplies a familiar framework of law for religious communities, and brings peaceful coexistence. The crux lies in finding the balance between religious practices and universal legal standards for successful integration.

Comparative Analysis

Comparative studies of how different countries apply Islamic laws together would yield interesting findings. A structured dual legal system as Malaysia has clearly divides its jurisdictional civil and Islamic courts, thereby allowing the possible operation without jurisdictional squabbles. Sharia councils in the UK show how multicultural societies can develop religious dispute-resolving mechanisms while facing challenges in compliance with national laws. The Turkish secular approach demonstrates how an explicit secular state can retain the cultural impact of Islam. The examples clearly indicate that integration depends on the legal history of a country, cultural conjunctures, and the willingness to compromise between religious values and secular ones.

Findings and recommendations

That research articulates the meaning that Islamic law is enacted differently in different jurisdictions. Countries like Saudi Arabia, which base their being clearly on religion, interpret and enforce it strictly, while others like Malaysia, possessing an element of hybrid on the system, allow for flexibility. Countries such as the UK can only accommodate Islamic practices without sacrificing their legal principles since they are secular legal systems. Recommendations from the study for facilitating the above-discussed integration include delineating what aspects of Islamic law may not be interpreted consistently. Specialized training of legal professionals would be an important facility to navigate diffuse

complex legal environments. Policymakers should engage religious leaders and communities in the making of inclusive laws that respect religious and secular values. Finally, there is public legal education as a means of empowerment for individuals to know what their rights are and how to effectively navigate plural legal systems.

Conclusion

Integration of Islamic law into modern legal systems is a complex but highly required process, especially in today's much more diverse societies. Several challenges fall, but certainly not limited, to human rights, gender equality, and constraints of jurisdictional authority; thoughtful legal protection can accommodate religious traditions without infringing or compromising universal legal principles. Truly, countries like Malaysia show that dual systems can work if guardrails are established; yet another contribution is that secular models like that of Turkey demonstrate cultural sensitivity in legal practice. Moving forward, continuing the research should seek emerging issues like the role of Islamic law concerning digital finance and global human rights discourse; this way, legal systems will maintain their adaptation and inclusivity.

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