

**REFORM OF ISLAMIC LAW: A STUDY OF ABDULLAH AHMED AN-NAIM'S
THOUGHT**Rifqi Firdaus¹¹ Ibrahimy Islamic University Banyuwangi, Banyuwangi, Indonesia**Corresponding Author:**

Rifqi Firdaus,

Department of Islamic education management, Ibrahimy Islamic University Banyuwangi.

Email: rifqifirdauss19@gmail.com**Article Info**

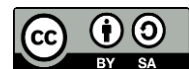
Received: July 21, 2025

Revised: August 16, 2025

Accepted: September 02,
2025Online Version: September
22, 2025**Abstract**

The influence of political progress and socio-cultural plurality in a society and country makes it possible to reform Islamic law, one of the figures of this reform is Abdullah Ahmed An-Na'im. This research is a literature study, where the researcher wants to obtain the results of an in-depth study regarding the literature on Islamic Legal Reform from the Perspective of Abdullah Ahmed An-Naim. He adopted his teacher's method, namely a revolutionary reform methodology whose essence was an invitation to develop new principles of interpretation that would enable the application of the verses of the Qur'an and Sunnah. This approach, if implemented, will be able to break the deadlock between the goals of reform, the limitations of historical sharia concepts and techniques. An-Na'im offers the idea of sharia reform which allows sharia to address important issues for the future of humanity, such as democratization, world peace, including respect for human rights. The concepts of An-Naim's ideas are (1) Sharia as a historical product, (2) Madaniyah Historical Sharia, (3) Modern Makiyyah Sharia (4) Nasakh as modern methodology.

Keywords: Abdullah Ahmed An-Naim, Nasakh, Reform of islamic law, Sharia deconstruction,



© 2025 by the author(s)

This article is an open-access article distributed under the terms and
conditions of the Creative Commons Attribution-ShareAlike 4.0

International (CC BY SA) license

[\(https://creativecommons.org/licenses/by-sa/4.0/\)](https://creativecommons.org/licenses/by-sa/4.0/).

Journal Homepage

<https://journal.zmsadra.or.id/index.php/jois>

How to cite:

Firdaus, R. (2025). Reform of Islamic Law: A Study of Abdullah Ahmed An-Naim's Thought. *JOIS: Journal of Islamic Studies*, 1(2), 78–85.
<https://doi.org/XX.XXXXXX/jois.v1i2.1420>

Published by:

Yayasan Zia Mulla Sadra

INTRODUCTION

One of the factors that allows the renewal of Islamic law to occur is the influence of political socio-cultural progress and plurality in a society and country. If we examine the situation in the very early period by taking examples of regions that were also considered as schools of thought, namely the Hijaz, Iraq and Syria, it is very clear the role and influence of socio-cultural and cultural elements on the fuqaha in formulating Islamic law. They often formulate interpretations of the Qur'an and Sunnah in socio-cultural and political contexts. (Qodri Azizy 2002)

The reform of Islamic law was promoted by Muslim scholars, one of whom was Abdullah Ahmed An-Na'im. An-Na'im was born in Sudan in 1946, he completed his undergraduate education at Khartoum University, Sudan. Three years later (1973) An-Na'im received three degrees at once LL.B., LL.M., and M.A. (diploma in criminology) from the University of Cambridge, English. In 1976, he received a Ph.D., in law from the University of Edinburgh, Scotland, with a dissertation on comparative criminal pretrial procedures (English, Scottish, American, and Sudanese law). Currently An-Na'im works as a Charles Howard Candler professor in the field of Law at Emory Law School, Atlanta, United States. (Dahlan 2009)

Even though he comes from a poor and underdeveloped country, An-Naim was able to become an international standard academic and successful. He has produced various scientific works, including *Toward an Islamic Reformation: Civil Liberties, Human Rights and international Law*. Syracuse, NY: University Press, 1990, which is a monumental work. The book dissects aspects of the ambiguity of Islamic legal thought, both methodological and material issues. What emerges from An-Naim's works is the building of his Islamic legal epistemology which has criticized the theory and practice of international Islamic law. Even though An-Na'im's thoughts are based on nasakh theory, they are still textual in nature, he has given birth to new Islamic legal products. (Dahlan 2009)

While he was a student, An-Na'im became acquainted with the controversial Sudanese modernist figure, Mahmud Mohammad Toha. Toha is a lecturer at Khourtum University and also the founder of the Republican Brotherhood, a reformist Islamic party that is actively involved in the dynamic political constellation in Sudan. This party had a modernist Islamic orientation which at that time had not yet developed in Sudan amidst the Sudanese nationalist struggle at the end of World War II. Toha created an alternative to the major nationalist political parties, because he felt they were dominated by conservative Muslim leaders. An-Naim is widely known as an expert on Islam and Human Rights, from a cross-cultural perspective. His research covers constitutional issues in Islamic and African countries, as well as issues regarding Islam and politics. (Busyro 2014)

The term sharia is often used in Islamic discourse as the totality of Muslims' religious obligations, both in a personal sense and in relation to social, political and legal norms and institutions. However, the principle of internal political development in Islamic countries has given rise to divisions and corresponding changes. The opposition movements carried out by Toha, An-Na'im and their groups experienced their peak when the Numeiri regime carried out Islamization, namely by implementing Islamic sharia (Islamic Law) as state law. In this case, it does not mean that they do not agree with the application of Islamic law as state law, but this rejection is based on the assumption that the application of Islamic law tends to provide political benefits for the longevity of their regime, is sectarian, discriminatory, intolerant and antagonistic. with human rights standards. (Busyro 2014)

An-Na'im, as a figure who reformed Islamic law, criticized two inadequate constructions of legal interpretation in Islam, namely traditional interpretation and secular reform. In An-Na'im's view, Western culture (secular renewal theory) and Islamic culture (Traditional Islamic legal theory). The secular reforms adopted by Muslims have given birth to secular humanism,

while traditional Islamic legal theory has led to the elimination of basic human rights. (Dahlan 2009)

An-Naim carried out internal Islamic solutions to traditional Islamic legal theory while criticizing secular humanism in matters of civil law, criminal law, international law, state constitutions, constitutional law, as well as international issues such as relations between Muslim countries and non-Muslims and state relations. Islam and non-Islamic countries. This legal interpretation seeks to support the implementation of Islamic legal teachings in totality without violating the rights of other people. (Maula and Aziz 2016). This article describes: Abdullah An-Na'im's methodology. Abdullah An-Na'im's thoughts.

RESEARCH METHOD

The method used in this research is a library research method. Library-based research is a form of research that uses literary works as the object of study. In this study, the method used is a literature study. (Sawarjuwono and Kadir, 2003) where the researcher aims to obtain an in-depth review of the literature on Islamic Legal Reform from the perspective of Abdullah Ahmed An-Naim.

RESULTS AND DISCUSSION

An-Na'im Methodology

The Islamic reform or sharia deconstruction initiated by an-Na'im which later became famous throughout the world as a response to his thoughts intended to provide a solution for the process of changing perceptions, attitudes, behavior and policies of Muslims on Islamic and not secular grounds. An-Naim said that if a basis for pure modernist reform that is acceptable religiously is not built, then Muslims now and in the future will only have two alternatives, namely implementing the Shari'ah with all its weaknesses in responding to the dynamics of the times and its problems, or abandoning it and choosing law. secular public. (Maula and Aziz 2016)

Abdullah Ahmad An-Na'im saw the challenges of modernity that emerged when the Islamic world achieved political independence from the grip of imperialism in the 20th century. One of the issues that arises is how to position sharia so that it can accommodate all citizens with heterogeneous ethnic and religious backgrounds. Apart from that, how to formulate sharia so that it is always relevant and supports modern principles and human rights (HAM) which have become international agreements. In this framework, a theoretical basis is needed so that the Islamic legislation developed can be logical and consistent. Thus, it is absolutely necessary to formulate a systematic methodology that has strong Islamic roots. (Wimra 2012)

The need for sharia reform and its methodological tools is based on the assumption that the existing sharia positions and formulations are considered no longer adequate and are even considered to be in conflict with modern legal principles and human rights with recent actual issues. (Lopa 1996)

An-Na'im adopted his teacher's method, namely a revolutionary renewal methodology, which is described as the evolution of Islamic legislation (modern mystical approach), which is essentially an invitation to develop new interpretive principles that allow the application of the verses of the Qur'an and Sunnah. This approach, if implemented, will be able to break the deadlock between the goals of reform, the limitations of historical sharia concepts and techniques.

The principle of the text of canceling certain texts of the Qur'an and Sunnah for the purposes of determining law by other texts of the Qur'an and Sunnah for purposes of determining law by other texts of the Qur'an and Sunnah is crucial for validity theoretical and practical viability of the evolutionary approach. (Zaid 1951) Then combine the text theory with

general principles regarding concrete analysis of the implications of Islamic public law. Primarily regarding the balance of the rights of Muslims and non-Muslims as well as men and women in determining their own destiny. This is the price of humanity buried in the theoretical formulation of traditional sharia. (Wimra 2012b)

An-naim explained that the Qur'an is divided into two qualitatively different message styles, namely the message of the Makkah verses and the message of the Medina verses. The substance of the Makkah message emphasizes the values of justice and fundamental equality and the inherent dignity of all human beings. Meanwhile, the renewal of the message content after moving to Medina was the Al-Quran and Sunnah which accompanied the value of differentiating between Muslim and non-Muslim men and women in their status before the law. According to the text of the Qur'an, the Makkah and Medina periods differ not because of the time and place of revelation, but rather the different target groups. The words "O you who believe" were revealed in Medina for a certain group, while the Makkah verses are more general which say "O fellow humans". (Maula and Aziz 2016).

An-Na'im's thoughts

An-Na'im's view (denying the sacredness of the Shari'ah) apparently wants to make the Shari'ah relative. This is certainly dangerous, because by eliminating the sacred value of the Shari'a and making it relative, it will result in reduced Muslim compliance with the implementation of the Shari'a, because it is considered a human product and has no definite truth value. After the Shari'ah was no longer considered sacred, the next step, An-Na'im called for reforming the Shari'ah. But he rejects this reform being carried out within the existing sharia framework because in this framework, according to him, *ijtihad* does not apply to laws that have been definitively touched upon by the Qur'an. Meanwhile, the laws that need to be reformed are laws that fall into this category, such as *hudud* and *qishas* laws, the status of women and non-Muslims, inheritance laws and so on. (Maula and Aziz 2016)

For an-Na'im, this is the dilemma faced by Islamic law reformers. On the one hand they are told to make *ijtihad*, but on the other hand they are prevented by the classic *ushul fiqh* provisions "*la ijtihad fi mawrid al-nass*." Therefore, what is needed is not reform but deconstruction. An-Na'im seems to want to break open the door to reform by taking a path that uses the hermeneutical method to read the purpose and normative content of the verses of the Qur'an. (Wimra 2012b)

An-Naim expressed the opinion that sharia reform to respond to the demands of modernity can be carried out while still relying on the fundamental sources of sharia, namely the Quran and Sunnah, accompanied by efforts to reinterpret them in a way that remains in accordance with the totality of its content and mission. (Maula and Aziz 2016) In this context, he offers the idea of sharia reform which allows sharia to address important issues for the future of humanity, such as democratization, world peace, including respect for human rights. An-Naim's concept is as follows: Sharia as a historical product, Madaniyah Historical Sharia, Makiyyah Modern Sharia, Nasakh as a modern methodology.

Sharia as a historical product

In An-Na'im's opinion, sharia is the result of historical human interpretation of the fundamental sources of Islam, namely the result of interpretation of the texts of the Qur'an and as-Sunnah according to the historical context of the seventh to ninth centuries. It was during this period that Islamic legal experts interpreted the Qur'an and other sources in order to develop a comprehensive sharia system as practical guidance for Muslims at that time. (Dahlan 2009)

As a product of history, the formulation of sharia can be reformed when it is felt that it is no longer adequate for contemporary life. That is why an-Naim uses historical formulation words, to make them legitimize the possibility of reforming the sharia system so that it remains modern, as he wants to build. (Maula and Aziz 2016)

An-Na'im's views on Sharia, fiqh and Islamic law are still difficult to distinguish from each other, because they seem to be equated with each other, namely that they are both the result of historical interpretation of the fundamental sources of Islam, the Qur'an and Sunnah. Apart from that, it also refers to terminology that is not commonly used by most scholars. But that is the sharia that an-Na'im intended when he built the framework of his ideas.

Madaniyah Historical Sharia

For an-Naim, the existing sharia is no longer adequate for contemporary needs, so it must be replaced with a new sharia. This thesis clearly challenges the views of Muslims who believe that sharia is a complete and final legal system. In fact, it is considered that perfection lies in the sharia in the Medina period. It was during this period that the sharia took on a more detailed form, and it was during this period that the verse al-Maidah: 3 was revealed which mentions the perfection of Islam, namely:

...On this day I have perfected your religion for you, and I have fulfilled My blessings on you, and I have approved that Islam will be your religion. So whoever is forced by hunger to commit a sin, verily Allah is Forgiving, Most Merciful.

According to an-Naim, the detailed and detailed sharia indicates its temporal and contextual nature. These details are evidence of a dialogical relationship between sharia and the concrete reality it faces. The Al-Quran and Sunnah as sources of sharia are Islam's response to the concrete reality of the past, therefore they must also be sources of modern sharia as Islam's response to the concrete reality of the present. The necessity of making the Qur'an and Sunnah as sources of modern sharia requires creative efforts to choose which verses of the Qur'an and Sunnah are relevant to needs. This is where an-Na'im sees Madaniyah sharia which originates from verses from the Medina period as irrelevant and inadequate to answer the challenges of contemporary society. This is because Madaniyah's sharia formulation still discriminates against men and women, Muslims and non-Muslims. In fact, today's world community tends to adhere to and uphold equal rights among themselves. (Albab 2019)

The context of Madinah that an-Na'im understood was the social reality experienced by the Muhajirin who interacted with the Ansar, where among the Ansar there were people who believed and those who did not. The interaction pattern recommended by the Qur'an at that time was seen as conditional. An-Na'im compares it with contemporary patterns of interaction between religious communities which are increasingly plural. (Maula and Aziz 2016)

Makiyyah Modern Sharia

After An-Na'im deemed Madaniyah sharia inadequate, An-Naim invited him to abandon the sharia. Then he offered Makkiyah sharia which he considered relevant to the needs of contemporary society. This sharia is what he later called modern sharia. An-Na'im emphasized that the Meccan verses are verses that emphasize the fundamental values of justice and equality and the inherent dignity of all human beings. For example, he stated that the Qur'an during the Mecca period always greeted all humans using the words "O children of Adam", or "O humans". Apart from that, the Makkiyah verses also refer to all humans in a tone of honor and dignity without distinguishing between race, skin color, religion and gender. (Maula and Aziz 2016)

Some indicators of Makiyyah verses are: It has nuances of faith and moral guidance, but does not contain legal guidance and its implications. In contrast to Madaniyah sharia which gives the impression of being discriminatory and intolerant, Makkiyah sharia is more egalitarian and tolerant. Emphasizes the values of justice and unity based on the inherent

dignity of all human beings. Very caring for the weak. According to Johan Effendi's study, letters revealed in Mecca, or in the early days of Muhammad's prophethood (610-615 AD), contained harsh criticism of greed and social ignorance. (Nurcholish and Rachman 1994) Makkiyah Sharia with these characteristics is offered by An-Naim as an alternative to replace the existing historical Sharia.

Nasakh as a modern methodology

An-Na'im agrees with the ulama who accept the text as a theory used to form new laws. The method chosen by an-Naim, as previously mentioned, was to use naskh as a method to compromise verses that were seen as contradictory to each other. However, what An-Naim did was different from the ulama in determining the text process. The scholars carry out the naskh by deleting or suspending the previous verse by the later revealed verse (nasikh), and the deleted verse (mansukh) is no longer used. (Wimra 2012)

According to An-Na'im, the naskh process is tentative according to the demands of the situation and conditions, namely which verse is needed at a certain time, then that verse is applied. Verses that are not needed, because they are not relevant to contemporary developments, are positioned as mansukh verses and may be replaced with other verses. An-Na'im put forward a statement regarding the conditions of the "current sharia public" which over time has spread to all corners of the earth, of course with a socio-cultural background that is rich in differences. In this regard, the formulation of the text that has been put forward by classical scholars is of concern to an-Na'im. He had the desire to review the formulation of the text critically. Perose's birth (geneology) of an-Na'im's thoughts in criticizing the formulation of this naskh, he admitted that he himself was inspired by the views of his teacher, Mahmoud Muhammad Taha, who issued the concept of evolution of sharia. (Maula and Aziz 2016)

This explanation makes it clear that according to an-Na'im, of particular importance in the current context is reconsidering the principle of naskh (cancellation or revocation of the legal validity of certain verses of the Qur'an, replacing them with other verses. (Dahlan 2009) Thus, according to an-Na'im, naskh can mean the deletion or suspension of verses that came later by verses that came down first, if contemporary conditions require it. Furthermore, if necessary, the verses that come later can be reactivated on another occasion according to the need. This is what he means by "intiqaal min nash ila nash" is the transition from a text that has served its purpose to another text that is delayed waiting for the right time. Thus, the evolution of the Shari'ah is not something that is unrealistic, nor is it a naive and crude view. It is merely a transition from one text to another. An-Na'im himself realized that there was overlap in the grouping of Makkiyah and Madaniyah verses. The grouping based on the place of revelation was not significant. The use of the Makkiyah and Madaniyah groupings is a simple term, to show differences in the context and audience of revelation. Therefore, there are some Makkiyah verses whose substance is Madaniyah verses, and vice versa. Thus, verses that are tolerant and democratic are seen as Makkiyah verses, and verses that are not in line with that spirit are grouped as Madaniyah verses. (Wimra 2012)

If the previous ulama's manuscripts worked to produce historical shari'ah by using Madaniyah verses as nasikh and Makkiyah verses as mansukh, then an-Na'im continues to use the naskh as a methodology to produce modern Islamic shari'a law with reversing the usual way of working. Because according to him the Makkiyah verses which are universal and non-discriminatory are more relevant to modern human life. (Maula and Aziz 2016)

For an-Na'im, the message of Mecca is an eternal and fundamental message that emphasizes the inherent dignity of all human beings without distinction of gender, religion, belief, race and so on. However, between determining the message of Mecca and Medina there is no explanation of the criteria. Because at that time society was not ready to implement it, a more realistic message during the Medina period was implemented meaning that the Medina

message was a substitute, while the Meccan message was postponed and aspects of the Meccan message would never disappear as a source of law.

The method initiated by an-Na'im and his teacher has in turn had an impact on the current sharia, especially on several legal aspects such as *ijtihad* and human rights issues; religious tolerance, Islamic civil and criminal law, and constitutionalism and international relations. The concept of *naskh* which is the basis of his thinking shows a new form that is unique and even controversial amidst the concept of *naskh* of most *ushul fiqh* scholars. (Maula and Aziz 2016)

It is clear that an-Na'im did not use a secular approach in developing Islamic legal methodology, as is often accused of him, but continued to use the Qur'an and as-Sunnah as primary sources in exploring Islamic law. This can be seen from the concept of *ijtihad* which he developed using the *Naskh* method. The difference is that traditional scholars interpret the text as erasing the legal content of the verses of the Qur'an forever, and the verses that came down later cancel the verses that came down earlier with the term *Madaniyyah* verses erasing the *Makkiyyah* verses. In contrast to that, An-Na'im interprets *naskh* as delaying verses from the Qur'an that are not relevant to a particular social context, and will be able to re-apply at other times and social contexts when these verses are needed. Thus it is clear that the criterion for *Nasakh Mansukh* is which verse is better, not which verse was revealed first. (Wimra 2012)

CONCLUSION

An-Na'im adopted his teacher's method, namely a revolutionary reform methodology which was essentially an invitation to develop new principles of interpretation that allowed the application of the verses of the Qur'an and Sunnah. This approach, if implemented, will be able to break the deadlock between the goals of reform, the limitations of historical sharia concepts and techniques.

An-Na'im offers the idea of sharia reform which allows sharia to address important issues for the future of humanity, such as democratization, world peace, including respect for human rights. The concepts of An-Na'im's ideas are (1) Sharia as a historical product, (2) *Madaniyyah* Historical Sharia, (3) Modern *Makkiyyah* Sharia (4) *Nasakh* as modern methodology.

REFERENCES

- Albab, Ananda Ulul. 2019. "Interpretasi Dialog Antar Agama Dalam Berbagai Prespektif." *Al-Mada: Jurnal Agama, Sosial, Dan Budaya* 2 (1): 22–34. <https://doi.org/10.31538/almada.v2i1.223>.
- Busyro. 2014. "Abdullah Ahmad An-Na'im Dan Konsep Pemikiran Hukum Liberalisnya." *Al-Hurriyah: Jurnal Hukum Islam* 2 (3): 43–60.
- Dahlan, Moh. 2009. *Abdullah Ahmed An-Na'im: Epistologi Hukum Islam*. Pustaka Pelajar.
- Lopa, Baharuddin. 1996. *Al-Qur'an Dan Hak-Hak Asasi Manusia*. Dana Bhakti Prima Yasa.
- Maula, Jadul, and Imam Aziz. 2016. *Dekonstruksi Syari'ah: Wacana Kebebasan Sipil, Hak Asasi Manusia Dan Hubungan Internasional Dalam Islam*. IRCISOD.
- Nurcholish, Majid, and Budhy Rachman. 1994. *Kontekstualisasi Doktrin Islam Dalam Sejarah*. Yayasan Wakaf Paramadina de Lazis Paramadin.
- Qodri Azizy. 2002. *Eklektisisme Hukum Nasional: Kompetisi Antara Hukum Islam Dan Hukum Umum*. Gama Media.
- Sawarjuwono, Tjiptohadi, and Agustine Prihatin Kadir. forthcoming. "intellectual capital: perlakuan, pengukuran dan pelaporan (sebuah library research)." *Jurnal Akuntansi* 5 (1).

Wimra, Zalfeni. 2012. “Pemikiran Abdullah Ahmad An-Na ’ Im Tentang Teori Naskh.” *Innovatio* XI (2): 213–44.

Zaid, Mushthafa. 1951. *An-Naskh Fi Al-Quran al-Karim*. Dar al-Fikr.

Copyright Holder :

© Rifqi Firdaus (2025).

First Publication Right :

© JOIS: Journal of Islamic Studies

This article is under:

