

Beyond Charity: The Transformative Role of Social Fiqh in Advancing Substantive Rights for Persons with Disabilities

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Abstract

Although the state guarantees equal rights for all citizens, persons with disabilities still do not receive equal opportunities and special treatment in accordance with their needs, resulting in a gap between normative regulations and social realities. This research aims to analyze the issue through the perspective of *social fiqh*, which is the paradigm of Islamic law that emphasizes justice, empathy, and social inclusion, using a qualitative approach with a literature study design. Data was collected from academic works, official documents, and relevant policies, then analyzed by content analysis techniques through *the systematic review method*. The focus of the analysis is directed at mapping the principles of *social fiqh* that can be operationalized in answering the problem of marginalization of persons with disabilities. The results of the study show that the six main principles of social fiqh, namely justice, empathy, social inclusion, empowerment, care of the soul and mental health, and education and opportunity, not only provides theological legitimacy for the protection of the rights of persons with disabilities, but can also be used as a practical framework to encourage inclusive policies, economic empowerment, and adaptive access to education. The findings of this research can be an input for the government to formulate regulations that are more equitable for people with disabilities so that they can fulfill their social rights.

Keywords: *Human Right; Person with Dissability; Social Fiqh; Social Transformation.*

Abstrak

Meskipun negara menjamin kesetaraan hak bagi seluruh warga negara, penyandang disabilitas masih belum memperoleh kesempatan yang setara dan perlakuan khusus sesuai kebutuhannya, sehingga terjadi kesenjangan antara regulasi normatif dan realitas sosial. Penelitian ini bertujuan menganalisis isu tersebut melalui perspektif *fiqh sosial*, yakni paradigma hukum Islam yang menekankan keadilan, empati, dan inklusi sosial, dengan menggunakan pendekatan kualitatif dengan desain studi kepustakaan. Data dikumpulkan dari karya akademik, dokumen resmi, dan kebijakan yang relevan, kemudian dianalisis melalui metode *systematic review*. Fokus analisis diarahkan pada pemetaan prinsip-prinsip fiqh sosial yang dapat dioperasionalkan dalam menjawab problem marginalisasi penyandang disabilitas. Hasil penelitian menunjukkan bahwa enam prinsip utama fiqh sosial, yakni keadilan, empati, inklusi sosial, pemberdayaan, penjagaan jiwa dan kesehatan mental, serta pendidikan dan kesempatan, tidak hanya memberi legitimasi teologis bagi perlindungan hak penyandang disabilitas, tetapi juga dapat dijadikan kerangka praktis untuk mendorong kebijakan inklusif, pemberdayaan ekonomi, dan akses pendidikan yang adaptif. Temuan penelitian ini dapat menjadi masukan bagi pemerintah untuk merumuskan peraturan yang lebih berkeadilan bagi penyandang disabilitas sehingga dapat memenuhi hak-hak sosialnya.

Kata Kunci: *Fiqh Sosial, Hak Asasi Manusia, Penyandang Disabilitas, Transformasi Sosial.*



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Introduction

Persons with disabilities still do not receive the same opportunities and special treatment according to their conditions, even though the state guarantees equal rights for all citizens (Philona & Listyaningrum, 2021). People with disabilities experience obstacles in the development of their thinking ability and overall personality aspects. They also face physical, intellectual, social, and emotional limitations, or a combination of all. This affects their ability to live independently in society, even if it is simple (Lukika & Tondok, 2022). People living with disabilities are 16-62% less likely to meet physical activity guidelines and are at a higher risk of experiencing serious health problems related to inactivity than people without disabilities (Ginis et al., 2021). The experience of the daily activities of such persons with disabilities, and the treatment of the people around them, is influenced by the cultural and historical context in which the concept of disability is constructed (Chou et al., 2024).

Although various national and international legal instruments have recognized the rights of persons with disabilities, in practice persons with disabilities face various forms of inequality and limited access in various sectors of life. For example, in the economic sector, job opportunities for people with disabilities to be able to meet the needs of themselves and their families are not adequately available (Warmate et al., 2021). The provision of job opportunities by registering as a Civil Servant or State Civil Apparatus has not been optimally accommodated (Pujiyanto & Taufan, 2021). In the political sector, the voting rights of people with disabilities have also not been fulfilled as expected because of constraints in delivering socialization materials to people with disabilities. In addition, the voter participation rate among people with disabilities is still relatively low (Maulana et al., 2020). People with disabilities have higher psychological distress than individuals without disabilities, from the perspective of social status functionl (Brown, 2023). People with disabilities face a variety of challenges related to their status, feeling inferior, parental and family neglect, financial difficulties, labeling and stigma from their environmenta (Hervie, 2023). This situation reflects the gap between normative regulations guaranteeing disability rights and a social reality full of stigma and exclusion. This condition demands a new approach that is not only based on formal policies, but also based on moral and spiritual values that live in society. In this case, social fiqh can be an alternative framework that emphasizes justice, empathy, and social inclusion, so it is relevant to be offered as a solutive paradigm in an effort to fulfill the rights of people with disabilities.

The study of disability has been dominated by medical, psychological, and social approaches, which focus more on aspects of physical and psychological limitations as well as health and rehabilitation interventions (Afifah & Hadi, 2018; Al Faiq & Suryaningsi, 2021; Anidi & Anlianna, 2022; Lukika & Tondok, 2022). On the other hand, research linking disability issues to the framework of Islamic law,

especially social fiqh, is still very limited. Some studies of Islamic law tend to focus on aspects of ritual worship and the legal status of taklifi for people with disabilities, but have not much reviewed the social, economic, and political dimensions inherent in the lives of people with disabilities (Husna et al., 2018; Ramadhan, 2021; Sodikin, 2021; Umam & Pratama, 2023). In fact, social fiqh with its teleological character offers a broader conceptual framework to answer the problems of inequality, discrimination, and social exclusion (Idris et al., 2020; Mahfudh, 2011; Syahputri, 2023).

This research offers the concept of developing social fiqh as a solutive paradigm in fulfilling the rights of persons with disabilities, not just as a religious normative framework. The mapping of the principles of social fiqh such as justice, empathy, inclusion, empowerment, education, and health care, as a comprehensive analytical instrument to assess the fulfillment of the rights of persons with disabilities, by bringing together three important guidelines, namely Islamic law, national policies, and international human rights norms, resulting in contextual, inclusive, and applicable studies.

The contextualization of social fiqh in the era of disruption needs to be studied to find alternative solutions to humanitarian problems, gaps and injustices in society, especially for people with disabilities. The scope of social fiqh is very broad and is not limited to the area of worship but is also related to social values that are the basis of life in society (Rasyid, 2021). The concept of social fiqh is used to study contemporary issues (Idris et al., 2020), and produce input for government policies and referrals for the community related to the interaction of the social life of persons with disabilities from a normative, positivistic and at the same time contextualist perspective. So that research findings are produced that can balance the goals, interests, processes, and benefits of the government and society, especially people with disabilities, in line with practical universal values.

Based on these problems, this study aims to analyze the fulfillment of the rights of persons with disabilities through the perspective of social fiqh that emphasizes the values of justice, empathy, and social inclusion. In addition, this research is intended to provide academic contributions in the development of contextual Islamic law as well as practical contributions to the government, educational institutions, and society in formulating more inclusive and equitable social policies and practices. Thus, this research not only enriches the scientific treasures of social fiqh, but also serves as an applicative guide in an effort to realize an inclusive society that is disability-friendly.

Methods

This research is classified as literature research (normative), which focuses on literature data and research results (Carter et al., 2023). This research is aimed at describing the fulfillment of the social rights of people with disabilities in the perspective of social fiqh by prioritizing aspects of justice, empathy and social inclusion. The research approach used is a conceptual approach that refers

to methods of understanding, analyzing, or solving problems that emphasize conceptual or theoretical frameworks, ideas, and abstract principles rather than practical considerations related to the issues raised in the research (Phillips et al., 2023). Data collection was carried out through literature study techniques on various websites, books, proceedings, and national and international journals. The literature search was performed on academic databases such as Google Scholar, Scopus, and Crossref using a combination of keywords: ("social fiqh" OR "Islamic social law") and ("disability rights" or "persons with disabilities") and ("justice" or "inclusion").

The literature selection process applied clear inclusion and exclusion criteria. The inclusion criteria were: (1) literature discussing disability from the perspective of Islamic law or *fiqh*; (2) literature examining the social rights or inclusion of persons with disabilities; (3) published within the timeframe of 2010-2024; and (4) in the form of journal articles, books, or proceedings. The exclusion criteria consisted of literature that did not focus on the social dimension or only discussed medical aspects of disability. The secondary data was then analyzed using the systematic review method, which aims to analyze data obtained from various studies to produce more accurate findings related to the research topic (Borenstein et al., 2021). This method is suitable for this study because examining the contextualization of social *fiqh* for persons with disabilities is a form of normative research closely related to previous studies. The analysis process focused on qualitative thematic synthesis to extract, compare, and integrate arguments and conceptual findings from the various literature.

Results and Discussion

Rights of Persons with Disabilities in an Islamic Perspective

The issue of the rights of persons with disabilities is often viewed from two poles: first, textual interpretations that emphasize the limitations of persons with disabilities in carrying out their sharia obligations, and second, contextual interpretations that emphasize respect for dignity and fulfillment of their basic rights. In contemporary Islamic discourse, compatibility between Islamic teachings and Human Rights (HAM) is a crucial issue. Some textualist views consider that there is a gap between Islamic norms and international human rights standards (Muala, 2023), while the perspective of social *fiqh* emphasizes the existence of a strong common ground in terms of justice, equality, and respect for humans.

The Qur'an itself affirms the principles of equality (*al-musāwāh*) and justice (*al-'adālah*) as the foundation of universal humanity. QS. Al-Hujurat [49]: 13 emphasizes that human differences are not the basis of discrimination, but a means of getting to know each other. QS. An-Nisa [4]: 135 and QS. Al-Maidah [5]:8 even commands Muslims to uphold justice even if it is against personal or group interests. These principles are in line with the value

of social inclusion which is very relevant for the fulfillment of the rights of people with mental disabilities. Thus, the limitations of persons with disabilities should not be used as an excuse to ignore their rights to access education, health, political participation, and employment opportunities (Husna et al., 2018).

The principles of *maqāsid al-syarī'ah* also strengthen the urgency of protecting the rights of persons with disabilities. The five main objectives of sharia—*ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl*—substantially demand the maintenance of the dignity and survival of human beings, including those with physical and mental disabilities. Furthermore, fiqh also recognizes the principle of *al-masyaqqah tajlibu al-taysīr* (difficulty in bringing convenience), which is the basis for legal leniency for individuals with limitations. This means that people with disabilities still have sharia obligations as long as their intellect is still functioning, but the implementation is adjusted to existing capacity and conditions (Jalaludin, 2024; Mahfudh, 2011; Sulthon, 2020).

The Islamic perspective affirms that all human beings, regardless of background, have an equal standing before Allah. The difference between them is determined only by the level of piety. Therefore, the rights of persons with disabilities must also be recognized and respected. They have the right to humane treatment and full access to facilities, especially in the context of worship facilities, in accordance with the limitations they face (Mahfudh, 2011). In the context of fiqh, people with disabilities still have the responsibility to carry out their sharia obligations (*taklif*) as long as their intellect is still functioning reasonably. However, the implementation of this obligation must take into account their health condition. In Islam, they are given leeway to carry out their obligations according to their abilities without reducing the value of the enforceability of the sharia in the slightest (Husna et al., 2018). This approach reflects Islamic tolerance and wisdom in responding to the needs of diverse individuals. Providing rights and freedoms to persons with disabilities is an integral part of the concept of equality and justice in Islamic teachings. Therefore, Muslim communities are expected to implement these values in their daily lives, creating an inclusive and supportive environment for all individuals, including people with disabilities (Idris et al., 2020).

In the context of Indonesia, social fiqh thought recognizes several basic rights of society, including the right to life, the right to religious freedom, the right to education, the right to work, the right to health, women's rights, the right to justice, and environmental rights (Yafie, 1994). The implementation of these rights in society is expected to result in a more inclusive, equitable, and sustainable social environment (Amrin et al., 2023). The rights of the community in social jurisprudence not only strengthen individual rights, but also provide a basis for improving social justice and common well-being (Syahputri, 2023). Thus,

social fiqh is proof of Islam's commitment to rejecting discrimination against persons with disabilities, while affirming that they have the right to participate fully in socio-religious life.

Contextualization of Social Fiqh as a Solution

Social fiqh was born as a response to the limitations of normative fiqh which tends to be textual, rigid, and less adaptive to complex societal problems. As an approach, social fiqh shifts the orientation of fiqh from a deontological to a teleological nature, from an emphasis on mere legal compliance to the achievement of a broader legal goal, namely the benefit of human beings (Mahfudh, 2011). Substantively, social fiqh emphasizes three important things: first, making fiqh not only a normative science but also an applied science that is able to answer social problems; second, emphasizing the process of *ijtihad manhaji*, which is moving from simply following the opinions of previous scholars (*qauli*) to a more contextual methodology; and third, placing fiqh as a social ethics that leads society to achieve justice, equality, and equality. and well-being (Sulthon, 2020). The issue of the rights of persons with disabilities is no longer seen as a marginal issue, but as an integral part of Islam's commitment to social justice.

Social fiqh principles relevant to persons with disabilities include *al-'adālah* (justice), *at-tawādhu'* (empathy), *al-muwāsathah* (social inclusion), *ihyā' al-mašāliḥ* (empowerment), *ḥifẓ al-naḥs* (care of the soul and mental health), and *ta'lim wa tasyjīr* (the right to education and opportunity). The implementation of these principles can be seen in efforts to provide access to disability-friendly education, equitable mental health services, and employment policies that provide full participation space for people with disabilities (Husna et al., 2018). In other words, social fiqh is tasked with interpreting religious texts into social praxis that is able to remove stigma, discrimination, and exclusion.

In the context of contemporary society, including in Indonesia, the contextualization of social fiqh is also closely related to the values of moderation (*wasathiyah*), tolerance (*tasāmuḥ*), and balance (*i'tidāl*). These three values are very important to create an inclusive social space for people with mental disabilities. Moderation encourages a proportionate attitude in understanding their limitations, tolerance opens up space for acceptance of differences, while balance ensures that their rights and obligations are exercised without discrimination (Syahputri, 2023; Yafie, 1994). Thus, social fiqh plays a role not only as a normative foundation, but also as a praxis guideline to build an inclusive social culture.

The contextualization of social fiqh is aimed at respecting human rights, culture, religion and human civilization, so as to form a society with moderation (*wasathiyah*), tolerance (*tasamuh*) and balance (*i'tidal*) in realizing the five basic principles of maqashid sharia (Hasan et al., 2023). Viewed from the perspective of

social fiqh, the fulfillment of the rights of persons with disabilities must prioritize the principles of Islamic law to ensure justice, empathy, and social inclusion. The values of Islamic universality, namely *al-musawa* (equality), *al-'adalah* (justice), *al-hurriyyah* (freedom), and the like, as explained in the Quran, such as Surah Al-Hujurat verse 13, Surah An-Nisa verse 135 and Al-Maidah verse 8, have become a solid basis for the recognition, appreciation and protection of the rights of persons with disabilities. The Decree of the 30th NU Congress in 1999 in Kediri affirmed the commitment to these values and at the same time rejected discriminatory attitudes and actions against persons with disabilities (Husna et al., 2018).

In the context of Indonesian Muslim society, efforts to harmonize social fiqh are directed to respect human rights, consider culture, religion, and human civilization, with the aim of forming a moderate (*wasathiyah*), tolerant (*tasamuh*), and balanced (*i'tidal*) society (Hasan et al., 2023). This effort aims to realize the five basic principles of *sharia maqashid*, namely the principles of maintaining religion, soul, heredity, intellect, and property. The contextualization of social fiqh can be interpreted as the adaptation of Islamic teachings to be appropriate and relevant to the social and cultural realities of the place where the teachings are applied. This includes recognition of human rights, which signifies respect for the dignity and freedoms of the individual (Idris et al., 2020).

In addition, the contextualization of social fiqh considers the diversity of cultures, religions, and human civilizations. Respecting this diversity, social fiqh emphasizes the principles of moderation (*wasathiyah*), where people are expected to live their daily lives in balance and harmony (Mahfudh, 2011). Tolerance (*tasamuh*) is a key foundation in the contextualization of social fiqh, where diversity and differences are valued as wealth, not as conflict. Tolerance creates an inclusive and open social environment, where every individual can practice his or her religion and live according to his or her cultural values without fear of discrimination. The importance of balance (*i'tidal*) in social fiqh emphasizes that the application of religious law and values must be in line with the needs and realities of people's lives. It creates a fair and balanced framework in the pursuit of justice and common prosperity (Yafie, 1994). By combining the principles of *wasathiyah*, *tasamuh*, and *i'tidal*, social fiqh aims to achieve *the maqashid of sharia*, namely the maintenance of religion, soul, descent, intellect, and property. Thus, the contextualization of social fiqh is a form of effort to make Islam a relevant and useful guideline for life in the context of a diverse and dynamic society (Wimra et al., 2023).

In the digital era 5.0, Social Fiqh can increase the ease of access and progress in people's lives related to social, cultural, economic, and political issues by prioritizing the values of public welfare. The development of *social* fiqh in the era of society 5.0 is a step to alleviate the increasingly complex problems of society. *Social* fiqh also educates and guides humans to become advanced, independent, prosperous, tolerant, moderate, balanced, and just human beings (Rasyid, 2021). The fiqh of life as an explanation for people's acceptance of fiqh not only as

knowledge but also as a practical guide in their lives. The implication is the availability of a sociological framework of fiqh that can explain the integration of fiqh in the daily life of Muslim society spread across various models of cultural practice (Wimra et al., 2023). Social fiqh is not only a tool to see every problem from the black and white eye but places fiqh as a paradigm of social meaning. This is in line with the opinion of Ali Yafie who proposes five main themes to understand the Qur'an in its entirety, namely: first, the affirmation and strengthening of the existence of revelation; second, the recognition of divine matters; third, the Islamic view; fourth, the introduction of human beings and humanity; and fifth, a view of life's problems (Amrin et al., 2023).

Furthermore, social fiqh offers an integrative approach to state policies. The results of the study confirm that the contextualization of social fiqh can be an important input for the government to formulate regulations that are fairer and in favor of people with disabilities, especially in the fields of education, health, and employment (Pujiyanto & Taufan, 2021). In this case, social fiqh is able to be a bridge between Islamic law, national positive law, and international human rights standards, so that the solutions offered are not only normatively valid, but also sociologically and constitutionally relevant.

Thus, the contextualization of social fiqh serves as a solutive paradigm that integrates Islamic values, social norms, and contemporary humanitarian needs. He not only affirms the rights of people with mental disabilities, but also encourages social transformation towards a more just, empathetic, and inclusive society.

The Transformative Role of Social Fiqh in Advancing Substantive Rights

Efforts to overcome injustice, discrimination and disparities in treatment of persons with disabilities can be carried out by identifying the factors that affect persons with disabilities, both in urban and rural communities. Among them: (1) culture of vulnerability, (2) determinants of disability, (3) educational resources for persons with disabilities, and (4) effective system integration (Jost et al., 2022). The culture of vulnerability in question is a problem of perspective. The public's perspective on disability is often trapped in a mystical or naïve paradigm. The mystical view considers disability as a curse or disgrace that must be covered, while the naïve view sees disability as a destiny from God, and humans can do nothing but resign themselves to living it without transformative efforts to improve the quality of life of people with disabilities (Husna et al., 2018). Both create a *culture of vulnerability* that actually reinforces social exclusion and limits access for people with disabilities to public spaces, education, and employment (Friedman, 2021).

The exclusive paradigm needs to be changed towards an inclusive paradigm that places people with disabilities as subjects who have dignity and potential. This paradigm shift can be facilitated by social fiqh that emphasizes the values of

justice (*al-'adālah*), equality (*al-musāwah*), and empathy (*at-tawādhū'*). The implementation of social fiqh opens up space for people to view disability not as a burden, but as part of human diversity that should be appreciated. With this perspective, people with disabilities have greater opportunities to access decent education, comprehensive mental health services, and participation in social activities that build a sense of empowerment (Bódi et al., 2023).

In addition, paradigm changes are also influenced by social and technological developments. Information technology is an important instrument in eroding social stigma by showing the ability of people with disabilities to network, express themselves, and contribute in the digital space. The transformation of the way people view people with disabilities is not only supported by inclusive religious and cultural values, but also by the use of technology that strengthens the position of people with disabilities in contemporary social life.

With the existence of information technology, individuals with disabilities can live their daily lives more independently and actively engage in various social aspects, from education to work, without feeling limited by their physical or sensory limitations. (Rathee et al., 2023) In this context, information technology is not only a tool, but also a means of uniting society through social interaction based on diversity and inclusion. The use of diverse platforms and applications allows individuals with disabilities to engage in dialogue, share ideas, and expand their social networks. Therefore, information technology has a central role in creating a more disability-friendly environment and removing the limitations that may exist in accessibility and participation in the lives of the people as a wholen (Bonilla del Río et al., 2022).

The development of information technology is currently experiencing significant diversification and makes a great contribution in facilitating daily activities, especially for people with disabilities. Information technology provides tremendous assistance in bridging the need for communication and social interaction, which is an integral part of people's cultured life. Various forms and variations of communication are accommodated by these technological advancements, allowing individuals with diverse disabilities to engage in social interaction without being constrained by space or distance constraints (Byrd & Zhang, 2023). The same opportunity in using technology in the digital era has a positive impact on people with disabilities. For example, the use of mobile technology among adults with intellectual disabilities has been shown to increase their social inclusion with family, friends, and work/volunteers (Martin et al., 2021). Structured and organized social inclusion interventions can create better opportunities to engage in social interactions and improve social skills. In addition, interpersonal relationships and community participation can facilitate positive outcomes for the social inclusion of people with disabilities (Louw et al., 2020). In addition, social networking allows people with disabilities to demonstrate their interests and talents, and makes it easier for them to take part

in the digital environment, interact with audiences, and become a medium to make a positive impact to increase respect for diversity (Bonilla del Río et al., 2022).

Thus, technology has a central role in realizing social inclusion for people with mental disabilities. It serves as a bridge that connects people with disabilities with families, communities, and wider public spaces. From the perspective of social fiqh, the use of technology not only improves the quality of life of people with disabilities, but also strengthens the values of justice and equality which are the foundation of community life. Technology and social fiqh, thus, complement each other in leading society towards a more inclusive, empathetic, and just order.

The contextualization of social fiqh places technology not just as an instrument of modernity, but as a means of strengthening the values of justice, empathy, and social inclusion. The use of technology to improve accessibility for people with disabilities is in line with the principles of moderation (*wasathiyah*), tolerance (*tasāmuḥ*), and balance (*i'tidāl*) (Hasan et al., 2023). The moderate attitude of every individual in society encourages the use of technology in interacting with people with disabilities. With this framework, technology serves as an extension of social fiqh in creating a disability-friendly society. An attitude of tolerance opens up equal participation spaces without digital discrimination for people with disabilities.

Tabel 1.1
Mapping of Social Fiqh Principles on the Fulfillment of the Rights of Persons with Disabilities

| Principles of Social Fiqh | Makna Normative | Implications for the Fulfillment of the Rights of Persons with Disabilities |
|---------------------------|--|---|
| Al-'Adālah | Guarantee equal rights and reject discrimination. | Encourage non-discriminatory public policies in access to education, health, employment, and political participation for persons with disabilities. |
| At-Tawādhu' | Fostering social sensitivity to the limitations of others. | Building a social culture that respects the dignity of persons with disabilities, erodes stigma, and encourages family and community support. |
| Al-Muwāsathah | Ensure the full participation of all individuals in social life. | Creating an inclusive social, educational, and political space, so that people with disabilities can play an active role according to their capacity. |
| Ihyā' al-Maṣāliḥ | Reviving benefits by increasing individual potential. | Provide access to skills training, economic empowerment programs, and adaptive employment opportunities for people with disabilities. |
| Ḥifẓ al-Nafs | Protecting life and health as a basic human right. | Ensure the availability of affordable mental health services, protection from violence, and rehabilitation support. |
| Ta'līm wa Tasyjīr | Providing the right to education and self-development. | Ensuring access for persons with disabilities to inclusive education, adaptive curriculum, and learning technology support. |

Source: research data

The contextualization of social fiqh plays an important role in overseeing this paradigm shift. The values of moderation (*wasathiyah*), tolerance (*tasāmuḥ*), and balance (*i'tidāl*) contained in social fiqh form a framework for living together that respects diversity. Moderation prevents the birth of extreme attitudes that exclude people with disabilities from social spaces, tolerance encourages acceptance of differences in conditions, while balance emphasizes the need for justice in the distribution of rights and opportunities (Husna et al., 2018; Kristiandy, 2021; Umam & Pratama, 2023). This new paradigm ultimately builds an inclusive society that not only recognizes the existence of persons with disabilities, but also encourages their active participation in religious, educational, political, and economic life.

Thus, a change in the social paradigm towards mental disabilities is an important prerequisite for the fulfillment of their rights. The shift from a mystical and naïve perspective to an inclusive paradigm affirms that respect for human dignity is the foundation of civilized society. Social fiqh provides normative and praxis instruments to realize these changes, while technological developments strengthen social inclusion in the realm of daily life. These two aspects complement each other in building a more just, empathetic, and socially just society for people with disabilities.

Conclusion

This research emphasizes that social fiqh can be a relevant conceptual framework in realizing respect for human rights, especially for persons with disabilities, by prioritizing Islamic legal principles oriented towards justice, empathy, and social inclusion. The six main principles of social fiqh—*al-'adālah* (justice), *at-tawāḍhu'* (empathy), *al-muwāsathah* (social inclusion), *ihyā' al-maṣāliḥ* (empowerment), *ḥifẓ al-naḥs* (care for the soul), and *ta'līm wa tasyjīr* (education and opportunity)—constitute a conceptual as well as an operational framework for creating a more disability-friendly society. These principles not only strengthen Islamic theological legitimacy for the rights of persons with disabilities, but are also relevant in addressing the challenges of discrimination, stigma, and social marginalization that still occur in Indonesia. Thus, social fiqh serves a dual function: first, as an academic paradigm that enriches the study of contemporary Islamic law with a humanist perspective; Second, as a practical guideline that can be integrated into public policies, empowerment programs, and community social practices.

This study's primary contribution is the development of the six core principles of Social Fiqh (including *al-'adālah* and *al-muwāsathah*) into a novel operational and conceptual framework, thereby enriching contemporary Islamic legal discourse with a robust, humanist paradigm for disability rights.

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