

## **Paradigm Shift and Scientific Revolution in the Development of Contemporary Ushul Fiqh**

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**Abstract:** The phenomenon of Islamic legal liberalism in various Islamic countries often contradicts established Islamic legal norms. It is this phenomenon which then often causes polemic in the context of Muslim religious and social life. It does not mean to judge whether or not the various forms of Islamic legal liberalism exist. But philosophical things that need to be realized, that Islamic law (fiqh) is a dynamic product of thought that is built from an existing Islamic legal methodology (usul fiqh). On this basis, this study aims to find the paradigm of the development of contemporary ushul fiqh. This type of research is library research. The primary source used in this study is the thought of Wael B. Hallaq about the typology of the renewal of the contemporary ushul fiqh in his book entitled A History of Islamic Legal Theories. The theory used as the analysis theory in this study is the theory of scientific revolution from Thomas S. Kuhn. This study concludes that the stage of paradigm shift and scientific revolution, namely the drastic change from the old paradigm to the new paradigm that aims to answer the problematics that can not be solved by the old paradigm. Where in the context of the development of contemporary ushul fiqh, the normal stage of science can be seen in the development of established methods of classical ushul fiqh, as well as contemporary ushul fikih methods of religious utilitarianism. While the stage of paradigm shift and scientific revolution can be seen in the drastic change of the various classical ushul fikih methods that have been established into various methods of contemporary ushul fiqh, as well as various ushul fiqh methods of religious liberalism.

**Keywords:** Development, ushul fiqh, contemporary.

### **Introduction**

Movement and liberalism Islamic thought in general can not be separated from the four issues that are discussed and fought for. First, the validity of the issue of democracy as an Islamic political system. Second, Human Rights (HAM). Third, Pluralism. Fourth, gender equality. Some of the issues of Islamic legal liberalism often cause pros and cons reactions in Muslim societies. This is due to not the last, the existing forms of Islamic legal liberalism are often in conflict with Islamic legal norms that are well established in religious and social life in society. However, there are philosophical things that are

important to realize and understand that as a product of thought, the existence of Islamic legal liberalism (fiqh) is a dynamic legal thinking and is formed by the methodology of Islamic law (usul fiqh) which is also dynamic. On this basis, it is important to understand how the form of the development of usul fiqh as a methodology of Islamic law. Given that as a scientific discipline, the existence of Jurisprudence also has the characteristics of the development of scientific theories in general, namely relative and dynamic.

Based on the reality of the problematics of Islamic law itself is dynamic from time to time so that it necessitates a shifting paradigm (paradigm shift) in the construction of the methodology as contained in the discipline of ushul fiqh. In the study of this journal, it will be explained about how the paradigm shift and the scientific revolution occur as well as their relevance to the development of the paradigm of the contemporary ushul fiqh.

#### Research Methods

This type of research is library research. The primary source used in this study is the thought of Wael B. Hallaq about the typology of the renewal of the methodology of contemporary Islamic law in his book entitled *A History of Islamic Legal Theories*. Meanwhile, secondary sources used are various literatures that are relevant to the main sources. The theory used as the analysis theory in this study is the theory of scientific revolution from Thomas S. Kuhn. The theory is used to analyze the thoughts of Wael B. Hallaq about the typology of the renewal of contemporary ushul fiqh.

#### *The Existence of Paradigms in a Discipline of Science*

The existence of the flow of positivism has seen that the development of science is cumulative, namely experiencing continuous development as an accumulation that occurs as a result of scientific research throughout history and its development. Not only that, positivism also justifies the scientific and unscientific criteria of a theory or proposition through the principle of verification. Meanwhile, Karl Popper in his theory (falsification) explained that the truth of scientific theory was not determined through verification tests, but in the attempt to reject the truth through a variety of systematic experiments, namely the greater the effort to reject a theory and if the theory always persists, then the stronger its existence. Therefore, Popper tends to disagree with the principle of verification and replace it with falsification. That is, that can be proven wrong a theory, proposition or hypothesis. This is because Popper sees that scientific development begins with the submission of hypotheses which is then followed by efforts

to prove these hypotheses, so that a theory when it has been proven wrong, automatically immediately invalidates the previous theory. But if it does not find fault, then the hypothesis turns into a thesis (theory) which is accepted as a tentative truth. (Komarudin, 2014 :462-463). In this case, Thomas S. Kuhn (hereinafter referred to as Kuhn) is not in line with the Proper view as above. According to Kuhn, changes in science do not occur based on empirical efforts through the process of falsifying a theory, but through fundamental changes which Kuhn later called a scientific revolution. Not only that, Kuhn also disagrees with the view of positivism which states that the development of science is based on cumulative and evolutionary ways. That is because science can develop by means of a scientific revolution. That is because science can develop by means of a scientific revolution. The process of displacement or even radical change in the scientific paradigm is the characteristic of the Kuhn scientific revolution paradigm.

Furthermore, Kuhn explained that the paradigm is a point of view of an object which is the subject of discussion in a scientific discipline. Therefore, the paradigm can be said as a joint consensus by scientists in certain disciplines. The occurrence of various paradigms in the scientific world can occur due to differences in philosophical background factors, scientific theories and methodologies that are used as blades of analysis. For Kuhn, the objectivity of science is not authoritative in a justification of truth. The foundation of this paradigm epistemology then criticizes the belief in the validity of the truth of science as a representation of reality and phenomena. This is because naturally, the existence of science has the opportunity and autonomy in the search for truth between prediction and detection as a scientific search to discover new scientific truths. Thus what is true according to the old paradigm, it is not necessarily true according to the new paradigm (relativism). Therefore, the paradigm is not always bound to the value of right or wrong. But it can be guided by something good for the further development of science. In other words, the final results of research carried out by scientists should not be fixated on finding the truth, but can also give meaning in axiological aspects, namely the value of benefits for the benefit of human life. However, in this case, it needs to be realized that it does not mean that the paradigm in solving scientific problems is not objective. But still considered objective based on the use of certain methods agreed upon by the scientific community in solving a scientific problem. Based on this, the scientific truth can be said to be dynamic. From this it can be understood that the progress of science is not only marked by an accumulation of

scientific facts, but also caused by the development of scientific methods and attitudes that are always dynamic.

### *The Paradigm Shift and Scientific Revolution in the Existence of Science*

According to Kuhn, the development of a science took place in a revolutionary way, namely a complete replacement of the old paradigm with a different new paradigm. In this case Kuhn created a framework for the cycle of science which included paradigms, the scientific community and the scientific revolution. Kuhn explained that the paradigm as everything that was accepted and agreed upon by a scientific community. In other words, a scientific society consists of people who share the same paradigm. Menurut Kuhn, the existence of a science that has become a paradigm will be able to experience a crisis, then a science revolution will emerge. Then science experiences a development that is always happening even significant. In that revolution, it can deliver a new normal science. And so on until a dynamic scientific development is formed. Kuhn added that the concept of a paradigm shift had opened up a shared awareness that not always believing the truth of a scientific product was final. In other words, objectivity or scientific truth is relative and there is a time when validity is doubted so that it moves to the new paradigm. Therefore, in these conditions, scientists should always carry out scientific research with a variety of new scientific approaches and innovations, so that they can find the normal set of knowledge (normal science) and no longer doubt its truth. At this normal stage of science, science is in a position to be able to answer problems and be able to come up with solutions. But along with the times, the existence of science will be able to experience the inability and even failure to answer the problems that arise which under these conditions an anomaly is born. The anomalous condition can have implications for doubts for the community over the truth of an existing scientific paradigm that encourages them (the public) to find a new paradigm that can offer solutions. Not only stop at the new paradigm, other scientists will also conduct further research to examine the truth of the new paradigm. So if the new paradigm can be accepted as a scientific truth and defeat the old paradigm, then the old paradigm will begin to be abandoned and move on to the new paradigm. This condition was later called by Kuhn as a paradigm shift. From the above explanation it can be concluded that the paradigm shift can be understood in two ways. 1) The birth of new thinking logic caused by the condition of old thinking logic which cannot be problem solving for new existing problems. 2) Becoming a new solution that

has implications for the shift from the old paradigm to the new paradigm even though it seems to clash.

After a paradigm shift in a science, Kuhn introduced the term scientific revolution, which is a condition of significant change in the progress and development of science from the old paradigm by being replaced in whole or in part by a new paradigm which can be said to be contradictory. Therefore, in these conditions can cause fundamental differences or changes between the old paradigm with the new paradigm. Where it shows that the development and progress of a scientific theory is revolutionary, fast and drastic. Kuhn added that the paradigm shift can occur when scientists face anomalies that cannot be answered by the old paradigm. Kuhn divides the process of the formation of a science into three phases. The first phase, when the existence of the status of a knowledge is still in pre-science. In these conditions the form of knowledge is still being debated continuously by many people. In this phase, the number of theories is as much as the number of observations or experiments carried out by many people. Therefore, there is no agreement on certain theoretical assumptions. In this phase, thinkers are often divided into various small groups that compete with one another in gaining legitimacy for each theory of knowledge to become a scientific discipline. The second phase, after becoming an ordinary science (normal science), then a knowledge has been recognized and mastered by a paradigm that is always open to all possibilities and new adjustments. The third phase is the paradigm shift. Those three stages are according to Kuhn who became the ideal circulation of knowledge. But Kuhn regretted that the circulation was often problematic, namely stopping at normal science, so what happened was a single paradigm that dominated the scientific theory community. Kuhn's opinion can thus be concluded that the truth in a scientific theory is relative.

The theory of the scientific revolution Kuhn can be explained as an effort to develop a paradigm that takes place normally in science. In the normal period of science, there is an accumulation of knowledge in which scientists try to develop the mainstream paradigm, which is determined by the paradigm of the existing theory (old). Therefore, all forms of observations and experiments conducted by scientists in the normal period of science will be guided by experience, knowledge, expectations in their mindset in line and not in conflict with the existing paradigm. There are at least three characteristics of observation and experiment in this normal science period. First, the legitimacy of the problems recognized in research and the methods used in research activities have been

determined and predicted by paradigms. Secondly, observations and experiments conducted by scientists depend on the knowledge, experience and expectations of the observer or researcher subject that has been colored by existing theories and concepts that are strung together in the existing paradigm. Third, scientists have also been bound by professional commitment to one paradigm. These three things result in observations and experiments produced during normal science periods will not conflict with pre-existing theories. If the results of observations or experiments conflict with existing theories or concepts, then what happens in the normal science period is that observations or experiments are declared to be failing and will be repeated. If you receive conflicting results, this means that the scientist has chosen to leave the normal and mainstream science. Scientific research activities in the normal science period are very limited, although not by rules, but are more limited by a shared paradigm. Research activities in a rigid manner are limited to the scope of the applicable paradigm, including the problem to be studied, the methods used include observation and experimentation. Likewise, the results obtained are predictable and cannot be separated from the paradigm that is shared and agreed upon together. The paradigm in a theory of science will guide scientists in answering problems with an existing method. But when the paradigm fails to answer, then the failure can eventually reach a level of seriousness which is a serious crisis for the initiators and can also cause rejection of an existing paradigm. Kuhn realized that the journey of the paradigm would face difficulties, namely passing the anomalous phase. Therefore, the development of a dynamic era, the old paradigm (the first paradigm) that has been established as happened at the normal stage of science allows analytic paralysis or unable to provide answers and explanations to various problems that arise. At this stage, it is called the anomalous phase, which is the phase where scientists are no longer able to escape from conflict because there are many deviations. As a result that arises because of the many anomalies, the crisis arises. It was during this crisis phase that the first paradigm began to doubt its truth, which could then lead to a revolutionary phase. In this phase of the revolution then a new paradigm (the second paradigm) emerges as the answer to the problems that arise from the previous (first) paradigm. These changes indicate that there will be no change in paradigm without being preceded by crisis conditions. Nevertheless the role of the old paradigm is still considered as an important thing that leads a scientist to the anomalous condition which is a prerequisite for the discovery of new knowledge to fill the gap of emptiness or ignorance.

Furthermore, Thomas S. Kuhn stated that in the normal science period it was different from the scientific revolution period. Where the methodological steps of scientific research are used in the normal science period that aims to strengthen or develop old paradigms that are already in effect and are cumulative. In the normal period of science Science is developed in a strict paradigm box, so that observations and experiments that allow birth of the formation of new theories are very limited by the existing paradigms. This makes the development of theories cumulative. Whereas the methodological steps of research in the period of the scientific revolution were intended to answer crises that could not be resolved by the old paradigm, so that the solution, namely through the new paradigm. Therefore, the development of theories produced in the scientific revolution is non-cumulative, namely the power of innovation is more prominent. During this period of scientific revolution, science was developed through the experimentation of ideas which were outside the box of the established paradigm adopted by the majority of scientists. Observation and experimentation are intended to test every new idea that tries to resolve the crisis of the old paradigm. This shows that the power of observation and experimentation are two things that are urgent in the context of the development and even radical changes of a theory in scientific disciplines.

## **Finding and Discussion**

### *Usul fiqh in Philosophical Studies (Ontology, Epistemology and Axiology)*

There are various definitions of Islamic legal figures in explaining what is meant by the science of *usul fiqh*. Muhammad Abu Zahrah (w.1974M) explained that *usul fiqh* is a discipline that studies the methods for producing Islamic law from various detailed propositions. Then, 'Abd al-Wahhab Khallaf (d.1955M) defines *ushul fiqh* as a discipline that studies the rules and discussions used as intermediaries to produce Islamic law for human actions from various detailed propositions. From this it can be understood that Usul Jurisprudence is a scientific discipline that examines the process (methodology) for finding Islamic law based on the postulates that exist.

Before further examining the existence of the development of *ushul fiqh* in the perspective of the philosophy of science, it is important to understand in advance understanding the position of *fiqh ushul* as a scientific discipline in the study of philosophy in general. In this case, to study the science of Jurisprudence in the

perspective of philosophy of science can examine the existence of Jurisprudence in three aspects of discussion, namely aspects of ontology, epistemology, and axiology.

First, the discussion of fiqh ushul on the aspect of ontology. The issue of ontology is a matter of the area of study of a science. The object of the study of the science of usul fiqh are the rules in the formulation of law. These various rules are then referred to as the proposition syara 'kullî (general), as well as the theory or rules of qiyâs (analogy of Islamic law) and various other rules. In addition to the arguments syar'i kulli there is also the argument of syara 'juz'î (partial) in the form of text (nas), both al-Qur`ân and Hadîts. For example, there is text (nash) in the form of a command (amr). Then amr is the proposition syara 'kullî. While the text in the form of amr is the proposition syara 'juz'i. The area of study of ushul fiqh is the various propositions of syara 'kullî, not juz'i because the proposition of syara 'juz'i 'is the area of fiqh study.

The object of the study of the science of ushul fiqh is the arguments of syara 'which kullî (general), then this science discusses four main things. First, al-tsamrah (fruit) which includes laws and relating to them. Second, al-mutsmirah (fruit giver) which includes general arguments, namely al-Qur`ân, al-Sunnah, ijmâ`, qiyâs, and so on. Third, thuruq al-istitsmâr (the method of taking the fruit which includes the linguistic method and the meaningful method. Fourth, al-mustatsmir (fruit picker) which includes the criteria of people entitled to be called mujtahid. This explanation shows that the discussion of aspects of ontology in the science of ushul fiqh is the method (rules) of legal making. The object in the perspective of the philosophy of science, is the category of objects of study of a science that is within the limits of the reach of human experience and does not enter beyond that, for example the transcendental (metaphysical) region.

Second, the discussion of fiqh ushul on aspects of epistemology. The problem of epistemology in fiqh ul'hul is different from epistemology in other sciences, because the science of fiqh ushul is composed of a combination of various disciplines, namely Aristotelian logic, Arabic rules, theology (kalam science), fiqh science, and the science of the Qur'an and Sunnah. The fiqh element seen in certain disciplines shows various examples of cases that are used to clarify a theory or principle. The element of Aristotle's logic is seen in the way we determine meaning, discussion that is conceptual and definitive, the validity of conclusions based on inductive reasoning, discussion of the proposition, discussion of ta'arudh al-adillah. The elements of the science of the Qur'an and Sunnah are seen in the discussion of the narration of traditions in ahad or muthat,



the standard rules of reading the Qur'an, the criteria of jarḥ and ta'dil, nasīkh mansūkh, the conditions of periwayatan, and so on. Arabic Language seen in the discussion of istinbāt which follows the way of lafziyah (linguistics) Theological element is seen in the discussion about the origin of a law (whether from God or human reason), good and bad concepts (whether from God or human reason), and giving thanks to God (what is the obligation of God or human reason determines). Epistemology uṣhūl fiqh in al Jabiri's view is included in the reasoning of bayānī. The source of knowledge in this epistemology is the text. If seen from the description above, where the source of knowledge uṣūl al fiqh is reasoning not reason, then al Jabiri's view is wrong, because uailūl al fiqh discusses the rules, not text. However, the epistemology of uṣūl al fiqh can also be explained, that the source of knowledge from uṣūl al fiqh is the text of the Qur'an and the Hadith, naṣ kauniyah (universe), naṣ ijtīmā'iyah (social society), and naṣ wujdāniyah (conscience and spirituality) (Ahmad Ghazali Ihsan, 2017: 112).

Third, discussion of usul fiqh on the axiological aspect. In the perspective of the philosophy of science, human welfare is the orientation of a discipline by science. In a sense, how humans can prosper their lives in the world. The concept of human welfare in the perspective of the philosophy of science has never arrived at the concept of welfare in the hereafter. Therefore, the axiology of the science of usul fiqh is different from the axiology of science in general. He tried to realize human welfare both in this world and in the hereafter.

From the perspective of ontology, epistemology and axiology perspectives in the Jurisprudence above shows that the development of Jurisprudence with the approach of the philosophy of science will help this science always live and thrive in dynamic community life. As is the case with limited texts (revelations of the Qur'an), they can be valid for an unlimited period of time. This is the importance of the science of Jurisprudence in grasping God's purpose. With ontology, epistemology, and axiology, the ushul fiqh can be clearly known by its nature, its source, its study area, and its usefulness value.

#### *The Paradigm Shift and Scientific Revolution in the Modern Ushul Fiqh*

In the context of the Islamic scientific paradigm, the idea of a paradigm shift and the scientific revolution as explained earlier should be found through the following analysis. First, the existence of normal science in the context of Islamic scientific thought can be based on teachings in Islamic sources which in their development are permanent and are

still relevant to be used as norms or rules in life. Therefore, thoughts about normal science can be analogous to various understandings of Islamic teachings. in the normative theological context. Secondly, the existence of anomalies that occur because of the old paradigm can not be a problem solving of the problems of society can be relevant in the context of Islamic thought allows it is not in accordance with the changing times of the dynamic. Therefore, in Kuhn's terms, this condition can be called a crisis. Third, the existence of the scientific revolution which is a drastic change that can ultimately lead to a new paradigm based on advanced scientific research through perspectives and methodological techniques that are different from the old paradigm. The scientific revolution in the context of Islamic thought can occur when carrying out an understanding and reinterpretation of Islamic teachings in order to answer the problems of society in the development of an ever-complex and dynamic era.

The three relevance above in the context of the discourse of the study of Islamic thought can also be said to be in line with the opinion according to Amin Abdullah, there are three paradigm characters in the study of Islamic studies. First, the absolute paradigm is the paradigm which views that all teachings originating from religion are absolute, normative, universal, transcendent and sacred, in which contained standard Islamic teachings free from the historical socio-historical contrusions of human life. Such paradigms tend to be rigid, textualist and cannot interact with changes in existing social reality. However, this paradigm is suitable to be used in understanding the objects of study that are ta'abbudi (dogmatic), as well as the discussion of aqeedah (monotheism). Second, the relative paradigm is the paradigm which views that all religious teachings are mere social phenomena that do not contain transcendent values of spirituality. This second paradigm is an anti-thesis of the first paradigm. If the first mindset tends to be rigid and idealistic, then the second is very loose and even tends to lead to secular thought. Third, the paradigm that is relatively absolute is the mindset that views that all religious teachings are ta'abbudi (dogmatic) and some are ta'aqquli (rationalable). Religious teachings that are ta'abbudi, namely religious teachings that are normative, absolute, transcendent, standard and apply throughout the ages are free from the influence of historical socio historical controversies of human life, as well as teachings relating to monotheism or creed. Whereas religious teachings that are ta'aqquli, namely teachings that can be rationalized, namely teachings that can be developed by human reason, are conditional on the influence of the historical socio-construction of human life

that is always dynamic by taking into account the transcendent moral values of the teachings themselves. Based on the three characteristics of the paradigm (absolute, relative and relative-absolute), it can be understood that the relative-absolute character of paradigms still provides a gap for various developmental ideas and changes in a theory in Islamic studies. Besides maintaining the theory or teachings that are absolute normative.

As a scientific discipline, we need to realize and understand that ushul fiqh can also accept various consequences of science, such as skepticism, willing to be tested and reviewed and not immune to criticism. Therefore, it becomes necessary when in its development, paradigm changes occur in various methodologies of Islamic law contained in the discipline of Usul Jurisprudence. This is caused by the problematics of Islamic law which is always dynamically following the development of the problems of the times, so that it demands a renewal of the methodological tools used as a knife analysis in solving existing Islamic law problems, which can be seen from the discourse of contemporary ushul fiqh which explains the slight differences even significant differences with established calcical ushul fiqh. As there are efforts from various contemporary Islamic law figures in the development of Islamic methodological instruments through various cross-disciplinary approaches, such as historical, anthropological sociological approaches and other multidisciplinary scientific approaches. According to J.N.D Anderson as quoted by Kamaruzzaman, there are at least three characteristics of contemporary Islamic law. First, the character of Islamic law which still maintains conventional legal concepts that have been passed down for generations. Second, the character of Islamic law which no longer maintains the concept of conventional Islamic law, namely by replacing it with the concept of skular law. Third, the character of Islamic law that combines or compromises the two legal characteristics above.

Wael B. Hallaq also argues that there are two features of contemporary ushul fiqh, namely the style of religious utilitarianism and religious liberalism. Further explanation is as follows. First, fiqh ushul which has a style of religious utilitarianism. This style tries to understand and redevelop the existing classical Islamic legal methodology. Among the figures who have tendencies of this style include 'Abd al-Wahhab Khallaf who tried to reformulate three methods of classical Islamic law, namely qiyas, istislah and istihsan into legal theories that are more sensitive to the needs of society and the development of the times. Furthermore, Hasan Turabi reconstructed two methods of classical Islamic law, is

qiyas into qiyas wasi' (expansive qiyas) and istishab became istishab wasi' (istishab expansive). Hasan Turabi argues that the two classical methods (qiyas and istishab) are too narrow to be used as a method of Islamic law in answering modern problems. Those who have tendencies of this style, like Yusuf Qardawi also tried to re-understand the results of ijtihad of classical jurisprudence scholars in order to answer the existing fiqh problems by sparking three methods of ijtihad. First, the coreqa'i method is the method of comparison of various classical fiqh opinions from various schools (cross-section) by reviewing the nasal arguments and the ijithad method that underlies the fiqh legal opinion to be selected so as to find legal opinions relevant to the current context. This intiqa'i method is not a method used to follow a legal opinion without knowing and analyzing the basis on which that legal opinion is based (taqlid) and is also not a form of mixing various legal opinions with the aim of taking the lightest (talfiq). In its application, the Intiqa'i method has a number of contemporary instruments that serve as references in selecting various classical fiqh opinions, including social and political changes and developments in the global world, knowledge of modern sciences, and the development and needs of the times. Secondly, the Insha'i method is a method used to find legal conclusions on an issue that has not been raised by scholars before, both related to old and new problems with a variety of new ijtihad elements, such as the approaches of contemporary theories and opinions of contemporary figures. Third, the Intiqa'i-Insha'i Integration method, the method used to select various legal opinions of previous scholars to be taken that are relevant to the current context. Then added elements of new ijtihad in providing legal conclusions, so that it can produce a legal opinion that is different from previous opinions.

Second, ushul fiqh which has a style of religious liberalism. Unlike the style of religious utilitarianism, this style emphasizes more on efforts to find new Islamic legal methodologies, such as the thought of Fazlur Rahman who has formulated a legal method known as The Double Movement Theory. The first step is to understand the situation and historical problems of the revelation to find the legal illat (legis ratio) in a law. Furthermore, the second movement is to generalize and systematize the general principles of the first movement to be confronted with the reality of today's context. The two movements aim to produce legal conclusions that are different from existing fiqh opinions. Then Mahmoud Muhammad Taha also offers an evolutionary approach or what is called the nasakh concept, which is a theory of evolution in the determination of an

Islamic law based on the verses of the Qur'an in its terms. In this case Taha divides verses of the Qur'an into two namely verses Makiyah and Madaniyah. According to Taha, in the face of dynamic and pluralistic social changes today, it is necessary to re-apply the spirit content of the Makiyah verses which contain values of egalitarianism, universal without discriminating against gender, religion, ethnicity and others. In addition to Rahman and Taha, Muhammad Syahrur also formulated a legal theory called The Limit Theory or the boundary theory (hudud). This theory states that the commands of God revealed by al-Qur'an and Hadith related to human actions have a limit character that is the maximum limit (hadd al-'a'la) and the minimum limit (hadd al-adhna). In its implementation, this limit theory can provide an elastic and flexible space for the stipulation of Islamic law when it is adapted to certain conditions.

Substantially, the two features of contemporary ushul fiqh above, both religious utilitarianism and religious liberalism, can be understood that both have similarities in the effort to reformulate ushul fiqh, namely by trying to contextualize the methodology of Islamic law with the changing and dynamic needs of the times to achieve benefit for the people. But what distinguishes the two, namely for those who have a style of religious utilitarianism, they are more trying to develop classical methods that already exist. In the context of paradigm shifts and scientific revolutions, these conditions can be referred to as the development of normal science, namely changes that have occurred in the form of the development of classical method in ushul fiqh that has already been established. As for those who have a style of religious liberalism, they try to formulate a new (contemporary) method in extracting Islamic law that is completely different from the various methods of Islamic law in the study of established classical Jurisprudence. Where these conditions can be called a scientific revolution (scientific revolution) which has shown a paradigm shift (paradigm shifting), which has been a total drastic change, namely the birth of a new Islamic legal method that is totally different from the paradigm of classical Islamic legal methods that already established. From this it can be concluded that there has been a paradigm shift and even a scientific revolution in the style of the development of the existence of contemporary Jurisprudence. Where it happened because of the awareness of contemporary Islamic law figures over the challenges of the problems of Islamic law that developed and were complex following the times. Such conditions require them to reactualize the thought of contemporary Islamic legal methodology which not only refers to the benchmarks of truth against various

established classical Islamic legal methods, but considers the existence of axiological demands in response to various problems of Islamic law that are always dynamic.

## **Conclusion**

There are two stages in the development of scientific disciplines. First, the normal stage of science which aims to strengthen and develop the old single paradigm that has prevailed so that the development of the resulting theory is cumulative. At this stage, a science is developed in a strict paradigm, so observations and experiments carried out in the formation of new theories are very limited by existing paradigms and theories. Second, the stage of paradigm shift and scientific revolution, namely the change from the old paradigm to the new paradigm which aims to answer problems (crisis) that cannot be solved by the old paradigm. In this stage, the power of innovation is more prominent than the attachment to the existing paradigm, so that the development of the resulting theory is non cumulative. At this stage, science is developed through experimental ideas that are outside the paradigm held by the majority of scientists. Observations and experiments at this stage are intended to test every new idea that attempts to resolve crises that occur in the old paradigm.

In the context of the development of contemporary ushul fiqh, the normal existence of science, the shifting of paradigms and scientific revolutions can be seen in the development of even paradigm shifts in classical Islamic legal methodology that have been established. As are the two features of contemporary Islamic legal methodology, namely religious utilitarianism and religious liberalism. Where both have a meeting point of orientation in an effort to reformulate the methodology of Islamic law, namely by trying to contextualize the methodology of Islamic law with the changing and dynamic needs of the times to achieve benefit for the people. Although epistemologically, there is a difference between the two, namely the style of religious utilitarianism which is more trying to develop existing classical methods. Which can be said as the development of normal science in classical Islamic law methods that have been established, as well as, the *qiyas wasi'* and *istishab wasi'* methods (Hasan Turabi), *intiqo'i*, *insha'i*, *intiqo'i-insha'i* methods (Yusuf Qaradhawi) and others. While the style of religious liberalism is more trying to formulate various methods of Islamic law that are completely different from the various methods of Islamic law in the established classical fiqh ushul. In this case it can be said as a shift in the scientific revolution which is a drastic total change from various

established methods of classical Islamic law to various methods of contemporary Islamic law, such as the double movement theory (Fazlurrahman), evolutionary approach (Mahmoud Muhammad Taha), limit theory (Muhammad Syahrur) and others.

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