



THE DECONSTRUCTION OF SHARIA ABDULLAH AHMED AN-NA'IM: IDEAS, METHODOLOGY, AND RELEVANCE IN CONTEMPORARY ISLAMIC LAW

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Abstract

This article examines Abdullah Ahmed An-Na'im's discourse on the deconstruction of Sharia as a continuation of his teacher, Mahmoud Mohamed Taha, and its relevance in contemporary Islamic legal studies. An-Na'im argues that the classical formulation of Sharia, as historically interpreted by jurists, is no longer compatible with modern state systems, human rights principles, and current socio-political realities. Using a descriptive-analytical method, this study explores the biographical, methodological, and philosophical foundations of An-Na'im's thought, especially his concept of reinterpreting Medinan verses through the contextual priority of the Meccan message. The study finds that An-Na'im seeks to reconstruct Islamic law on the basis of maqasid, constitutionalism, and universal human rights. While his theory provides a new discourse for reform, it also generates criticism for potentially weakening the authority of Sharia and opening the door to liberal relativism. This paper concludes that An-Na'im's deconstruction offers a provocative yet significant contribution to contemporary Islamic legal reform, particularly in the discourse of democracy, citizenship, and human rights.

Keywords: Deconstruction; Human Rights; Islamic Law; An-Na'im

A. Introduction

The relationship between religion, state, and human rights is a major issue in contemporary global discourse. The modernization, democratization, and strengthening of human rights principles put religions, including Islam, in a position to confront universal demands for freedom, equality, and constitutional supremacy. The problem that arises is the extent to which religious law can synergize with the modern nation-state legal system without ignoring religious moral values. This debate does not only occur at the political level, but also in the epistemological area of law, especially in the context of Islamic law, which has a long history as normative and social law.

In the context of Islamic law, epistemic tensions are evident when sharia—which is believed to be divine revelation—meets changing social dynamics. Classical fiqh products are often used as a positive legal reference without considering the changing times and the needs of society. As a result, serious problems arise related to gender equality, religious freedom, and the position of non-Muslim citizens. This condition raises the urgent need to review the relationship between Islamic law and the modern state based on the social contract, constitutionalism, and respect for human rights (Hefni et al., 2025).

Abdullah Ahmed An-Na'im is one of the figures who offers a new approach in answering this problem. This Sudanese thinker seeks to rearrange the concept of sharia to conform to the principles of universal justice without denying its moral dimension. Through the deconstruction project of sharia, he emphasized that the main problem of Islamic law does not lie in the text of revelation, but in the historical construction of fiqh born in the medieval social context (Sachedina, 1993). Therefore, sharia needs to be understood historically and contextually in order to remain relevant in modern society.

Various previous studies have highlighted the relationship between sharia, the state, and human rights. An article in the Journal of Socio-Religious Research (Rumadi, 2012) states that the issue of interpretive

authority is the main source of tension between religion and the state. An article in the Multidisciplinary Scientific Journal (Masnunah et al., 2025) emphasizes that the problem of sharia implementation arises because of a textual approach that ignores social dynamics. Meanwhile, research in the Journal of Islamic Studies (La Harisi et al., 2024) shows that the reform of Islamic law requires methodological courage, not just political courage.

In the international arena, an article in *The Muslim World* (Hashemi & Qureshi, 2022) highlights that the tension between sharia and human rights is not only caused by texts, but also by historical interpretations influenced by power interests. Research in *Islam and Christian-Muslim Relations* (Kasno & Fata, 2023) confirms that discrimination against women and non-Muslims in classical law must be corrected through methodological reconstruction. While a study in the *International Journal of Human Rights* (Gouda & Gutmann, 2021; Hasan, 2024) shows the failure of some Muslim countries to integrate sharia in the national legal system due to the lack of a coherent paradigm between religious values and democracy.

From these various studies, it can be seen that most of the studies are still descriptive and have not touched on specific methodological offers. This gap shows the need for an in-depth analysis of An-Na'im's thought, which not only criticizes classical jurisprudence but also offers a new epistemological framework for the reconstruction of Islamic law. This article aims to analyze the foundations of sharia deconstruction, methodology, and its relevance for the just, civilized, and responsive reform of Islamic law to contemporary challenges.

Thus, this research is important to rebuild the methodological basis of Islamic law in order to be able to answer the needs of modern society. An-Na'im's idea of sharia deconstruction is expected to make a conceptual contribution to the transformation of Islamic law towards a humanist, progressive, and compatible system with a democratic legal state.

B. Method

This research uses a qualitative approach with the type of library research. The approach used is normative-philosophical, by examining the primary and secondary literature on the thought of Abdullah Ahmed An-Na'im and the discourse on Islamic law reform. Primary sources consist of An-Na'im's main works such as *Toward an Islamic Reformation* (Na'im, 1996) and *Islam and the Secular State* (An-Na'im, 2010). Data analysis was carried out using *the content analysis method* to identify the thought structure, normative basis, and methodological implications of An-Na'im's ideas on the development of Islamic law. This research is limited to theoretical-conceptual studies without assessing the implementation of sharia politics in Muslim countries.

C. Results and Discussion

1. Results

a. Intellectual Biography Abdullah Ahmed An-Na'im

Abdullah Ahmed An-Na'im is one of the contemporary Islamic thinkers who occupies a strategic position in the discourse on Islamic law reform, especially on the issue of sharia, state, and human rights relations. He was born in Sudan in 1946 and received his formal education at the University of Khartoum, where he earned a law degree before continuing his studies at the University of Cambridge and the University of Edinburgh to deepen his knowledge of law, state theory, and human rights (Sachedina, 1993). The background of Western legal education and its mastery of the Islamic legal tradition makes An-Na'im have two epistemic foundations at once: internal Islamic legal discourse and modern legal-human rights discourse. This duality is the key to his critical, methodological, and transformative intellectual character.

Intellectually, An-Na'im was heavily influenced by his teacher, Mahmoud Muhammad Taha, a Sudanese reformer who proposed the theory of the Second Treatise of Islam, which is the idea that the Makkiyah

texts contain the moral spirit and universal equality that should be the basis of Islamic law, replacing the Madaniyah texts which are full of legal-formal and historical nuances (Esposito, 1998). Through Taha, An-Na'im absorbed the ethical framework that sharia is actually a moral instrument for justice, not a tool of power for domination. But unlike his teachers who struggled in the context of Sudan's domestic politics, An-Na'im chose a global academic path, making his discourse transcend the boundaries of nation-states and enter conversations of international ethics, constitutionalism, and human rights (Khoir, 2016).

In his academic career, An-Na'im was active in various institutions around the world, starting from the University of Khartoum, then taking part in the University of Toronto, to becoming a professor of law at Emory University, United States. It was in this international academic environment that his thinking found a freer space for articulation, especially after his teacher was executed by the Sudanese regime in 1985. The global academic environment—which is multicultural, democratic, and full of debates about the universality of human rights—shaped the orientation of his thinking that religious law must be compatible with civil public morality and the values of universal civilization in order to survive in the modern social system (An-Na'im, 2010).

Broadly speaking, the intellectual characteristics of An-Na'im are characterized by three characters: (1) ethical-humanist, (2) historical-contextual, and (3) legal-constitutional. His ideas do not move at the normative-theological level only, but enter the realm of methodology, legal politics, and state design. Therefore, An-Na'im is more appropriate to be read not only as an Islamic thinker, but also as a legal theorist in the tradition of *comparative constitutionalism* and *human rights studies*.

b. The Socio-Political Context of Sudan and the Social Background of An-Na'im's Ideas

To understand the edifice of An-Na'im's thought, the Sudanese context is very important. Post-colonial Sudan is a country that continues to grapple with political Islamism, military authoritarianism, and the tug-of-war between sharia and the modern state. In the 1960s-1980s, the

Sudanese regime repeatedly used sharia as an instrument of power, rather than as a public moral project, resulting in sharia appearing to be repressive especially against women, opposition groups, and non-Muslim minorities (Tønnessen, 2011). This situation shaped An-Na'im's epistemological awareness that Islamic law could turn into an instrument of oppression if it was not reconstructed.

The peak of tensions occurred when Mahmoud Muhammad Taha was sentenced to death for being considered deviant from sharia due to his idea of rejecting the formalization of the country's Islamic law. This tragedy became the most decisive psychological and intellectual moment for An-Na'im. He sees that the problem of sharia is not only a problem of fiqhiiyah, but a problem of power politics and interpretation methodology. Since then, An-Na'im believed that without methodological reconstruction, sharia would forever become a tool of tyrannical legitimacy. It is from this context that An-Na'im departed. So the project of deconstructing sharia is not just a liberal discourse without roots, but an answer to the political trauma of the Muslim world: sharia that is frozen, formalized, and made into state law without an adequate methodological tool to guarantee universal justice.

c. The Epistemological Foundations of Abdullah Ahmed An-Na'im Thought

The epistemology of Abdullah Ahmed An-Na'im's thought departs from one basic premise: that sharia is not a sacred text itself, but the result of historical interpretation of the text. Thus, sharia is a human construction that is born from the interaction of scholars with the social, political, and cultural contexts of a certain century. This premise places sharia as a historical product, not a final divine will in the form of fiqh formulation that we know today (Sachedina, 1993). This perspective allows for methodological reconstruction, because if sharia is a human construction, then it can be reinterpreted according to the demands of the times.

The foundation of this epistemology is rooted in Mahmoud Muhammad Taha's idea of the Second Treatise of Islam, which is a doctrine that distinguishes between the universal moral message of the Qur'an in

the Makkiyah period and the legal-political message of the Madaniyah period. Taha argues that the Makkiyah texts are actually more in accordance with the principles of universal justice and equality, while the Madaniyah texts are contextual-historical for the society of the 7th century (Esposito, 1998). An-Na'im absorbed this framework, then developed it methodologically to build a theory of Islamic legal reconstruction. He emphasized that "the function of sharia is not to perpetuate the social structure of the past, but to realize the ethical ideals of the Qur'an in modern social reality" (An-Na'im, 2010).

From the perspective of legal methodology, An-Na'im's position has a common point with Fazlur Rahman, especially in the effort to separate the ethical value of the Qur'an from its legal-formal expression. Rahman, through the theory of double movement, encourages that texts be read taking into account their initial historical context and moral purpose, before being applied in new social conditions (Rahman, 2024). The difference between the two is that Rahman emphasizes the ethical methodology for the interpretation of law, while An-Na'im continues it at the level of reconstruction of the legal and political system, especially religious-state relations. It can therefore be said that Rahman built the ethical foundation, while An-Na'im built his legal-constitutional foundation.

An-Na'im's epistemology is also influenced by the human rights discourse that develops in the Western world. Without denying the Islamic tradition, he integrates the concepts of equality, human dignity, and civil liberties as universal ethical values. According to him, these principles do not contradict the moral goals of Islam, because justice and welfare are the core values of religion (Kamali, 2008) An-Na'im does not position human rights as a "counter theological authority", but as a modern ethical tool that can enrich the methodology of Islamic legal reasoning. This is where his transformative, not reactive, epistemological disposition appears.

Furthermore, An-Na'im's idea of the historicization of sharia rests on the framework of maqashid, although he does not use the term explicitly. Big themes such as justice, equality, and respect for human dignity are the ethical touchstones for any interpretation of the law. Thus,

the validity of sharia is determined not only by literal fidelity to the text, but also by its conformity with the universal transcendental moral values of Islam (Kamali, 2008). This view substantively revives the tradition of maqashid in a more constitutional and modern form.

According to Abdullah Ahmed An-Na'im, the main problem of the classical Islamic legal tradition lies in the fiqh approach that places the text as a final normative instrument, rather than as a historical response to a particular social reality. He considers that classical jurisprudence is basically a product of the ijtihad of medieval scholars who were born in the political context of Islamic kingdoms, so that it contains the bias of power, patriarchy, and feudal social structure (Na'im, 1996). Therefore, the literal application of fiqh in modern countries has the potential to cause injustice, especially related to gender issues, religious freedom, and majority-minority relations.

In An-Na'im's view, this problem is further exacerbated by the tendency of modern states in the Muslim world to use sharia as a tool of political legitimacy. He assessed that when sharia was formalized into a positive state law, sharia lost its moral nature and turned into a coercive instrument used by the ruler (An-Na'im, 2010). The most obvious examples are the cases of Sudan and Pakistan—where sharia is used to justify discrimination against women, political opposition, and non-Muslims (Tønnessen, 2011). Therefore, An-Na'im's epistemological criticism stems from the belief that Islamic law must go beyond the interests of power and return to its moral purpose.

2. Discussion

The idea of deconstructing sharia offered by An-Na'im is not intended to dismantle sharia destructively, but to dismantle historical assumptions that are considered sacred in the fiqh tradition. He wants to move sharia from the "legal-formal realm of the state" to the "realm of public morality" so that sharia can again function as a social ethics that guides, not coerces (An-Na'im, 2010). Thus, sharia is no longer understood

as a collection of positive laws, but rather as an ethical inspiration within a constitutional framework that respects the equality of citizens.

The concept of An-Na'im deconstruction is based on three methodological steps. First, historicization, which is placing Islamic law in the socio-political context of the birth of fiqh so that it can be distinguished between the divine dimension of revelation and the historical dimension of interpretation. Second, etisification, which emphasizes that the ethical goals of sharia (justice, respect for human dignity, and benefit) must be placed above its legal formulation. Third, reconstruction, which is to rebuild the methodology of Islamic law to be in accordance with the principles of modern civilization without eliminating the moral identity of Islam (Kamali, 2008). With this framework, An-Na'im seeks to answer the great dilemma of the Muslim world: how to remain relevant without falling into extreme fundamentalism or secularism. According to him, the answer is only possible if sharia is released from the ambition of politicizing the state and returned to the public ethical space.

For An-Na'im, the greatest fault of the classical legal tradition lies not in the Islamic texts themselves, but in their interpretation methodology. He argues that rigidly understood sharia has broken the creative relationship between revelation and social reality. Therefore, a new methodological framework is needed that is more responsive to the principle of universal justice, as well as the basic values of Islam which are inclusive and humanist.

From the above description, An-Na'im's epistemology can be summarized in three main pillars: (1) the historicity of fiqh texts, (2) the ethicalization of Islamic law, and (3) the constitutionalization of sharia ethics. These three pillars form the conceptual framework for the sharia deconstruction project that is at the core of his ideas. Historicization allows sharia to be reinterpreted, ethicalization ensures that the interpretation does not lose the moral spirit of Islam, and constitutionalization ensures that sharia values do not turn into an exclusive political instrument in modern nation-states. With this epistemological foundation in mind, An-Na'im seeks to answer the main problem of the Muslim world: how to

maintain religious commitment without sacrificing the principle of universal justice. This is where his epistemology finds relevance, as well as criticism: he rejects the sacralization of fiqh, but still maintains the sacredness of Islamic ethical values that are the goal of sharia itself.

When compared to Fazlur Rahman, An-Na'im has a more political-constitutional orientation. Rahman focuses on the ethics of interpretation through the theory of double movement, which is to return to the moral spirit of the Qur'an before applying the law to a new context (Rahman, 2024). Meanwhile, An-Na'im continued the spirit of ethics to the design of the state, so that the pressure point of his ideas was not only how to interpret Islamic law, but where sharia should be placed in the modern legal system.

As for Taha, An-Na'im is more moderate and methodological. Taha theologically built the doctrine of the Second Treatise on the reading of Makkiyah as the foundation of the new legal system, while An-Na'im reduced the idea to a social, political, and human rights framework. Thus, An-Na'im's position can be understood as an intellectual bridge between Islamic ethical ideals and the reality of the modern nation-state.

Based on the above description, it can be concluded that the deconstruction of An-Na'im sharia is an epistemological and political project that aims to reinterpret sharia historically and ethically, as well as reorganize its relationship with the modern state. His criticism of classical jurisprudence, his offer to restore sharia as public morality, and his views on a neutral state based on civic reason affirm that sharia should function as an ethics of liberation, not an instrument of oppression. With this framework, An-Na'im places Islam as a source of values compatible with democracy, human rights, and universal justice.

D. Conclusion

Abdullah Ahmed An-Na'im's deconstruction of sharia is a response to the tension between classical Islamic legal doctrine and modern reality. With a historical-contextual approach, the priority of Makkiyah's message, and a commitment to human rights, democracy, and constitutionalism, An-

Na'im seeks to reconstruct the sharia building to remain relevant throughout the ages. Through this idea, he emphasized that the sharia as understood today is not a final entity, but a historical result that is open to reinterpretation. His approach not only criticizes classical jurisprudence epistemology, but also offers a constructive vision of the future of Islamic law in modern society.

Despite being criticized for being considered too liberal and risking weakening sharia authority, An-Na'im's thinking still makes a significant contribution to contemporary Islamic legal discourse. Its deconstruction can be understood as an effort to bridge Islam with the principles of universal humanity, as well as to expand the horizon of ijтиhad in response to global socio-political developments. Thus, An-Na'im's thinking is relevant as a critical, open, and constructive academic dialogue material in order to build Islamic law that is civilized, just, and capable of living in a modern country.

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