

Concept of Terms in Understanding Absolute Water Law Contemporary Legal Study Modern Fiqh Perspective

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Article Info

Received: 2024-03-30

Revised: 2025-05-28

Accepted: 2025-06-26

Keywords:

Istihalah, Absolute Water,
Contemporary Law,
Modern Fiqh.

Abstract

The interpretation of the concept of istihalah in the context of modern technology, such as wastewater treatment and recycling, triggers new problems. Although the concept of istihalah has been accepted in classical fiqh, its application in the contemporary world raises challenges related to the scientific validity and practice of water treatment that changes the nature of water. This research uses a library research method, which focuses on the study of literature and written documents relevant to the research topic. The main data sources in this research are scientific journal articles and published research reports. The research results show that: 1). The form of the concept of istihalah in understanding the law of absolute water is that istihalah is the change of an impure substance into a new substance that is totally holy and in absolute water fiqh, this means that unclean water that has completely changed its nature can again be considered holy and purifying. 2). The application of the concept of istihalah in understanding absolute water law in contemporary legal studies is that in the modern context, istihalah is used to authorize the use of recycled water, as long as the purification process removes all unclean properties and meets purity standards. 3). The Ulama's view of the concept of istihalah in understanding absolute water law in contemporary legal studies is that contemporary Ulama generally accept the concept of istihalah as the basis for the ability to use recycled water for purification, provided that the change in the substance is complete and scientifically proven.

1. Introduction

The concept of istihalah in contemporary legal studies has a significant position in understanding absolute water law as a manifestation of the application of modern fiqh principles. This analysis describes how the transformation of the meaning and substance of the law, interpreted as istihalah , has changed the traditional paradigm around the right to access and management of water resources in modern Muslim societies (Nopliardy et al., 2025). On the one hand, absolute water law emphasizes the concept of natural ownership that cannot be commodified by exploitative human actions, while on the other hand the application of istihalah shows an interpretive shift that balances classical principles and contemporary socio-economic dynamics (Aulia, 2023).

This study explains that the transformation of interpretation of water as a natural resource not only describes the formal legal process, but also reflects the complex interaction between traditional values and the demands of modernization in the Islamic legal system (Sugitanata, 2021). This emphasizes the urgency of integrating adaptive ushul fiqh principles in facing the challenges of globalization and rapid environmental change (Masykur, 2023).

The istihalah approach in understanding water law is absolutely inseparable from the influence of contemporary thought which departs from the role of maqasid al-shariah as a normative basis for conceptual renewal. The concept of maqasid which emphasizes the protection of lineage , soul, mind and property indirectly creates a forum for reinterpreting the legal views of nature, including water, so that permits for the use of these resources can be adjusted to developing social conditions (Masykur, 2023). The problems are so complex that they cannot be seen from one point of view. If it is correlated with maqasid al-shariah , 3 basic things will appear in deciding a case, namely 1). Hifzhu al-nafs which relates to the aim of protecting the soul, 2). Hifzhu alaql which is related to the aim of protecting one's intellect, and 3). Hifzhu al-nasl, which is related to the aim of protecting one's

descendants (Sufrizal et al., 2022).

Historically, the traditional legal understanding of water has treated water as a sacred and limited commodity, but in the modern era there has been a paradigm shift that prioritizes ecocentric aspects as part of social justice (Nopliardy et al., 2025). The contemporary approach invites scholars to return to the basic principles of sharia and pay attention to the principle of *maslahah* so that the application of water law can respond to developments in the era without abandoning the authenticity of Islamic values (Ridwan, 2020). In this context, the concept of *istihalah* seeks to redefine water law by restructuring absolute limitations and usufructuary rights through the process of *ijtihad* and reinterpretation of classical arguments (Masykur, 2023).

Integration between traditional and modern thinking is an important aspect in reconceptualizing absolute water law through the *istihalah* mechanism . The approach based on contemporary *ijtihad* allows for the reinterpretation of classical arguments that have so far been sourced from the verses of the Qur'an and Sunnah , while maintaining the essence of *maqasid* to open up adaptive space in facing environmental challenges (Ridwan, 2020). This reformulation is based on the idea that the right to water is not solely determined by physical distribution, but also by the arrangement of justice, both in the utilization and distribution of these vital resources (Sugitanata, 2021).

The concept of *istihalah* as a substantive transformation in legal understanding is a phenomenon that is relevant to the dynamics of the development of modern *fiqh*. Contemporary *fiqh* shows a tendency to shift focus from rigid legalistic aspects to a more holistic approach, where considerations of social justice and environmental protection become very central (Sugitanata, 2021).

The classical *fiqh* treasury has made a profound contribution in forming the foundations of water law through principles that are already established theologically and normatively. However, developments in the era require a re-evaluation of these principles to accommodate contemporary situations that have

many new variables, including political, economic and social dynamics (Sugitanata, 2021). In this context, istihalah acts as an innovative mechanism that allows the renewal of basic concepts through reinterpretation in the face of rapid changes in the times (Masykur, 2023). The application of istihalah in water law absolutely indicates that although the basic principles are maintained, the way they are conveyed and applied needs to be adjusted to the framework of modern reality (Nopliardy et al., 2025).

Discussion of absolute water law also cannot be separated from the aspects of sustainability and ecocentric management of natural resources. This ecocentric approach demands fair treatment of all environmental elements, where water as a source of life must be treated as a natural heritage that must be preserved for future generations (Nopliardy et al., 2025). In this case, the concept of istihalah becomes very relevant because it offers a new paradigm that accompanies the transformation of ecological values into the Islamic legal system (Sugitanata, 2021). Contemporary research shows that legal adaptation through istihalah can minimize conflicts between economic interests and nature conservation (Nopliardy et al., 2025).

In studying the application of terms to absolute water law, researchers must consider normative and practical law enforcement parameters simultaneously. Furthermore, the legal system based on contemporary fiqh attitudes demands a reframing of the concept of ownership, management, and distribution of water resources through inclusive legal standards (Aulia, 2023). This transformation process is not only theoretical, but must also be integrated into public policy practices, as indicated in the ecological policy based on fiqh siyasah dusturiyah (Masykur, 2023). This approach supports the idea that water law must absolutely reflect diverse social realities and environmental conditions, without neglecting the principles of justice and common welfare (Ridwan, 2020). In addition, strict supervision in the implementation of istihalah- based policies is a crucial aspect to achieve a balance between economic growth and natural resource conservation

(Aulia, 2023).

The use of the term *istihalah* itself in modern fiqh literature opens up a wider discourse regarding the reinterpretation of outdated traditional terminology. This transformation of meaning emerged as an adaptive response to increasingly complex world developments, where terms that previously had static meanings now contain contextual, dynamic dimensions (Masykur, 2023). This analysis emphasizes the need to align classical terminological definitions and contemporary understandings so that the relevance of Islamic law is maintained in facing the challenges of the times (Sugitanata, 2021).

The problems faced in this research are related to the still diverse understanding of the concept of *istihalah* in absolute water law, especially in the context of contemporary law. Absolute water, in the classical fiqh tradition, has an important position as a natural resource that can be utilized by society. The problems faced in this research are related to the still diverse understanding of the concept of terms in absolute water law, especially in the context of contemporary law. Absolute water, in the classical fiqh tradition, has an important position as a natural resource that can be utilized by society. However, in the development of modern law, the application of this concept often faces challenges due to more complex social, technological and regulatory changes. One of the main problems is the incompatibility between traditional fiqh principles and water resource management policies applied in modern legal systems that prioritize efficiency and social justice.

The urgency of this research lies in the importance of aligning the values of fiqh with the development of contemporary law in order to create a fair water management system that is in accordance with Islamic principles. This research is expected to contribute to formulating solutions to universal water management problems, as well as providing a new perspective in understanding absolute water law within the framework of modern fiqh, which is not only relevant to the Islamic world, but also to global legal policies related to natural resources.

2. Research Method

This study uses a library research method , which focuses on the study of literature and written documents relevant to the research topic. This approach was chosen because this study does not involve direct field data collection, but rather explores information from various existing written sources, such as books, scientific journal articles, and research reports that can provide in-depth insight into the concept of terms in absolute water law and its application in the perspective of modern fiqh (Ar-Rahbawi et al., 2021).

The main data sources in this study are scientific journal articles and published research reports. Relevant scientific journal articles will provide the latest analysis of the development of the concept of absolute water law in modern fiqh and the implementation of natural resource law in contemporary legal systems. In addition, research reports related to contemporary fiqh studies and water resource management will be used to further explore the understanding of the application of fiqh principles in the context of water law (Masruddin, 2019).

Data collection techniques are carried out by identifying and collecting various scientific journal articles indexed in various international databases, such as Google Scholar, JSTOR , and other law journal databases. In addition, relevant research reports will be searched through the websites of research institutions and universities that have studies on water law and modern fiqh. Academic books and references that discuss the concept of absolute water law in fiqh and contemporary legal theories will also be used as additional data sources (Maulana, 2018). Data collected from various sources will be the main foundation in analyzing and compiling a more comprehensive understanding framework regarding the research topic.

After the data is collected, data analysis will be carried out using

qualitative analysis techniques. In this case, the researcher will review and compare various perspectives in the literature collected to gain a more holistic understanding of the concept of the term absolute water law. This analysis technique includes two main approaches: first, an analysis of the classical fiqh understanding of absolute water and how this is translated into contemporary law; second, an analysis of the interaction between fiqh principles and natural resource law policies in the modern legal system (Zed, 2004). The results of this analysis are expected to produce findings that show how absolute water law can be understood in the context of modern fiqh and the challenges and solutions that may arise.

The validity of the data in this study was tested using source validation techniques. Each data used will be checked for authenticity by checking the credibility and reputation of the sources used, such as the quality of the journals published, the authors, and the institutions that published the articles or reports. In addition, researchers will also test the consistency between existing sources to ensure that the findings obtained are not only based on one source, but are supported by various references that have similarities in views or interpretations regarding the concept of absolute water law and its application in modern fiqh (Mudzhar, 1993). To ensure the reliability of the data, this study will also integrate data analysis from various perspectives that can support each other and strengthen the arguments built.

Thus, with this research method, it is hoped that a deeper and more comprehensive understanding can be obtained regarding the concept of absolute water law from a modern fiqh perspective, as well as how this concept can be implemented in a broader contemporary legal framework, especially in the management of increasingly complex natural resources in today's world.

3. Results and Discussion

a. The Form of the Istihalah Concept in Understanding Absolute Water Law

Istihalah etymologically comes from the Arabic word *istahāla–yastahīlu-istihālatan* which means to change or change form. In fiqh terminology, istihalah is defined as the process of changing an impure or forbidden object into a new substance with different properties, forms, and names, so that its original law also changes. This concept is important in determining the halal and sanctity status of an object, including water, which undergoes a transformation of substances.

The term Istihalah in the context of absolute water law refers to changing polluted water into water that is holy and can be used for purification (*thaharah*) through physical, chemical or natural processes, until its unclean properties are completely lost. Classical scholars such as those in the Hanafi and Maliki schools have recognized this concept from the beginning, although its form is limited to natural processes such as fermentation or burning (for example: animal carcasses turning into ash or salt). Therefore, istihalah is not a new concept in fiqh, but has had a strong foundation since classical times. The concept of istihalah within the framework of understanding absolute water is considered capable of turning unclean water back into purity if the change is truly comprehensive (*istihalah tammah*). Changes must occur in the main properties of water (color, taste, and odor), so that there are no more traces of impurity in the water. Therefore, this concept is a meeting point between the laws of fiqh and the reality of modern science that is able to explain the purification process technically.

The concept of istihalah is a key element that synergizes legal and scientific aspects in understanding the transformation of water substances from a legal and philosophical perspective. The concept of istihalah generally refers to a change in the essence or qualitative of a substance, where previously pure water can undergo a transformation into a condition that changes perceptions and legal regulations, both in the context of Islamic law and modern state legal systems (Winarno et al., 2024). This transformation process is not only seen from chemical and physical aspects, but also invites ethical and normative debates that are rooted in legal and

justice thinking (Syaroni, 2023).

Water is absolutely seen as a fundamental element of life and its purity and existence must be maintained, so that every form of transformation or treatment that causes changes in the nature of water must be studied carefully from the perspective of istihalah. Absolute water law, as regulated in state regulations, focuses on protecting water as a resource that is not only economic but also has moral value and state sovereignty (Winarno et al., 2024). Philosophically, the concept of istihalah offers a paradigm that if water experiences very fundamental changes, then the legal status attached to it also experiences a significant transformation (Syaroni, 2023).

Istihalah process in the context of water absolutely involves aspects of qualitative transfer that require a cross-disciplinary approach, combining physics and ethical and legal principles. The physics concepts underlying fluid dynamics provide a more accurate picture of how water, under certain conditions, can change form or even function, thus affecting its use and distribution. Changes in the nature of water that occur as a result of this transformation process must be interpreted symbiotically with applicable legal norms, so that every physical phenomenon gets an adequate legal understanding (Wulandari et al., 2023).

The integrity of the concept of istihalah in water law is absolutely reflected in efforts to balance the physical transformation that occurs in water with the principles of state sovereignty in managing natural resources. This perspective emphasizes that any changes experienced by water must be seen within a regulatory framework that does not sacrifice people's basic rights to access clean and safe water (Winarno et al., 2024). From the perspective of judicial ethics, any transformation effort that can change the value of water must be considered carefully to ensure that there is no abuse in law enforcement and water resource management policies. Distributive justice in water management also absolutely ensures that the benefits and risks arising from each istihalah process can be absorbed evenly by the community (Syaroni, 2023). This approach is very

important to prevent conflict and create harmony between economic, ecological, and social interests (Winarno et al., 2024).

The study of terms in the context of absolute water law requires a clear definition of the boundaries of water transformation which is still considered absolute water (Winarno et al., 2024). In a legal context, this definition must be balanced with empirical evidence and scientific observations that show the parameters of physical changes in water matter. The formulation of regulations must also question whether each transformation that occurs meets the essential criteria underlying the "absolute" status of the water. Scientific research in the field of fluid physics provides a reference framework for measuring the extent of these changes quantitatively and qualitatively, thus providing a basis for more appropriate legal policies (Wulandari et al., 2023).

The philosophical dimension of the concept of *istihalah* has a significant impact on the understanding of absolute water law, especially in building the legitimacy of the norms that regulate it. Through philosophical analysis, it is seen that water that has undergone transformation not only loses its original properties, but also receives a new legal status that must be interpreted holistically (Syaroni, 2023). The transformation process often raises debate about the boundaries between what is still considered water and what has changed into another substance that no longer meets the requirements as absolute water (Winarno et al., 2024). The use of philosophical arguments in this case aims to avoid gaps in interpretation that can cause legal uncertainty and contradictions in the application of regulations (Syaroni, 2023).

The dialogue between scientific and legal perspectives that emerges from the concept of *istihalah* shows the need to develop a theory of water management that is able to accommodate the dynamics of changing substances. The application of regulations that refer to scientific principles allows for an objective evaluation of the condition of water that has undergone transformation. In this case, scientific data and methodology on fluid dynamics become important parameters to

measure the validity of the transformation experienced by water (Wulandari et al., 2023). In addition, an adaptive legal approach needs to be formulated to ensure that every change measured scientifically remains in line with applicable legal norms (Winarno et al., 2024). The synergy between these two disciplines creates a strong foundation for establishing holistic and equitable policies (Syaroni, 2023).

So, the concept of *istihalah* in absolute water law describes the process of changing unclean water into holy water through a comprehensive transformation, whether physical, chemical or natural. In a contemporary legal context, this concept is used to authorize the use of recycled water, provided that the purification process removes impurities and meets purity standards. Synergy between scientific and legal principles is very important in managing changes in water substances, so that fair and effective water management policies can be created, taking into account legal, ethical and social justice aspects.

b. Application of the Istihalah Concept in Understanding Absolute Water Law Contemporary Legal Studies

In the contemporary legal context, the application of the term *istihalah* becomes increasingly relevant, especially in the case of wastewater or recycled water treatment. As technology advances, unclean water or waste can be processed through sophisticated filtration and purification systems to become clean water that is suitable for consumption. So the question arises: can this recycled water be used for purification according to Islamic law?

Contemporary fiqh experts, including in international fatwa forums such as *Majma' al-Fiqh al-Islami* and the European Council for Fatwa and Research , have studied and determined that recycled water that goes through a perfect *istihalah* process can be considered as absolute water that is pure and purifying. Provided that there are no more impure substances left scientifically and the water returns to having the three main properties of absolute water.

For example, domestic wastewater that is processed into clean water through reverse osmosis , multi-stage filtration, and laboratory testing to meet

health and hygiene standards can be categorized as absolute water based on istihalah. Therefore, in modern fiqh practice, the concept of istihalah opens up space for legal flexibility that is in accordance with technological developments and the needs of Muslims in urban environments or countries with limited clean water sources.

The application of the concept of istihalah in understanding water law is an absolutely important topic in contemporary legal studies, especially in Indonesia, where law and social values often interact in complex ways. Istihalah, which literally means 'change', in this context refers to the transformation that can be applied to the traditional understanding of water resource utilization, from an absolute one to a more flexible and adaptive approach. Given the challenges in water management, the application of istihalah allows for a more responsive adjustment of the law to social dynamics and scientific developments. Thus, inclusion of various perspectives and approaches, including restorative justice and customary law, is highly relevant.

In existing research, the transformation of the concept of water law can absolutely be understood from the perspective of restorative justice. The application of restorative justice should not only provide sanctions, but also emphasize the restoration of social relations that have been disrupted due to conflicts over the management of natural resources, including water. Baihaky and Isnawati stated that justice can provide maximum benefits for all levels of society and can be applied in various phases of the legal system, including in the context of water management (Baihaky & Isnawati, 2024). The application of this concept can help management to be fairer and more sustainable, especially in areas where water rights disputes often occur.

The use of customary law is also very likely to go hand in hand with the application of national law in regulating water resources. Sidik and Soeradji show that indigenous communities have long resolved disputes through deliberation, emphasizing the restoration of relationships in a social context, and how this

approach can be a more effective and equitable model for water management (Sidik & Soeradji, 2024). Customary law strengthens the role of communities in resource management, as well as the relevance of implementing customary fines in line with the principles of restorative justice. This encourages a holistic approach to water management, both through formal laws and existing social norms within the community.

In a contemporary framework, the challenge of implementing the concepts of istihalah and restorative justice in water law is absolutely also faced with complex factors that influence fairness in access to water resources. Wijonarko et al. showed that the integration of the formal legal system with restorative justice-based interpretation and local culture requires an in-depth study of the existence and application of a legal position in society (Wijonarko et al., 2023). The interaction between positive law and socio-cultural norms is vital to creating a water management system that is not only efficient but also fair.

Entering a more technical aspect, a restorative justice approach in water management can help in understanding the social and legal impacts of disputes over water use, as in the case studied by Murdiyambroto. This study shows the challenges in handling cases involving violations of the law by considering the circumstances of the individuals involved, as well as law enforcement that relies on the principles of justice that need to consider the local context and specific circumstances of each case (Murdiyambroto, 2023).

The relevance of the application of istihalah in the context of water law also lies in its ability to respond to increasingly pressing environmental issues. Looking from an environmental law perspective, as well as the impacts of climate change and the need to maintain healthy ecosystems, the istihalah approach could be a solution to restructuring water law towards more sustainable management. Sudaryanto and Riyanto emphasize the importance of harmonization between law and social values in dealing with the dynamics of environmental change (Sudaryanto & Riyanto, 2016). Likewise, in the context of family law, the friction

between Islamic Law and Positive Law is often different and contradictory. The friction between the two has not yet ended, each custom has its own authority so that it greatly influences the practices of the local community (Sufrizal et al., 2022).

In terms of implementation, it is important to create a platform for dialogue between stakeholders, such as governments, local communities, and civil society organizations committed to social and environmental justice. Anchori highlights the importance of protecting victims' rights in a legal context, which can be interpreted as parties who are negatively impacted by unfair water management policies or those that potentially harm their rights (Anchori, 2020). Through a dialogical approach, communities also have the opportunity to convey their aspirations and needs in the context of water management.

So, summarizing perspectives from various scientific disciplines, the application of terms in water law absolutely needs to be seen holistically from legal, social and cultural aspects. This means that all stakeholders must play an active role in sharing their knowledge and experiences to achieve a better understanding of the equitable use and management of water resources. Strengthening the principles of restorative justice creates a structure that supports the achievement of harmony between human needs, the law, and the surrounding ecosystem, which of course, must be the main goal in water resource management in Indonesia.

c. Ulama's Views on the Concept of Istihalah in Understanding Absolute Water Law Contemporary Legal Studies

The views of scholars on the concept of istihalah , especially in the context of absolute water, have evolved over time. Classical scholars generally acknowledged the existence of istihalah, but its scope was still limited to natural processes. Contemporary scholars then expanded this scope to include chemical processes and modern technology, as long as the change in the substance is truly complete.

Some scholars from the Hanafi and Maliki schools are more open in accepting istihalah as the basis for changing the law of impurity to purity. They

argue that as long as an impure object undergoes a total transformation of substance, it is no longer ruled as impure. The Shafi'i and Hanbali schools are stricter, but some contemporary scholars from these schools have begun to show openness to this concept in emergency situations or general needs (masalah 'ammah). For example, a fatwa from Dar al-Ifta' Egypt and scholars from the Malaysian Fatwa Institute (JAKIM) stated that recycled water that is scientifically proven to be clean and free of impurity can be used for purification, based on the principles of istihalah and istihsan (benefit). This shows that modern scholars consider not only textual aspects, but also contextual and scientific aspects in determining the law. Thus, istihalah in the context of absolute water law has received widespread recognition and application among contemporary scholars, especially in order to answer the challenges of the times such as the scarcity of clean water, urbanization, and sanitation technology.

The concept of istihalah in contemporary legal studies has an important position in understanding the law regarding absolute water, especially in the context of Islamic law. Istihalah, which literally means change or transformation, helps explain how Islamic law can adapt to evolving realities, including in the context of water resource use. In this regard, the views of scholars regarding istihalah can provide deep insight into how the basic principles of Islamic law are maintained or modified to meet the changing needs of society.

First of all, scholars in the Islamic legal tradition generally accept the concept of istihalah as a means of adaptation. For example, Daud et al. explained that determining 'illat (legal reasons or causes) often uses a ta'lili approach that takes into account the circumstances and context when the law is applied (Daud et al., 2023). This approach is relevant in understanding how the law can adapt to the use of water as an essential resource, where environmental factors and socio-economic conditions have a major influence on the application of the law.

In addition, Sugiharto et al. emphasize the importance of justice in the perspective of Islamic law and how legal regulations must reflect the needs of

society (Sugiharto et al., 2024). This is relevant in the analysis of absolute water, where if there is a change in the nature or condition of water, Muslims need to understand well how legal norms can continue to protect the rights of individuals and society as a whole, while still integrating the elements of istihalah in everyday legal practice.

Furthermore, changes in legal perspectives that are contextual and adapt to developments in the times are the main focus of progressive law as expressed by Magala (Magala, 2023). This shows that Islamic scholars and legal thinkers are not trapped in a rigid understanding but are more flexible and responsive to change. Thus, it provides millions of Muslims around the world with relevant guidance on how they should deal with absolute water when faced with situations that do not fully comply with the application of previous legal norms.

However, istihalah is not without its challenges. In certain aspects, some scholars still maintain a more traditional view. This can be traced in legal practices related to agreements and discussions within the community of scholars. For example, analysis of verses from the Koran and Hadith often becomes a reference point for determining laws used in various regions, and this should open up space for more in-depth absorption and application of the concept of istihalah in contemporary law. In this case, the debate among ulama about whether istihalah can be applied to certain things, such as water conditions, is a dynamic that must be taken into account (Ramadhanti, 2022).

The absolute state of water is categorized in Islamic law depending heavily on the perspective given by fiqh experts, who often conduct analysis based on specific conditions. Articles on changes in law in certain sectors, such as muamalah jurisprudence which is increasingly developing in the context of electronic transactions, show important discussions in legal adaptation (Hayati et al., 2024). This reflects the importance of adaptation in carrying out religious practices amidst rapidly changing times.

Apart from that, contextual understanding of terms also shows the need for

synergy between legal texts and social reality. The application of laws relating to water must absolutely not only be based on classical texts, but also on an understanding of the current societal situation. Contemporary studies show that law must function by providing practical solutions to society, so that justice can be realized (Sugiharto et al., 2024).

From an epistemological perspective, the integration of legal practice and social interests also allows people to discuss the limitations and interpretations of law in a more inclusive manner. The semiotic approach to legal interpretation, where legal symbols interpret the social context and realistic conditions in society, should be an integral part of legal practice. Community involvement in discussions about the law also provides an opportunity to better understand how *istihalah* can be applied. In this regard, the restorative justice model introduced in several studies shows how new patterns of thinking can produce solutions based on community needs (Ramadhanti, 2022). Likewise, the awareness that water as part of natural resources must be managed wisely is essential for maintaining universal justice and welfare (Sugiharto et al., 2024).

In facing potential climate change and environmental challenges, it is very logical to utilize the concept of *istihalah* as a tool to not only maintain but also renew existing laws. This reflects that scholars who are open-minded towards changing social conditions can make significant contributions in responding to contemporary issues, particularly those related to the use of water resources.

So, it is important to emphasize that the application of laws involving *istihalah* does not only focus on formal legal aspects but also on broader moral, social and environmental considerations. Thus, *ulama* and stakeholders must work together to create legal norms that are not only textually valid but also contextually appropriate. This becomes important when water is absolutely seen as a moral issue that concerns the non-negotiable right to life and human welfare. By looking at this complexity and dynamics, we can draw the conclusion that the concept of *istihalah* in understanding absolute water law is very broad and deep. Scholars

play an important role in determining the boundaries of the application of law in the contemporary era, thereby keeping the law relevant and responsive to the changing needs of society. Through this deep reflection, we are required to continue to explore and discuss how the legal narrative can be updated and adapted, while still adhering to the basic principles of sharia.

4. Conclusion

The concept of istihalah is an established principle of fiqh and has been known since the classical era as a process of changing unclean or haram substances into new substances that are holy and halal. In the context of absolute water, istihalah is understood as a mechanism to make unclean water pure again if the change is comprehensive and removes all existing unclean properties. The application of istihalah in contemporary fiqh is becoming increasingly relevant, especially in responding to modern challenges such as waste water treatment, limited sources of clean water, and the need for Muslims to purify themselves. Water processing technology allows for complete changes in the substance of the water, so that according to fiqh law, the water can be categorized as absolute water which can be legally used for thaharah. The views of contemporary ulama towards istihalah tend to be positive and open, especially in supporting the public benefit. Fatwas from various modern fiqh institutions and authorities indicate that as long as it can be scientifically proven that recycled water is pure and free from impurities, then its use in worship is permitted. This shows the development of the methodology of ijtihad in fiqh that is responsive to the dynamics of the times. So, the concept of istihalah in understanding the law of water absolutely proves the flexibility and depth of Islamic law in answering modern problems, as long as it is based on the principles of sharia, maqashid al-shari'ah , and valid scientific data..

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