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Implementation of Qiyas Dalil in Istinbath Contemporary Muamalah Law

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ABSTRACT

Qiyas is one of the methods of ruling in Islam that is used to determine the rulings of contemporary cases that do not have a direct text from the Qur'an and Sunnah. There are many contemporary cases that require a qiyas approach in determining the law. Therefore, this research is important to do in order to fill the void. This research is a descriptive qualitative research with a literature study approach. This approach is used to analyze the application of qiyas in contemporary muamalat based on the opinions of classical and contemporary scholars, as well as studies from fatwas of sharia institutions. This data is taken from various sources of literature relevant to the topic of qiyas, such as books of ushul fiqh, the views of fuqaha, and fatwas issued by sharia institutions, such as AAOIFI and Majma' Fiqh Islami. The stages of research are the stages of collecting literature data (library research), data validation, through triangulation. The next stage of data analysis and interpretations and the preparation of conclusions by systematically examining the application of qiyas in contemporary muamalat is carried out using qualitative descriptive analysis methods. The result of the study is that qiyas is defined as the similarity of the branch to the origin in terms of legal illat. The urgency of qiyas in contemporary muamalat law is crucial, especially due to the limitations of nash and ijma. Qiyas plays an important role in providing sharia legal certainty for various cases that continue to develop. The views of classical and contemporary scholars on the importance of qiyas in determining Islamic law, as well as several related fatwas issued by world fatwa institutions, are the basis for determining (istinbath) the law. With qiyas, Islamic law remains relevant to be applied in modern economic transactions. The application of qiyas in various contexts of contemporary muamalat, such as the qiyas of currency with dinars and dirhams, the validity of cash waqf with qiyas against weapons of war, as well as the validity of service lease transactions and qiyas on salam contracts. The application of qiyas leads to the determination of certain laws and leads to legal certainty regarding the contemporary issue in question.

Keywords: qiyas; contemporary muamalat; legal illat; currency; cash waqf; salam transactions.

INTRODUCTION

In Islam, there are four sources of law which include the Qur'an, Sunnah, consensus, and qiyas. The Qur'an is the main source in Islamic law, so in referring to Islamic laws, the Qur'an must be given priority. If not contained in the Qur'an, then the Sunnah becomes a reference because the Sunnah explains the contents of the Qur'an. (Tan-Soo & Pattanayak, 2019) . If it is not found in this Sunnah, then Ijma' becomes the reference because Ijma' is based on the texts of the Qur'an and Sunnah. If it is not found in Ijma', then it should refer to qiyas. Qiyas is a tool for ijtihad. In this hierarchy, qiyas occupies the fourth position as a source of Islamic law. As time goes by and the times progress, new phenomenons continue to emerge in human life. Customs and traditions undergo changes and developments in line with the progress of the times, which often raises issues that are not explicitly regulated in the Qur'an or hadith. However, Islam is expected to be able to fulfill human needs and desires, as well as to fulfill the needs and desires of the people..

Legal issues in its various aspects that were previously unimaginable emerge and develop rapidly in the era of globalization. Recent examples of problems in the field of Islamic muamalah include professional zakat, insurance, electronic banking practices, capital markets, stock exchanges, mutual funds, e-commerce, and others. Unfortunately, not all legal issues that arise in the contemporary era of globalization can be clearly answered by the verses of the Qur'an and the traditions of the Prophet (peace and blessings of Allah be upon him). While some issues that arise in the contemporary era have been discussed by previous scholars, the cases and conditions are not exactly the same.

In response to this situation, the scholars attempted to create a legal product by making interpretations and earnest efforts which are often referred to as ijtihad. This ijtihad needs to be done because of the demand that the law must be able to answer various problems that arise along with the times and the passage of time. The object of ijtihad includes everything that is not expressly regulated in the texts of the Qur'an and sunnah, as well as issues that have no textual basis at all. In the context of Islamic legal methodology (ushul fiqh), scholars use various methods to conduct legal ijtihad, one of which is qiyas. Even two generations before Imam Shafi'i, namely the generation of the companions of the Prophet (blessings and peace of Allah be upon him), had made contemporary legal ijtihad based on qiyas. As quoted by ibnu Qayyim:

وَقَدْ كَانَ أَصْحَابُ رَسُولِ الله صَلَّى الله عَلَيْهِ وَسَلَّمَ - يَجْتَهِدُوْنَ فِي النَّوَازِلِ وَيَقِيْسُوْنَ بَعْضَ الْأَحْكَامِ عَلَى بَعْضٍ، وَيَعْتَبِرُونَ النَّظِيرَ بِنَظِيْرِهِ.

The Companions of the Messenger of Allah (blessings and peace of Allah be upon him) used to do ijtihaad in contemporary cases at that time. They used to compare the rulings of some cases with other cases and equate the ruling of one case with a similar case.(Al-Jauziyah, 2002). Ibn Juzay (d. 741H) also emphasized the importance of qiyas in determining contemporary muamalat law. He said:

القِياسُ وَهُوَ أَصْلُ الرَّأْيِ وَتَجَالُ الاجْتِهَادِ، وَبِهِ تَثْبُتُ أَكْثَرُ الأَحْكَامِ، فَإِنَّ نُصُوصَ الْكِتَابِ وَالسُّنَّةِ مَحْصُورَةٌ، وَمَوَاضِعَ الإِجْمَاعِ مَعْدُودَةٌ، وَالوَقَائِعَ غَيْرُ تَحْصُورَةٍ، فَاضْطَرَّ العُلَمَاءُ إِلَى أَنْ يُثْبِتُوا عَنْهَا بِالْقِيَاسِ مَا لَمْ يَثْبُتْ بِنَصٍ وَلَا إجماع.

"Qiyas is the main legal basis of ra'yu and is the domain of ijtihad, many Shari'ah rulings are based on qiyas. This is because the texts of the Bible and Sunnah are limited and the cases in which there is consensus can be counted. Meanwhile, the cases that occur are not limited. So the scholars have no other way but to determine the Shar'i rulings on these cases on the basis of qiyas in the absence of texts and consensus.” (Abu Qasim Muhammad al-Maliki, 2002)

The words of a scholar of ushul fiqh from the eighteenth century are true. And his statement was repeated by a scholar of this century, Shaykh Mustafa al-Zarqa (d. 1999), who was more emphatic in his statement:

فَلَا سَبِيلَ إِلَى إِعْطَاءِ الحَوَادِثِ وَالمُعَامَلَاتِ الْجَدِيدَةِ مَنَازِلَهَا وَأَحْكَامَهَا فِي فِقْهِ الشَّرِيعَةِ إِلَّا عَنْ طَرِيقِ الاجْتِهَادِ بِالرَّأْيِ الَّذِي رَأْسُهُ القِيَاسُ ... فَالْقِيَاسُ أَغْزَرُ المَصَادِرِ الفِقْهِيَّةِ فِي إِثْبَاتِ الْأَحْكَامِ الفَرْعِيَّةِ لِلْحَوَادِثِ.

There is no way to provide shar'i rulings on contemporary cases and muamalat except through ijtihad with ra'yu which culminates in qiyas... qiyas is the most extensive source of fiqh rulings in establishing fiqh rulings.

There is a demand that Islamic law must be able to answer various problems that arise along with the times and the passage of time, so this study is important to do with the focus of the problem related to how the application of qiyas arguments on several contemporary issues in the field of Islamic muamalah, related to the limits of the definition of qiyas that is most relevant in the context of contemporary muamalat law. Why does qiyas have an important urgency in determining new laws that are not explicitly explained in the nash and ijma? And how is qiyas applied in determining contemporary muamalat laws such as the use of currency, waqf money, and salam transactions?

RESEARCH METHOD

This research is a descriptive qualitative research with a literature study approach. The research design is emergent and flexible, allowing the research to adapt as new insights during data collection (Colorafi & Evans, 2016) . Researcher access and adaptation, especially to qualitative methods (Stanley, 2023). The approach is used to analyze the application of qiyas in contemporary muamalat based on the opinions of classical and contemporary scholars, as well as studies from fatwas of sharia institutions. This research aims to provide an in-depth description of the relevance of qiyas in determining sharia laws that have no basis in nash.

The subjects of this research are various fatwas and views of scholars who discuss the use of qiyas in contemporary muamalat law. While the object of this research is various contemporary cases that do not have direct nash, such as the application of qiyas to cash, cash waqf, and service transactions. The data used in this research is secondary data derived from books, journals, and fatwas of scholars, both from classical and contemporary scholars. This data is taken from various sources of literature relevant to the topic of qiyas, such as books of ushul fiqh, the views of fuqaha, and fatwas issued by Islamic institutions, such as AAOIFI and Majma' Fiqh Islami. The research stages are the stage of collecting literature data related to qiyas and its application in muamalat law, through literature studies or library research. Furthermore, data validity is carried out through source triangulation, namely by comparing various views of scholars and fatwas from different sharia institutions, as well as examining the suitability between the qiyas theory used and practices in the field. In addition, checking the original source of the reviewed literature was also carried out to ensure its validity. The stage of analyzing fatwas and scholars' views on the application of qiyas in contemporary cases, and the stage of interpreting data and drawing conclusions Systematically examining the application of qiyas in contemporary muamalat is done using a qualitative descriptive analysis method. The data collected is analyzed to identify the patterns and basic principles on which qiyas is based, as well as the relevance of qiyas in the context of current muamalat law. With this method, the research is expected to provide a comprehensive picture of the application of qiyas as one of the sources of law in solving contemporary muamalat problems.

RESULT AND DISCUSSION

The Concept and Interpretation of Qiyas and the Urgency of Qiyas in Establishing New Laws

Qiyas is a method of legal reasoning used in Islamic jurisprudence to derive legal rulings for new cases by drawing analogies with established precedents. It is used when there is no explicit text in the Qur'an or Hadith that addresses a particular issue (Iqbal, 2022a). Qiyas is considered a form of ijtihad (independent reasoning) and reflects an intellectual endeavor to achieve legal knowledge through rational analysis. It is a sophisticated form of reasoning that extends the reasoning of existing legal texts to new situations, ensuring that Islamic law remains relevant and adaptable to contemporary issues (Laluddin et al., 2012) . *Qiyas is methodologically similar to argumentum per analogium in conventional legal theory, emphasizing the search for a common legal motif ('illat) among cases.*

The Urgency of Qiyas in Establishing New Laws, Addressing New Issues, Qiyas is essential for addressing new legal issues that arise due to the evolving nature of society and technology, which are not explicitly covered by the primary sources of Islamic law (Qur'an and Hadith) (Maulana & Rozak, 2021) . By using qiyas, jurists can extend the principles of Islamic law to new contexts, ensuring that the law remains dynamic and responsive to contemporary challenges (Iqbal, 2022b) . Integration with Maqasid al-Syariah plays an important role in guiding the application of qiyas, ensuring that legal rulings are aligned with the overarching goals of justice, welfare, and public interest (Thabrani, 2018).

In comparison to Nash and Ijma, the textual source of Nash refers to the explicit texts of the Qur'an and Hadith. Although these texts provide basic legal decisions, they do not cover every possible scenario, necessitating the use of qiyas for issues that are not directly addressed (Laluddin et al., 2012) . Whereas Ijma (Consensus), represents the consensus of Islamic scholars on a particular issue. Although ijma is a powerful source of law, it is not always feasible to reach consensus on every new issue, making qiyas an important tool for legal reasoning. Qiyas is an indispensable method in Islamic jurisprudence for deriving new legal rulings in the absence of explicit textual guidance. It ensures the adaptability and relevance of Islamic law by extending established principles to new situations through rational and analogical reasoning. Qiyas, or analogical reasoning, is a fundamental method in Islamic jurisprudence used to derive legal rulings for new cases by drawing analogies with established precedents. This method is particularly relevant in the context of Muamalah (social transactions and dealings) in contemporary Islamic law. Qiyas involves four main components, a) Al-Asl (original case), which is a case with a known decision from the Qur'an or Hadith, b) Al-Far' (new case), which is a new case that requires a decision, c) Al-Illah (effective cause), which is the common attribute between the original case and the new case, and d) Al-Hukm (ruling), which is the legal ruling applied to the new case based on its similarity to the original case (Hidayatullah, 2020).

Principles Guaranteed by Qiyas, ensuring that financial transactions do not involve interest (riba), which is considered exploitative and unfair. Absence of Gharar practices. ensuring that transactions are free from excessive uncertainty and speculation (Rakhmanov, Thommandru, & Tillaboev, 2024) . Promote investment in sectors deemed ethical and beneficial to society, avoiding industries such as alcohol, gambling and pork (Ilias, 2011). On the aspect of risk sharing, encourage profit and loss sharing arrangements to promote fairness and equity in financial transactions (Sakinç, 2021).

The importance of Qiyas in Modern Islamic Finance, in order to adapt classical Islamic principles to the contemporary financial context. This enables the development of new financial products that comply with Sharia law, such as Islamic bonds (Sukuk), Islamic insurance (Takaful), and various profit-sharing investment models. This adaptability is crucial for the growth and integration of Islamic finance in the global financial system (Basit, 2023). Qiyas is an essential tool in Islamic finance, ensuring that new financial practices and products adhere to the ethical and legal standards set by Sharia law. By applying analogical reasoning, Islamic finance can evolve and innovate while maintaining its fundamental principles of justice, equality and social welfare.

Application of Qiyas Dalil to Contemporary Muamalat Legal Contexts such as the Use of Cartal Currency, Waqf Money, and Salam Transactions

From a contemporary muamalah perspective, Qiyas is used to address new financial and social issues that are not explicitly covered in classical Islamic texts. This involves, a)

Identifying the Illah, by determining the underlying reason or cause in the original case that can be applied to the new case, b) Analogical Reasoning, which applies the ruling of the original case to the new case if the Illah is found to be common between them (Iqbal, 2022c). For instance and Relevance in Islamic finance, Qiyas is widely used to develop new financial products that comply with Shariah law. For example, the principle of profit sharing in a traditional partnership (Mudarabah) is analogously applied to modern investment vehicles (Shawamreh, 2013). On the aspect of legal reform, Qiyas supports the adaptation of Islamic law to the contemporary context, ensuring that new rulings are consistent with the objectives of the Shariah (Maqasid al-Syariah), such as justice, welfare, and public interest.

Some of the applications of Qiyas arguments in the field of Islamic muamalah, such as the use of karta currency, waqf money and salam transactions can be described as follows:

a) Application of the Qiyas proposition to the Use of Cardinal Currency

Qiyas, or analogical reasoning, is a fundamental method in Islamic jurisprudence used to derive legal decisions for new situations by drawing analogies with established precedents. The application of Qiyas to the use of currency, especially in the context of modern financial instruments such as virtual currencies. Analogical Reasoning in Islamic Finance, Thamaniyya (Intrinsic Value), that classical Islamic jurists prohibited usury (riba) in transactions involving precious metals as these metals were considered to have intrinsic value. This principle can be extended through Qiyas to any item that has value in contemporary times, including virtual currencies such as Bitcoin, provided it meets certain ethical conditions such as customary acceptance, legal validity, and stability of value.(Baker & Semai, 2020).

Historical Precedent, The use of gold and silver (dinar and dirham) as currency in Islamic history provides a basis for understanding the concept of intrinsic value. These metals were immune to inflation and provided a stable monetary system, which can be analogous to modern stable currencies (Yunus, 2016) . Modern Applications and Considerations, Virtual Currencies, For virtual currencies to be considered permissible under Islamic law, they must meet the requirements of holding value, being widely accepted, legally valid, and stable. This ensures that they are aligned with the principles of fairness and justice in financial transactions (Antonio, Rusydiana, Bahri, & Nasution, 2021). Paper Money, the transition from gold-backed currency to fiat money has been a significant evolution. Despite initial resistance, paper money is now widely accepted in Islamic finance, as it has become a major currency globally. This acceptance is based on its widespread use and a resolution by the Council of the Islamic Fiqh Academy (Yaacob, 2014).

Ethical Challenges and Considerations, currency manipulation, such as through inflation or devaluation, is seen as unfair in Islamic finance. Linking the currency to a stable standard, such as a basket of goods or precious metals, is recommended to maintain fairness and stability in the economy (Rab & Anjum, 2010). Digital Gold Currency (DGC), is considered a modern solution. DGC combines the stability of gold with the convenience of digital transactions, potentially offering a secure and inflation-proof alternative to fiat money (Godazgar & Haddadi, 2013). The application of Qiyas to the use of currency in Islamic finance involves extending the principles of intrinsic value and stability from traditional precious metals to modern financial instruments. Virtual currencies and digital gold currencies can be allowed if they meet the ethical and legal standards set by Islamic jurisprudence, ensuring fairness and stability in financial transactions.

In the context of Islamic finance, Qiyas is used to extend principles derived from the Qur'an and Sunnah to new financial instruments and practices. This ensures that all financial activities remain compliant with Shariah law, which prohibits interest (riba), excessive uncertainty (gharar), and gambling (maysir) (Khalfi & Saâdaoui, 2023). Classical Islamic jurists prohibited usury (riba) in transactions involving precious metals due to their intrinsic value (thamaniyya). This principle can be extended through Qiyas to any item that has value in contemporary times, including virtual currencies such as Bitcoin, provided it meets certain ethical conditions such as customary acceptance, legal validity, and stability of value (Baker & Semai, 2020). For a currency to be considered legitimate in Islamic finance, it must be stable and widely accepted. Cryptocurrencies, however, often fail to meet these criteria due to their high volatility and speculative nature, which does not align with Islamic principles. This makes their use as money problematic from an Islamic perspective.

The ever-evolving complexity and dynamics of business in the era of globalization (Khoirunnisa & Wagianto, 2024). The logical consequence of a country that applies legal dualism, namely positive law and Islamic law. both must run in harmony and balance to achieve law enforcement itself. When there is a conflict between the two between positive law and Islamic law, the state must be present in providing the best legal options for its citizens (Nurjannah & Setiaji, 2021). Islamic financial institutions must ensure that their operations comply with Shariah law, which includes the prohibition of interest (riba), gambling (maysir), and excessive uncertainty (gharar). Shariah Supervisory Boards (SSBs) play an important role in overseeing and ensuring compliance with these principles (Basit, 2023). Historically, Islamic law recognized various forms of money, including the gold dinar, silver dirham, and copper fulus. The acceptance of these forms was based on their widespread use and stability. Modern paper money, despite having no intrinsic value, is permissible because it is widely accepted and stable (Yaacob, 2014). While some cryptocurrencies may be designed to comply with Shariah principles, most do not conform to Islamic concepts of wealth acquisition. The development of Sharia-compliant cryptocurrencies is recommended to better accommodate Muslim investors. Qiyas allows for the extension of traditional Islamic financial principles to modern forms of currency, but its application is contingent on meeting certain ethical and legal criteria. While traditional currencies and some modern forms such as paper money are generally accepted, cryptocurrencies face significant challenges in achieving Shariah compliance due to their volatility and speculative nature.

a) Cash Waqf

Some scholars recognize the validity of "Cash Waqf," which is the view of the Maliki school and is reinforced by the opinion of Ibn Taymiyyah. One of the bases of this scholarly opinion is the qiyas between cash waqf and the validity of waqf of tools or weapons of war.

Shaykh Ad Dubayyan in his book Al Muamalat Al Maliyyah Ashalatan wa Muashirah explains that among the arguments for this opinion is qiyas, he said."

الدليلُ الثَّانِي: قِيَاسُ وَقْفِ النُّقُوْدِ عَلَى النُّصُوْصِ الدَّالَّةِ عَلَى صِحَّةِ وَقْفِ المَنْقُولِ مِنْ سِلاحٍ وَكُرَاعٍ بِجَامِعٍ أَنَّ كُلًّا مِنْهَا مَالٌ مَنْقُولٌ.

"The second proof: making an analogy between cash waqf and the texts that indicate the validity of waqf of weapons and riding animals for war, and the reason for combining the two is that they are both movable (non-property) assets". (Al Dubayyan. A., 1432)

The process of qiyas performed by the Maliki scholars can be explained as follows. There are several elements, namely:

- Ashal, which includes weapons and riding animals.

The ruling of the ashal: the validity of waqf for these items, even though they are not property assets such as land and buildings. This Shari'ah ruling has been established based on the Prophet's hadith,

مَنِ احْتَبَسَ فَرَسًا فِي سَبِيلِ الله إِيمَانًا بِاللَّهِ وَتَصْدِيقًا بِوَعْدِهِ، فَإِنَّ شَبْعَهُ وَرَبَّهُ، وَرَوْثَهُ وَبَوْلَهُ، فِي مِيزَانِهِ يَوْمَ القِيَامَةِ

"Whoever donates a horse for Jihad in the cause of Allah out of faith in Allah and belief in Allah's promise, then the horse's fullness and the loss of its thirst, and its dung and urine will weigh in the balance of the donor's good deeds on the Day of Resurrection." (H.R. Bukhari).

- *The Illat (legal cause) is movable property, while the Far' (branch) refers to cash.*

1) *From the qiyas process, it can be concluded that cash is similar to weapons and riding animals. Therefore, the validity of waqf for weapons and riding animals also applies to cash waqf, given the similarity in illat between the three types of assets,*

which are all movable assets. The following is a detailed explanation of the above qiyas conclusion: Waqf definition, is a legal act in which a person sets aside property for social or religious use, with the aim of gaining rewards. Waqf assets must remain in the ownership and cannot be taken back by the waqif (donor).

2) Types of Assets that are Legalized. Cash: this is a form of wealth that can be used for transactions and has a clear economic value. Cash can be used to purchase goods or services and can be easily transferred from one person to another. Weapons and Riding Animals: These are types of movable property that also have economic value. Weapons can be used for defense purposes, and riding animals, such as horses or camels, can be used for transportation and other activities.
3) Similarity of Illat. The statement identifies that these three types of property have the same illat (legal reason), namely: Movable Property: Cash, weapons, and riding animals all fall under the category of movable property. This means they can be moved and used in different ways.
4) Legal Implications. Based on this qiyas, the conclusion drawn is that the validity of waqf for weapons and riding animals also applies to cash waqf. Some of the key points that can be outlined are: The Validity of Waqf: If the waqf of weapons and riding animals is allowed under Islamic law, then cash waqf should also be allowed on the same grounds. This indicates that other movable assets, such as cash, also have the potential to be used in a social or religious context through waqf.

Application of Law: As such, all the provisions applicable to the waqf of arms and mounts, such as the waqif's intention, the manner of management, and the benefits conferred, should also be applied to cash waqf. For example, the cash waqf should be managed and used for purposes that benefit society, in accordance with the waqif's intention. Using the *qiyas* process, it can be concluded that cash, weapons, and mounted animals have similarities in the context of waqf, so that the waqf law applicable to weapons and mounted animals can also be applied to cash.

1. Transaction Greetings

This Buying and Selling Greeting, is a form of transaction where the buyer makes an advance payment for the goods that will be delivered in the future, provided that the goods have certain specifications. For example, the buyer pays upfront for a certain amount of rice to be delivered at an agreed time.

Illat Equation (Legal Reason), this statement shows that the two contracts have similarities in terms of *illat*, namely the reason or legal basis that underlies the validity of a transaction. In this context, the two contracts focus on the exchange of goods or services with clear specifications. *Maushuf fi al Dzimmah,* that this term refers to the object of a transaction that has been defined in detail. In the context of renting human services, the object is the service to be provided, while in the buying and selling of salam, the object is the goods to be handed over.

Legal Implications, through *qiyas*, it can be concluded that the sharia law that applies to the salam contract also applies to the human service lease contract with clear specifications. This means, that the applicability of the Law, to all the provisions and conditions stipulated in Islamic law for the salam contract, such as the clarity of specifications, time limits, and the validity of transactions, must also be applied to the lease of human services. This aims to ensure that the transaction takes place fairly and transparently. The protection of the Parties, who are involved in the human service lease contract is also guaranteed, similar to the protection provided in the salam contract. For example, if one of the parties does not meet the agreed specifications, then the aadvantaged party has the right to file a claim.

There is complexity in identifying Illah. The process of identifying Illah can be complex and requires a deep understanding and interpretation of classical texts and contemporary contexts (Rahman, Iqbal, & Soufi, 2019) . The debate among legal experts, that there is an ongoing debate among Islamic jurists regarding the application and limitations of *Qiyas*, especially in areas such as criminal law and new technological advancements. *Qiyas* remain an important tool in the application of contemporary Islamic law, especially in Muamalah. This allows for a dynamic and flexible interpretation of Sharia to address modern issues while maintaining consistency with traditional Islamic principles. The effectiveness of this method depends on the strict identification of *Illah* and the careful application of analogical reasoning to ensure that the new verdict is aligned with the overarching objectives of Islamic law.

CONCLUSION

Qiyas is a method of legal reasoning in Islamic jurisprudence that involves analogous deduction. It is used to obtain legal decisions for new cases by comparing them with established cases with similar basic principles. The *qiyas process* involves four main components, namely *Al-asl (*original case), *Al-far'* (new case), *Al-'illah* (underlying general reason) and *Al-hukm* (decision). The essence of *qiyas* is to identify the same legal motive ('illah) between a new (*distant'*) case and an established case (*asl*) to apply the same judgment (*hukm*). *Qiyas* are essential in Islamic law to address contemporary issues that are not explicitly covered by the Qur'an or the Sunnah. This allows the extension of existing legal principles to new situations, ensuring that Islamic law remains relevant and adaptable to changing circumstances. This method is particularly important in the context of modern muamalat (transactions) where new financial instruments and practices emerge. The application of *Qiyas* in Contemporary Muamalat Law, involves various transactions and financial instruments that require the application of *qiyas* to ensure they comply with Sharia principles. The application of qiyas to the use of Currency can help determine the permissibility of using digital currencies by comparing them with traditional forms of money, taking into account factors such as their function as a medium of exchange and store of value. In Money Waqf, *Qiyas* can be used to extend the principles of traditional waqf (waqf) to money waqf, ensuring that money waqf for charitable purposes is in line with the principles of Islamic law. Furthermore, in the Salam Transaction, an advance payment is made for the goods to be delivered later, qiyas can help to cope with the new forms of the transaction, ensuring they meet the requirements set by classical jurisprudence The application of qiyas in a modern context ensures that Islamic law can effectively address new and complex problems. By using analogical reasoning, scholars can obtain decisions that maintain the integrity of Sharia while accommodating contemporary needs. This adaptability is essential for the relevance and continued application of Islamic law in various aspects of life, including finance, trade, and social interaction.

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