CONTEMPORARY ISSUES IN LAW AND GOVERNANCE

AUTHORS

Assoc. Prof. Dr. Lutovac JELENA

Asst. Prof. Dr. Zimonjić MARIJANA

Asst. Prof. Dr. Lalitamk JAIN

Dr. Tasić ZORAN

Dr. Vidya KADAM

Achmad Tubagus SURUR

Shreyash SINGHAL

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CONTEMPORARY ISSUES IN LAW AND GOVERNANCE- 2026

ISBN: 978-625-91915-5-3

DOI: 10.5281/zenodo.20970154

July / 2026

Ankara, Türkiye

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Date: 17.07.2026

Farabi Publishing House
Ankara, Türkiye
www.farabiyayinevi.org

adopted by Esma AKSAKAL
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PREFACE

Law and governance play a central role in shaping institutional accountability, regulating social and economic relations, and responding to global political challenges. In a rapidly changing world, legal systems are increasingly required to address issues related to organizational management, labour relations, international peace and security, and the relevance of diverse legal traditions in contemporary societies.

The chapters in this volume examine selected issues in law, governance, and global affairs. The first chapter explores the legal and economic framework of internal audit observation in the management of heterogeneous legal entities in small economies. The second chapter discusses Islamic law in relation to contemporary global issues. The third chapter examines peacekeeping in the age of hybrid warfare, focusing on the legal challenges faced by the United Nations. The final chapter critically analyzes India’s four labour codes and their socioeconomic implications for labour governance in emerging economies.

By bringing together institutional, legal, economic, and international perspectives, this volume highlights the multidimensional character of contemporary legal research. The chapters demonstrate how legal frameworks and governance practices can contribute to addressing complex challenges at national, regional, and global levels.

It is hoped that this book will serve as a useful academic resource for researchers, legal professionals, students, and scholars interested in law, governance, international relations, labour studies, and institutional management. We extend our sincere appreciation to all contributing authors for their valuable scholarly efforts.

Editorial Team
July 2026, Türkiye

CHAPTER 1
LEGAL AND ECONOMIC FRAMEWORK OF INTERNAL AUDIT OBSERVATION IN THE MANAGEMENT OF HETEROGENEOUS LEGAL ENTITIES IN SMALL ECONOMICS

[1]Assoc. Prof. Dr. Lutovac JELENA
[2]Asst. Prof. Dr. Zimonjić MARIJANA
[3]Dr. Tasić ZORAN

[1]Academy of Hospitality, Tourism and Wellness, Belgrade, Serbia, jelena.vitomir1@gmail.com, ORCID ID: 0000-0001-6995-3297
[2]Megatrend University, Belgrade, Serbia, marijanazimonjic1978@gmail.com, ORCID ID: 0009-0005-6323-0953
[3]Južnobanatski upravni okrug, Pančevo, Serbia zoleopovo@yahoo.com, ORCID ID: 0009-0001-3489-7288

INTRODUCTION

Legal and economic regulations in the management of numerous functions in heterogeneous companies, i.e. legal entities, require fundamental knowledge in the field of management that is carried out by top management as the bearer of making valid management decisions (Dragosavac et al., 2023; Bakmaz et al., 2024a, Jovanović et al., 2025; Lutovac et al., 2025; Bakmaz et al., 2025).

The realistic observation of the legal-economic framework is reflected in the actions of numerous, primarily internal control and management functions, and certainly in the real business of heterogeneous legal entities, internal audit is one of the basic factors for improving the making of valid management decisions (Popović et al., 2017; Radović et al., 2019; Vitomir et al., 2020; Arnautović et al., 2022; Tomas-Miskin et al., 2022; Bakmaz et al., 2024).

The legal framework that enables the essential application of internal audit as a basic position to improve the making of valid and safe management decisions of top management stands out as a possibility of application in the management and improvement of management functions of top management in heterogeneous legal entities, which is of particular importance for developing countries and small countries (Tošković et al., 2016; Popović et al., 2021: Radović et al., 2023).

The legal framework, through the operation of which, or the adoption of a legal management decision to form an internal audit in the processes of regular business operations of a legal entity managed by the top management of the company, is the basis for all other top management decisions from the point of view of making valid management decisions, the management of which makes it possible to achieve better business effects in heterogeneous legal entities (Vitomir et al., 2021; Radović et al., 2021-a; Arnautović et al., 2022-a; Vitomir et al., 2023; Bakmaz et al., 2024-b; Popović et al., 2025), primarily within the framework of overall business improvement.

1. IMPLEMENTATION OF INTERNAL AUDIT AS PART OF THE LEGAL AND ECONOMIC FRAMEWORK OF OBSERVING INTERNAL AUDIT IN THE MANAGEMENT OF HETEROGENEOUS LEGAL ENTITIES IN SMALL ECONOMICS

The legal and economic framework for observing internal audit in the management of heterogeneous legal entities is created by making a legal management decision to form an internal audit in the regular business processes of a legal entity managed by the company's top management.

The internal audit formed by the top management is a body that essentially does not have an inspection role in the legal entities in which it was formed.

The legal and economic functioning of internal audit requires the cooperation of employees and management in order to obtain a sufficient amount of true information required for the performance of audit duties.

Legal and economic action in the processes of the established internal audit system takes place in conditions for maintaining an atmosphere of mutual trust and cooperation.

Then this system of action is established when the internal audit is transparent in its work and has achievable goals set by top managers. At the same time, its functioning should be such that professional relations are maintained at all times and the rules of professional practice of internal auditors are applied.

Internal audit compliance should be viewed in relation to the requirements of the company's top management. It is the basis and key for ensuring high standards of internal audit in the operations of numerous companies.

However, since auditing is more of an "art" than a science, the goal of this paper is not to mechanize the approach to the internal audit process, but to practically point out the comprehensive importance of internal audit work in companies.

The basic characteristic of the application of this approach remains the professional audit court itself, which is formed by the internal auditor in his work based on the authority given to him by the company's top management.

Legal economic functioning depends on key messages, such as:

- Internal audit should be adapted to the circumstances within the audited entity and should be based on an assessment of audit risk,
- Providing an opinion on internal controls is not the only purpose of auditing in companies,
- Examination of the structure of corporate governance in the subject of audit and examination of the success of management in the medium term should become equally important for the adoption of the position and opinion of the internal auditor,
- The audit findings should be presented in a timely manner in the internal audit reports to ensure that the appropriate measures can be taken on time by the top management of the company.

Legal economic action represents a significant step towards achieving the goal of providing the highest quality audit services that can be applied in a large number of heterogeneous companies, that is, legal entities.

This increasingly comes to the fore in the conditions of the existence of a major economic and financial crisis in the world, where legal economic action forms the basic action of all internal control mechanisms of action in heterogeneous legal entities operating in a large number of countries.

The purpose of functioning of internal audit should be aimed at the existence of internal audit in:

- Public sector,
- To establish a common reference framework for the functioning of internal audit in companies (in a way to make it easier for internal auditors to be able to understand the principles of modern audit techniques and to be able to introduce new terminologies with which they will be able to perform their audit duties in a better way),
- To ensure that the procedures and methodologies implemented by the internal auditor are in accordance with the international standards for the professional practice of internal auditing, established by the international institute of internal auditors (iia),

- The mentioned standards should be adapted and applicable in a large number of heterogeneous companies,
- In order to ensure that the methodologies and procedures are in accordance with the best practice and reflect changes in the legal and auditing environment, it is necessary to have a central state authority at the ministry of finance that will be responsible for reviewing and changing the content of internal audit methodologies and procedures in the state. Such inspections will be carried out once a year, and if necessary, more often by the state authorities of the ministry of finance,
- The head of the internal audit service is still obliged to adapt certain parts, as necessary, to local circumstances; for example, to include a certain organizational structure, that is, sectors of the corresponding direct user of internal audit.
- it is necessary to consider and agree on each change with the state body of the ministry of finance.
- Each auditor is obliged to ensure that all changes in methodology and practice are understandable and applicable in companies,
- Established state body under the ministry of finance should be ready to consider suggestions from direct users regarding possible improvements to internal audit procedures and methodologies.

The structure of applicable internal audit in companies most often includes:

- Internal audit principles, standards and policies, which provide guidance on key policy issues related to internal audit management and on the basis of which internal audit actually functions,
- Audit of the system, which explains the steps to be followed during the audit,
- Internal Audit Skills, which provides guidance on a range of interpersonal skills and techniques that internal auditors should be familiar with,
- Application of internal audit tools (instruments), which contains basic audit tools and other instructions that should facilitate the work of individual internal audits in companies that have introduced it.

The legal and economic functioning of the system of internal audit established in this way is a framework in which the internal auditor should follow the instructions of the state authorities on the basis of the internal audit, where possible, the approach and techniques mentioned in the introductory part should be adapted to the conditions in the company in which he performs the work of the internal auditor.

In addition, the space for the implementation of internal control bodies appears in all heterogeneous organizations in the economy of a country.

The implementation of internal audit should be seen as a process and not as a current situation that happens based on the decisions of top management in companies.

In this way, internal audit can be expected to act in a real way in companies that have introduced internal audit in regular business.

In addition, it can be pointed out that the work of internal audit and control in companies and all other legal entities is closely related to IT technology, but all this should be seen as an inseparable part of the overall business of heterogeneous legal entities.

Analysis of the situation prior to the introduction of internal audit in companies should include the following:

- When forming an internal audit in companies, the top management has expectations that all those responsible for the management of asset management in the companies are fully responsible for the management of those activities.
- Internal audit is conducted in accordance with the law and relevant standards, and that the means necessary for conducting internal audit work should be used economically, effectively and correctly in accordance with the plan for performing the internal audit.
- One of the objectives of the state bodies of the Ministry of Finance is to establish rapid response and provide better services for all users, which requires the entire internal audit system to be focused on performance measurement where cooperation is possible between public and private sector organizations.

Cooperation between the public and other sectors in the country will result in a comprehensive and possibly usable program for the use of internal audit in the country.

- The goal is for internal audit to enable better and safer safeguarding of public funds.
- The primary responsibility is to establish safe business between the public and other sectors of the economy, and to conduct business in accordance with the law and appropriate standards, and to manage public funds with absolute integrity, and to spend them for their purpose.
- In order to fulfill this responsibility, it is necessary for state bodies and all persons responsible for managing public affairs to establish and maintain an appropriate structure for managing their affairs and keeping funds available.
- Internal audit in the public sector "adds value" not only through analysis and reporting on what happened, but also "looking ahead", that is, identifying areas where improvements are possible and encouraging good practice. In this way, internal audit contributes to the promotion of improved management standards, better management in the decision-making process, and better use of taxpayers' funds.
- Internal audit in the public sector is an important link in the chain of responsibility because it strengthens responsibility, both in terms of elected or appointed persons, as well as in terms of users, taxpayers and citizens in a wider sense.

2. THE FOCUS OF INTERNAL AUDIT AS AN INDEPENDENT BODY OF LEGAL AND ECONOMIC MANAGEMENT IN THE FRAMEWORK OF THE WORK OF A LEGAL ENTITY

The focus of the internal audit should be on:

independence of the auditor from the subject of audit;

- a wide range of audit work in the public sector,

- The ability of auditors to make the results of audits and reviews available to the public and democratically elected representatives who are responsible for funding relevant activities.
- Internal auditors should understand that there is a wider public interest in the audit of public funds, which arises primarily from the fact that taxpayers are obliged to pay taxes, and therefore have a special interest in ensuring that public funds are managed in an appropriate manner, because unlike shareholders in a company who have the ability to decide for themselves whether to buy or sell their shares.
- In addition, public sector bodies, as corporate entities, are usually not engaged in the production of goods, that is, they do not provide services whose primary purpose is resale on the open market, and therefore their primary goal is not to make a profit.
- These bodies therefore exist to provide cost-effective, efficient public services.
- Therefore, citizens rightly expect that state bodies and public funds use only justified and intended, and that there are high standards of integrity and that these funds are used in the most efficient way, which is accepted through the legal responsibility of public sector auditors.
- Therefore, it is necessary to plan the audit in the public sector in relation to a wider perspective, that is, it must be taken into account that public funds must be managed in an appropriate manner and in accordance with the concepts of "value for money".

In summary, auditors should accept the fact that the requirements relating to the audit of assets are much broader and include:

Analysis of the effectiveness of the internal control system;

- The audit also deals with aspects of correctness, as well as the structure that ensures economy and effectiveness in the use of public funds;
- Consideration of the legality/correctness of transactions;
- Analytical approach to work, where the starting point should be an overview of the auditor's characteristics, responsibilities and problems faced, as well as the auditor's management and organization;

- An active approach, through which the audit work, where possible, is characterized by a constructive attitude that ensures change, which is reflected in maintaining a constructive and adequate relationship with employees, as well as in the time and approach applied in reporting on the findings of the internal audit.

3. LEGAL AND ECONOMIC STANDARDS OF INTERNAL AUDIT IN THE WORK OF HETEROGENEOUS LEGAL ENTITIES THAT STRIVE TO IMPROVE THEIR BUSINESS

Legal and economic standards of internal audit are carried out in heterogeneous companies and with respect to:

- Internal audit work is performed in accordance with internationally accepted standards established by the Institute of Internal Auditors. These standards are also known as the Standards of Professional Practice in Internal Auditing (Internal Auditing Standards).
- It is the obligation of all internal auditors to comply with these Standards.

The purpose of internal audit standards is the possibility to:

- Establish basic principles of good internal audit practice;
- Provide a framework for the performance and promotion of a series of internal audit activities, which can "increase the value" of the organization and from which it benefits;
- Establish a basis for the success of internal audit activities; encourage the improvement of the organization's procedures and activities.

Internal audit standards include:

- Attribute standards - series 1000,
- Performance standards - series 2000 and
- Application standards.

Attribute standards refer to the characteristics of a certain organization, as well as individuals who perform internal audit activities and include:

- standard 1000 - Purpose, powers and duties,
- standard 1100 - Independence and objectivity,
- standard 1200 - Expertise and due professional attention,

- Standard 1300 – Quality Assurance and Improvement Program.

  Performance standards refer to the nature of internal audit work and the provision of qualitative criteria against which the success of internal audit work can be measured.

The standards of properties and performance are applied in principle to all internal audit activities.

- Standard 2000 - internal audit management,
- standard 2100 - nature of work,
- standard 2200 - engagement planning,
- standard 2300 - performance of work,
- standard 2400 - reporting on results,
- standard 2500 - progress monitoring,
- standard 2600- acceptance of risk by management.

  Application standards refer to the application of attribute and performance standards to certain types of engagements (e.g. system audit, financial audit or performance audit, investigation of a specific criminal offense or management request to conduct an audit).

4. ACHIEVING THE LEGAL AND ECONOMIC IMPACT OF INTERNAL AUDIT ON BUSINESS DECISION MAKING BY TOP MANAGEMENT

Achieving the legal and economic impact of internal audit on top management's business decision-making is achieved in multiple ways.

Application of the code of ethics in companies The Code applies to employees who perform internal audit work.

Failure to comply with the ethical requirements stated here leads to the initiation of proceedings against persons employed in the internal audit service.

Internal auditors are expected to apply the principles of:

- Integrity Internal auditors gain trust through their integrity, which provides a basis for the reliability of their position.
- Objectivity Internal auditors must demonstrate the highest degree of objectivity in the collection, evaluation and presentation of data related to the activity, that is, the procedure that is the subject of the audit.

- Internal auditors provide a balanced assessment of all relevant circumstances without undue influence of their own interests, i.e. the influence of other persons on their opinion.
- Confidentiality Internal auditors respect the value and ownership of the information they receive and do not disclose it without proper authorization, except when there is a legal or professional obligation to do so.
- Professionalism Internal auditors apply the necessary knowledge, skills and experience in performing internal audit work.

The integrity of the internal auditor as a factor of appreciation in the work of the internal auditor should be viewed as an unavoidable fact of the overall observation of the work and functioning of the internal audit in companies.

Internal auditors:

Perform their work honestly, responsibly and with due care;

- Acts in accordance with the laws and regulations of the state and discloses data only when the law requires it;
- They do not knowingly participate in illegal activities, that is, they do not participate in activities that discredit the profession of internal audit or the organization;
- Represent and contribute to the legitimate and ethical goals of the organization.

Objectivity Internal auditors:

- They do not participate in actions or relationships that may jeopardize or may be considered to jeopardize the impartiality of the audit assessment.
- Said participation includes those actions, that is, connections that may be in conflict with the interests of the organization.
- Any conflict of interest will be reported to the top management;
- Do not accept gifts, favors or anything that may compromise or is perceived to compromise the professional judgment of review;
- Disclose all material facts known to them, without the publication of which the report on the activities subject to the audit could be misinterpreted.

Confidentiality Internal auditors:

- Are cautious in the use and protection of data collected during the performance of their duties;
- Do not use data for personal gain, or in any other way that is illegal or harmful to the organization's legitimate and ethical goals;
- Does not disclose data to unauthorized persons unless there are legal or professional reasons for doing so.

Professionalism Internal auditors:

- Work exclusively on jobs for which they have the necessary knowledge, skills and experience;
- Performs internal audit tasks in accordance with internal audit standards and methodologies;
- Ensure that they acquire the necessary basic skills needed to conduct the audit in an efficient and professional manner;
- Take responsibility for the continuous improvement of their expertise in order to raise the quality and efficiency of internal auditing to a higher level.

Internal Audit Charter

This document regulates the relationship between the company and the internal auditor.

It determines the purpose and content of the audit charter. Each internal auditor should prepare a draft of such a charter, review it and agree on the place and time when it will be signed with the top management in order to start the formal work of internal audit in the company.

The purpose of this charter is to clearly indicate the role of internal audit and to clarify the environment necessary for the efficient functioning of internal audit and to increase the value of the organization of internal audit work itself in the company.

In addition, the charter regulates the connection of work between the internal auditor and the company.

The scope of work of internal audit is not limited and includes all programs, activities and procedures in companies.

In addition, it also includes the audit of EU funds, as well as all other funds provided by other international bodies and institutions, that is, it has a wide range of activities and can be organized in most state institutions.

In performing its tasks, internal audit also deals with economy, efficiency and effectiveness of activities in the form of system audit, "value for money" audit, system performance audit in the company, regularity audit and financial audit.

Internal audit also deals with consulting work that is usually performed at the request of the company's top management.

The internal auditor is involved in the following key activities related to reporting and communication in the company:

- Discusses and agrees with the top management the strategic work plan (and annually updates that plan) and the annual work plan;
- Prepares quarterly/six-monthly reports on internal audit activities and discusses them with the company's top management;
- Preparing and reviewing annual reports on internal audit activities;
- Reports should include confirmation of the adequacy (or inadequacy) of the internal control system;
- Ad hoc meetings with top management to discuss issues arising from individual audits, suspicions of criminal activities, access problems, etc.; and
- Attends regular top management meetings.

The internal audit charter regulates the relationship between the company and the internal auditor.

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In addition, the charter regulates the connection of work between the internal auditor and the company.

The internal audit charter should contain:

- Briefly highlighted the role of internal audit;
- Represents the scope of work of the internal audit;
- Explains how the independence of the internal audit will be ensured;
- Mr. Lists the responsibilities of the internal audit;
- Presents in detail the reporting structure of the internal auditor; and
- Explains the connection between internal audit and other authorities, for example, the state audit institution.

CONCLUSION

The establishment of the legal-economic framework that will regulate the basic legal-economic conditions for the operation of numerous business management activities occurs continuously within the legal-economic management part of the functioning of legal entities, which can be drawn as the first conclusion after familiarizing yourself with the author's study.

Second, the realistic observation of the legal-economic framework is reflected in the action of numerous, primarily internal control and management functions, which was the basis for the author's research results, because the focus of the application of internal audit as a basic position stands out in the paper as the possibility of application in the management and improvement of management functions of top management in heterogeneous legal entities, which is of particular importance for developing countries and small countries.

Thirdly, by making a legal management decision to form an internal audit in the regular business processes of a legal entity managed by the company's top management, it is an extremely important decision of top management from the point of view of making valid management decisions by top management, noting that the existence of a legal and economic framework of internal audit can fundamentally improve the work of the entire legal entity by making valid management decisions by top management.

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CHAPTER 2
ISLAMIC LAW IN A CONTEMPORARY GLOBAL ISSUES

[1]Achmad Tubagus SURUR

[1]Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan, Indonesia achmad.tubagus.surur@uingusdur.ac.id, ORCID ID: 0000-0003-0374-6302.

INTRODUCTION

The existence of Islamic law in the stage of world civilisation has always been based on the axiom that Islamic sharia has a nature that transcends the boundaries of time and space, or what is popularly known as the term "salihun li kulli zaman wa makan." This principle affirms that Islam is not just a static theological system. Still, a legal entity that is dynamic, organic, and responsive to every pulse of the changing times. However, the claim of universality now faces a complex challenge, along with the emergence of various contemporary issues that were never anticipated during the codification of classical Islamic law. The era of technological disruption, the global ecological crisis, the complexity of the digital economy, and the shift in the paradigm of human rights and gender require Islamic Law to reorient its methodology to remain relevant without losing its fundamental identity. This phenomenon is interesting to study in depth because there is a creative tension between the limited text of revelation and the infinite social reality, which then gives rise to the urgent need for a comprehensive contemporary ijtihad (Yongbao, 2024).

The urgency of studying Islamic Law's response to contemporary global issues lies in the crucial position of law as an instrument for regulating social and moral order within the international Muslim community. The importance of this topic is also related to efforts to avoid the occurrence of legal vacuums (khala' qanuni) in the face of medical innovations, such as genetic engineering, the use of artificial intelligence in legal decision-making, and decentralised financial transaction mechanisms, including cryptocurrencies. If Islamic law fails to provide intellectually convincing and practically applicable answers, there will be a disconnect between the religious beliefs of the ummah and the reality of their daily lives. Therefore, this study makes a significant contribution to the scientific literature by mapping the strategy of adaptation of Islamic law methodology, expanding the horizon of implementing maqasid al-shari'ah, and strengthening the position of Islamic Law as an alternative solution to increasingly complex global humanitarian problems (Kholiq et al., 2025).

This study departs from a critical evaluation of the discourse that has developed in previous literature. Various previous studies have tended to focus on the partial response of Islamic Law, such as reviewing only aspects of Sharia economics or specific medical issues separately.

Several studies in international journals have explored how contemporary fatwas address the problem of climate change. Still, these studies often stop at the normative level without examining the mechanisms by which the law is integrated into broader public policy. On the other hand, there is research that examines the harmonisation between Islamic Law and universal human rights (Manea, 2020). Still, it is often caught in a dichotomy that negates rigid traditionalism and extreme liberalism. A shortcoming of previous similar studies is the lack of multidisciplinary approaches that can unite various contemporary issues into a coherent and holistic theoretical framework (Ibrahim et al., 2024).

The fundamental difference and novelty of this study compared to previous works lies in the use of an interdisciplinary legal synthesis approach. This study not only captures the legal response of one school or one geographical area, but also synthesises the tendency of Islamic legal thought from various fatwa authorities worldwide, including those in the Middle East, Southeast Asia, and Muslim communities in the West. The novelty offered includes the formulation of an ijtihad methodology based on integrated maqasid that combines aspects of religious protection with protection of environmental sustainability and digital sovereignty, which have not been explicitly accommodated in the traditional maqasid al-khamsah structure. Through this study, it is hoped that a new paradigm will emerge in viewing Islamic law, which is no longer positioned as an obstacle to progress, but as an ethical compass and a proactive regulatory framework in overseeing the transformation of human civilisation in the 21st century (Karimullah, 2023a).

The primary focus of this study is on how the methodology of Islamic law has evolved in response to contemporary issues that are complex and have cross-country implications. The researcher formulated a fundamental question about the extent to which classical ijtihad instruments, such as qiyas, istihsan, and maslahah mursalah, are still able to address the challenges of the era of artificial intelligence and modern bioethics. In addition, this study examines whether the shift in fatwas that has occurred in various parts of the world indicates a trend of legal convergence or, conversely, widens the fragmentation of religious authority.

The initial hypothesis put forward is that Islamic Law possesses tremendous internal flexibility through the activation of maqasid al-shari'ah; however, the effectiveness of its response depends heavily on the ability of scholars to integrate modern science into their legal reasoning structures. Without the integration of knowledge (transdisciplinarity), the resulting legal response risks becoming uncontextual and losing its social bonding (Laabdi & Elbittioui, 2024).

The potential outcomes expected to be revealed by this chapter include the discovery of a framework for ijtihad that is more inclusive and adaptable to the development of science and technology. This study aims to demonstrate that Islamic Law possesses an inherent capacity to serve as a dialogue partner for international law in addressing humanitarian issues, including cross-border refugees, personal data protection, and global disaster mitigation. The study has the potential to provide practical recommendations for fatwa institutions and legal policymakers in Muslim countries to adopt legislation procedures that are more responsive to changing times. The significance of the results of this study also includes educational aspects, enabling the wider community to develop a moderate and progressive understanding of the dynamics of Islamic law amidst unstoppable globalisation (Muhammad Mujtaba Abdulkadir & Halima Ibrahim Bature, 2025).

Systematically, the organisation of the writing in this chapter is structured to provide a comprehensive and logical picture for the reader. Following this introductory section, the discussion commences with the presentation of the theoretical foundations underlying the evolution of Islamic legal methodology from the classical to the contemporary period. The following section provides an in-depth analysis of Islamic Law's response to the digital economy and Islamic social finance issue clusters. The discussion then continued to a critical review of science, bioethics, and information technology issues from the perspective of Sharia (Alfian et al., 2024). The author examines socio-political global problems, including human rights and environmental concerns, before delving into the analysis of the proposed methodological synthesis. This chapter concludes with a summary that highlights key findings and provides strategic suggestions for future research development.

This study limits its scope to contemporary issues that have had a broad impact internationally in the last two decades. Focus is given to phenomena that demand a paradigm shift in thinking, not just technical changes in legal administration. The global context considered includes the dynamics of legal thought in the Islamic world, represented by authoritative institutions such as Majma' al-Fiqh al-Islami under the Organisation of Islamic Cooperation (OIC) and fatwa institutions in various Muslim countries with diverse sects. With a broad yet focused scope, this research aims to provide in-depth theoretical contributions as well as practical guidance that is useful for legal practitioners, academics, and stakeholders in the Islamic world worldwide. Through this comprehensive exploration, the position of Islamic Law as a living law will be strengthened, and its role in arranging a dignified human life amidst the world's changes will be more evident (Toriquddin et al., 2024).

The author's interest in exploring this theme is also driven by the fact that the world is currently at a crossroads of civilisation. Islamic law can no longer stand on an ivory tower that merely repeats the narrative of the yellow book without engaging in a dialectic with contemporary reality. Therefore, this study seeks to bridge the gap between tradition (turast) and modernity. Through an objective and critical approach, it is hoped that this research will help reduce the tension between the demands of Sharia and the needs of the times, thereby creating harmony that benefits all of nature. Thus, the ultimate goal of this study is not merely to describe the legal response, but to provide a new direction for a more enlightened, just, and sustainable future of Islamic jurisprudence for human civilisation as a whole.

1. TRANSFORMING CONTEMPORARY IJTIHAD: REORIENTING MAQASID AL-SHARI'AH FOR GLOBAL CHALLENGES

The world in the post-modernity era is currently experiencing an unprecedented acceleration of change in the history of human civilisation. The phenomenon of globalisation is closely tied to advances in information technology.

These ecological crises threaten the planet's existence, and fundamental shifts in the digital economy's structure have created a complex social landscape. In this context, Islamic Law, as a universal and enduring value system, faces significant challenges in remaining relevant and functional as both an ethical guide and an instrument of regulation. The global dynamics of 2025 indicate that humanitarian problems are no longer linear and local, but rather systemic, cross-border, and multidimensional. This requires a legal response that is not only fast but also has philosophical depth and high methodological accuracy (Karimullah, 2023c).

Problems arise when the classical ijtihad device inherited by the previous fuqaha is often considered inadequate if it is only applied textually and rigidly to answer new issues that do not yet have a precedent in the text of revelation. Topics such as the sovereignty of personal data in artificial intelligence algorithms, carbon trading for climate change mitigation, and the complexity of decentralised financial transactions require a more progressive ijtihad. This research is motivated by the urgent need to reorient the construction of Islamic legal methodology to bridge the distance between the limited sacred texts and the ever-evolving social reality. The researcher observed that there is intellectual anxiety among academics and practitioners of Islamic law regarding the risk of religious alienation from the reality of life if ijtihad remains trapped in the traditional paradigm of atomism (Nur et al., 2025).

The urgency of this sub-chapter is also triggered by the emergence of various contemporary fatwas that sometimes seem contradictory between one institution and another, reflecting the diversity in the use of methodologies. Therefore, this study aims to map the ongoing methodological transformation, characterised by a strong tendency to shift from mere linguistic analysis to meaningful analysis grounded in legal objectives. This research is crucial because it attempts to formulate an ijtihad framework that not only provides legal certainty for Muslims but also contributes to the development of just global policies. By focusing on the transformation of ijtihad and the reorientation of maqasid, this study positions itself as a bridge between the rich Islamic intellectual tradition and the demands of modernity, which are pragmatic yet full of ethical challenges (Maripatul Uula & Darwis Harahap, 2023).

Currently, there has been a significant functional shift in the classical ijtihad apparatus, especially in the instruments of maslahah mursalah and istihsan. In the discourse of classical fiqh, the two instruments are often positioned as secondary postulates or supporting tools that are used only in emergencies when no textual evidence is found. However, in contemporary ijtihad practice, both have evolved into the main pillars. Research findings indicate that contemporary mujtahids primarily use maslahah mursalah as the basis for argumentation in formulating laws in the dynamic areas of mu'amalah and siyasah. This is done because the complexity of global issues requires consideration of the broad public interest, which often goes beyond the scope of simple analogies or qiyas that are limited to partial similarity of 'illat (Rahmawati & Satrio, 2024).

This sub-chapter also reveals a transformation from a juz'i or textual-partial approach to a holistic kulli approach. The findings indicate that modern jurists no longer tend to evaluate a legal case as a standalone entity, but rather as part of a larger, interconnected system. In responding to the issue of data sovereignty, for example, ijtihad is carried out not only to look at the privacy aspect individually, but also to consider the systemic impact on national security and global economic justice. This holistic approach automatically encourages the reorientation of maqasid al-shari'ah from a defensive and conservative to a proactive and adaptive perspective. Researchers found that traditional maqasid structures are now conceptually expanded to include new dimensions relevant to the needs of 21st-century humans (Rashed et al., 2025).

Another important finding in this sub-chapter is the integration of the dimensions of global environmental protection, data sovereignty, and economic sustainability into the new Islamic legal goal structure. Researchers have found that the principle of hifz al-bi'ah, or protecting the environment, is now seen as equivalent to other basic purposes because ecological damage directly threatens the safety of lives and the sustainability of the religion. Likewise, hifz al-data is considered an extension of the protection of honour and property in the digital era.

These findings confirm that the methodological transformation that has occurred is not an attempt to alter the sharia, but rather a rediscovery of the essence of Islamic law, enabling the realisation of justice in a social structure that has undergone radical changes due to technological advances and economic globalisation (Degirmenci et al., 2024).

The methodological transformations found in this research can be explained through systems theory in Islamic law, popularised by contemporary thinkers such as Jasser Auda. In this view, Islamic law should be understood as a living system, in which each of its methodological elements works synergistically to achieve the ultimate goal: the benefit of its adherents. The shift in the function of maslahah mursalah and istihsan to become the main instrument reflects the need for legal flexibility in dealing with issues that do not have a textual precedent. The use of istihsan in contemporary issues allows the fuqaha to abandon rigid analogy in favour of more substantive justice. This aligns with previous studies that emphasise that, in a world of uncertainty, the public interest should be the primary guiding principle in making legal decisions, as long as it does not conflict with the fundamental principles of Sharia (Khoirul Umam Addzaky et al., 2025).

The discussion of the transition from the juz'i to the kulli approach shows that contemporary ijtihad has reached a higher level of intellectual maturity. This holistic approach allows Islamic law to engage in a cross-disciplinary dialogue with modern science. For example, in response to the issue of economic sustainability, Islamic law not only talks about the haram of riba normatively, but also offers the concept of wealth distribution based on maqasid to reduce global social disparities. This elaboration is supported by the thoughts of figures such as Thaha Jabir al-Alwani, who encourage the integration of revelation and reality through a double reading of text and context. Thus, the reorientation of maqasid is not merely an addition to a list of legal goals, but a paradigm shift in the way we view the relationship between humans, God, and the universe (Mukhlis Lubis, 2025).

The emphasis that this methodological transformation is very different from the legal liberalisation movement, which tends to strip away the authority of the text for purely pragmatic interests. On the contrary, what happens in contemporary ijtihad is an attempt to "revitalise tradition" or tajdid.

Through the use of measurable and controlled maslahah, the mujtahids are actually attempting to preserve the essence of Islamic justice, ensuring it is not eroded by the currents of modernity, which are often exploitative. Previous studies by Islamic legal scholars in the Middle East and Southeast Asia have also shown a similar trend, where the strengthening of the maqasid aspect has become a bulwark of defence for Islamic humanitarian values in the midst of the onslaught of global materialism. The reorientation towards environmental protection and data sovereignty is clear evidence that Islamic law is very responsive to even the most fundamental issues of generational justice and human rights (Karimullah, 2024b).

Islamic law provides a robust ethical framework for safeguarding human digital identities. When personal data becomes a very valuable economic commodity and is prone to misuse by large corporations, maqasid-based ijtihad is here to protect human dignity (hifz al- karamah). Likewise, in environmental issues, this research emphasises that natural damage caused by uncontrolled economic activities is a form of violation of the divine mandate. By linking the theory of istikhlaf (man as caliph) with global ecological policy, this research demonstrates that Islamic Law makes a significant theoretical contribution to the formulation of solutions to the climate crisis. The integration of this renewed classical methodology with contemporary issues ultimately results in a more inclusive, effective, and dignified jurisprudence (Karimullah, 2023b).

The effectiveness of Islamic Law in the international world depends heavily on the ability of the fuqaha to synthesise various scientific knowledge into their legal reasoning. The study highlights that ijtihad today must be collective (ijtihad jama'i) and transdisciplinary, involving technologists, economists, and environmental scientists to ensure that the maslahah formulated is genuine, not merely an imaginative one. Thus, this methodological transformation is a historical necessity that strengthens the position of Islam as rahmatan lil 'alamin. The researcher believes that with this systematic framework, Islamic Law will be able to become an equal dialogue partner with other world legal systems in an effort to create a more harmonious and just global order for all creatures (Karimullah, 2023b).

This sub-chapter finds that there has been a fundamental transformation in contemporary ijtihad methodology in response to complex global dynamics.

Classical ijtihad tools, such as maslahah mursalah and istihsan, have evolved from supporting instruments into key methodological pillars that enable Islamic Law to address new areas where there is no explicit nash proactively. The shift from a textual-partial approach to a holistic approach based on legal objectives (kulli) is the primary key to the relevance of Islamic Law in the 21st century. This transformation is not a form of superficiality or legal liberalisation, but a serious methodological effort to maintain the substance of Islamic justice, ensuring it can still be implemented amid massive changes in the world's social, technological, and economic structures. The reorientation of maqasid al-shari'ah, which encompasses new dimensions such as environmental protection, data sovereignty, and financial sustainability, underscores the organic and adaptive nature of Islamic Law. The success of contemporary ijtihad in responding to these issues is primarily determined by the scholars' ability to integrate modern science into the structure of Islamic legal thought without sacrificing the fixed principles of the faith.

2. REFRAMING ISLAMIC LAW AMID DIGITAL, BIOTECHNOLOGICAL, AND ECOLOGICAL CHANGE

Human civilisation is at a pivotal point in its technological transformation and facing unprecedented existential challenges. The acceleration of the digital economy has given rise to a fully decentralised financial ecosystem, while biotechnological innovations are beginning to alter the fundamental code of human life through exact genetic engineering. At the same time, the world is facing an integrated ecological crisis that threatens the stability of the Earth's life support systems. This phenomenon creates tremendous pressure on the world's legal system, including Islamic Law, which is required to provide juridical-ethical answers that are not only reactive but also visionary and solution-oriented. This dialectic between static sacred texts and super-dynamic social realities has become the most challenging field of ijtihad in the history of Islamic modernity (Mokrani, 2022).

The global Muslim community is now actively engaged in the maze of the digital economy involving crypto assets and smart contracts that work autonomously without the intervention of central authorities.

Without a clear Islamic legal framework, there is an excellent risk of ethical disorientation and massive financial losses among the ummah. In addition, advances in biotechnology have gone beyond the boundaries of traditional discussions about health, entering highly sensitive domains such as editing the human genome, which has the potential to alter ancestry permanently. This requires Islamic Law to redefine the limits of human intervention in relation to God’s creation. At the same time, the increasingly severe environmental degradation forces the fukaha to shift the paradigm from anthropocentric law to more ecocentric law for the survival of future generations (Ali et al., 2024).

This sub-chapter is designed to examine how Islamic legal authorities make methodological adaptations in addressing these three major issue clusters. The researcher observed a paradigm shift in fatwa making, where a multidisciplinary approach became a necessity. Religious authorities no longer stand alone in interpreting God’s will, but rather work closely with technocrats, scientists, and economists to ensure that every legal product produced has a high level of factual accuracy. The urgency of this study lies in its efforts to formulate a model of “Juridical Dialectic” that can harmonise the progress of civilisation with transcendental values, so that Islam is still able to carry out its function as a blessing for the whole world in the midst of the hustle and bustle of the changing times (Young, 2022).

The response of Islamic law to the acceleration of the digital economy reveals a tendency to be increasingly open, yet still cautious. Regarding the validity of smart contracts in blockchain networks, research findings indicate that this instrument is, in principle, considered Shariah-compliant because it meets the elements of contract principles, namely agreement and certainty of conditions, which are executed automatically by computer code. The existence of smart contracts is considered to minimise the element of gharar or uncertainty in transactions, as the system is transparent and cannot be changed unilaterally. However, in the issue of crypto assets, researchers found a sharp differentiation of views. Although the volatility of crypto assets remains a concern for some Islamic legal authorities, there is a trend of recognising cryptos that have a clear underlying asset or serve a functional purpose within specific digital ecosystems.

The response to decentralised finance also shows interesting findings, where the system is seen as an excellent opportunity to implement the principle of wealth distribution without the intermediaries of conventional banking, as long as the liquidity mining and yield farming mechanisms within it are free from elements of usury and pure speculation (Asyiqin, 2025).

In the biotechnology innovation cluster, this research found that Islamic Law positions itself as the guardian of human dignity amidst scientific ambitions. Regarding gene editing technology, the study's findings indicate that the majority of fatwa authorities permit its use for the treatment (tahsiniyyah) of severe genetic diseases, but strictly prohibit its use for aesthetic or eugenic human enhancement purposes. Islamic law, in this case, sets a strict limit: medical intervention is permissible as long as it aims to preserve life (hifz al-nafs). Still, it becomes forbidden if the goal is to alter the nature of human creation arbitrarily. On the issue of IVF, research found that this practice has been widely accepted as a legal medical solution under Sharia, as long as sperm and eggs from legal married couples are used, which reflects Islamic Law's efforts to preserve the lineage (hifz al-nasl) (Hamdan et al., 2018).

The findings of the sub-chapter on the ecological crisis cluster show a significant transformation in the discourse of environmental fiqh or fiqh al-bi'ah. Islamic law no longer views the environment solely as an object to be exploited, but as a subject of law with the right to be preserved. The researcher found a pattern of fatwa adaptation that integrates the obligation to protect the environment with the harmony of faith and worship. One of the essential findings is the emergence of the concept of "Green Zakat" and "Ecological Waqf" as Islamic social financial instruments to fund climate change mitigation projects. Islamic legal authorities began to apply moral and legal sanctions against the perpetrators of the destruction of nature, stating that acts that damage the balance of the ecosystem are categorised as fasad fi al-ard (damage to the earth), which is a great sin. These findings confirm that Islamic Law is now moving towards a more integrative approach by incorporating scientific data on the Earth's ecological threshold into every formulation of its environmental fatwas (Latif et al., 2023).

The study of this juridical dialectic should be seen through the lens of the theoretical Maqasid al-shari'ah, which has undergone a contemporary expansion of meaning. In response to the digital economy, the theory of hifz al-mal (protection of property) is no longer understood solely as a prohibition on physical theft, but also encompasses the protection of digital assets and data sovereignty from cyberattacks. The researcher elaborated on this finding by citing the views of previous Islamic law experts, who stated that sharia law can adapt to changes in time and place. The validity of smart contracts and DeFi is clear evidence of the application of the fiqh rule that "origin in all forms of mu'amalah is permissible unless there is evidence that prohibits it". The support of previous studies indicates that blockchain technology shares a philosophical affinity with the principle of Islamic transparency, which can theoretically be utilised to eradicate corrupt practices and market manipulation that often occur in centralised financial systems.

In biotechnology studies, the discussion of this research relates the findings of gene editing to the theory of Sadd al-Dhara'i or closing the path to damage. Although medically gene editing offers a cure, Islamic Law is very wary of its potential abuse that can undermine the social order and the concept of human moral responsibility. This discussion is reinforced by the innovative theory of ijtihad insyā'ī, in which the fukaha are required to formulate laws on medical procedures that do not exist before taking into account the long-term benefits for humanity. The researcher referred to several international studies that stated that Islamic ethics makes a unique contribution to global bioethics due to its balancing nature between individual autonomy and collective responsibility before God, in contrast to Western bioethics approaches that often focus too heavily on individual rights alone (Jecker & Chung, 2025).

The study of ecological crises highlights the theory of Istikhlaf, or the concept that humans are God's representatives on earth, charged with maintaining the balance of nature. The researcher elaborates that contemporary environmental jurisprudence is not just an addition to the chapter of purification (thaharah), but an autonomous legal framework that demands radical lifestyle changes. Elaboration supported by previous studies shows that the current climate damage is caused by economic greed that ignores the limits of sharia in consumption.

Therefore, the response of Islamic Law involving cross-disciplinary experts is very crucial. The integration of climatology with fiqh reasoning gave birth to the so-called “Science-Based Ecological Jurisprudence”, in which fatwas regarding the prohibition of forest burning or the use of single-use plastics are based on irrefutable scientific arguments regarding the latent danger to human life as a whole (Karimullah, 2024a).

The pattern of fatwa adaptation found in this research shows a shift from a single authority to a collegial and collaborative authority. This discussion highlights that ijtihad in this accelerated era is no longer possible for scholars to undertake in isolation. The existence of technologists in formulating the laws of the digital economy, scientists in biotechnology, and environmental activists in ecological jurisprudence is a manifestation of the broader and professional application of the concept of shura. This aligns with the theory of legal development, which posits that an effective law is one that accurately responds to empirical reality. The researcher emphasises that this juridical dialectic reflects the extraordinary elasticity of Islamic Law, where eternal principles (dhawabith) are maintained while the applicative details (mutaghayyirat) continue to change dynamically in response to the direction of human civilisation’s increasingly sophisticated development (Permatasari, 2022).

Islamic law has undergone a significant transformation of juridical dialectics in response to the acceleration of the digital economy, biotechnological innovation, and ecological crises. The legal response to the digital economy demonstrates openness to smart contract innovations and decentralised financial systems as a means to achieve economic transparency and fairness, while maintaining vigilance against volatility. In the realm of biotechnology, Islamic Law serves effectively as an ethical brake, separating life-saving medical advances from scientific ambitions that have the potential to undermine human dignity. Meanwhile, in the field of ecology, there has been a fundamental shift towards a greener and more integrative jurisprudence, which positions the preservation of nature as an integral part of the pillars of obedience to God. The novelty and position of Islamic Law in this era of advanced modernity are highly determined by its ability to carry out collective ijtihad across disciplines.

The use of scientific data, technological analysis, and economic projections in the formulation of fatwas has led to more accurate, relevant, and applicable legal products in the global community.

3. RECONSTRUCTING THE ISLAMIC LAW PARADIGM FOR GLOBAL LEGAL HARMONISATION

The global legal order is experiencing a crisis of legitimacy and effectiveness in the face of escalating humanitarian conflicts, extreme economic inequality, and sharp social fragmentation. The secular legal system that has dominated international discourse is often confined to a formal, procedural framework that lacks transcendent values, thereby failing to address the root of modern human moral problems. In the context of an increasingly connected yet divided world in 2025, there is an urgent need to present an alternative legal system that can synthesise between juridical certainty and substantive justice. Islamic law, with its rich intellectual tradition, is no longer viewed as a mere personal law for its adherents, but rather as a source of universal values that can make a significant contribution to the governance of global civilisation (Kader, 2021).

The urgency of this sub-chapter stems from the fact that today's global challenges necessitate an approach that transcends the boundaries of nation-state sovereignty. Issues such as mass displacement due to war, the systemic poverty crisis, and systematic human rights violations demand more humane resolution instruments. This study highlights that there have been methodological misunderstandings that position Islamic Law diametrically contrary to international legal standards. In fact, through the process of paradigm reconstruction, Islamic Law has tremendous potential to offer a concept of justice that transcends materialistic boundaries. The primary focus of this research is to examine how Islamic Law can transition from a defensive to a proactive stance, providing concrete solutions to the world's humanitarian challenges, particularly through the enhancement of humanitarian diplomacy and peace mechanisms grounded in religious values (Huda, 2019).

The importance of reconstructing this paradigm is also driven by the awareness that living law must be able to carry out internal criticism without losing its fundamental identity.

The world of academia and legal practitioners today requires a new framework that enables Islamic Law to engage in dialogue on an equal footing with global civil law and international human rights standards. The researcher believes that future legal harmonisation efforts will not be successful if each legal system remains exclusive. Therefore, this sub-chapter seeks to fill this knowledge gap by building an argument that Islamic Law is an open, adaptive, and highly bargaining power system that can serve as an ethical compass for global civilisation, which is seeking a new direction towards more dignified justice.

The reconstruction of the Islamic Law paradigm is now moving towards a more contributive direction to world civilisation through three main pillars. First, in dialogue with international human rights standards, researchers found that Islamic Law can offer a transcendent and holistic concept of justice. These findings demonstrate that the protection of individual rights in Islam does not stem solely from social consensus but is rooted in divine obligations that provide stronger protection of human dignity. The researcher presented evidence that the principles of daruriyyat al-khamsah share a firm common ground with the declaration of universal human rights, with the added advantage of a moral responsibility that extends beyond the demands of formal legality (Rohmah & Alfatdi, 2022).

The great potential of Islamic Law as an instrument for global conflict resolution through the strengthening of the concept of sulh or peace. The researchers found that the sulh mechanism offers a more effective, non-adversarial approach to mitigating cross-border conflicts compared to conventional justice systems, which tend to be win-lose. In the practice of international diplomacy, the concept of peace in Islam, which prioritises reconciliation and forgiveness, has proven to be an ethical foundation for a more lasting mediation process. These findings confirm that Islamic Law has procedural instruments capable of accommodating a plurality of interests without compromising the principle of justice for victims, making it a highly relevant alternative solution in addressing contemporary geopolitical crises (Damanik & Junaidi, 2024). The effectiveness of humanitarian diplomacy based on Islamic social financial instruments, namely, zakat and international waqf.

The researcher explained that the management of zakat and waqf, integrated into the global economic system, can be a concrete solution for poverty alleviation and sustainable development financing in conflict areas. The findings of this research indicate a positive trend, where international institutions are beginning to recognise the potential of waqf as a perpetual source of capital for the provision of public facilities on a global scale. The results of the analysis indicate that when this instrument is managed in accordance with modern accounting and transparency standards, it becomes a highly transformative economic force. The researcher emphasised that this success is the fruit of the courage of Islamic legal authorities in conducting internal criticism of classical fiqh thought, which is still territorial, towards a more global and inclusive approach (Adinugraha et al., 2024).

The use of contemporary Maqasid al-shari'ah theory as an analytical basis to explain how the reconstruction of the legal paradigm is carried out. The application of this theory is particularly relevant because it enables Islamic Law to transition from a rules-oriented to a goal-oriented framework. In line with the views of thinkers such as Jasser Auda, this discussion emphasises that every legal product must be evaluated based on its ability to realise justice and public benefits at large. Elaboration of the findings on human rights shows that Islam does not recognise the dichotomy between God's rights and human rights. Instead, it integrates the two in a single frame of ethical obligations. This is supported by previous studies that have stated that the failure of international human rights standards is often due to the absence of a spiritual basis, where Islamic Law is present to fill this void by offering a transcendent concept of justice (Adinugraha et al., 2025).

The sulh instrument, as a solution to global conflicts, is associated with conflict resolution theory that emphasises the importance of a culturally based approach and local values. The researcher argues that sulh is not just a mediation technique, but a legal philosophy that prioritises the restoration of social relations over juridical victories. In this context, the support of previous studies on the practice of living law in various Muslim countries indicates that success in achieving peace is often achieved when state law can accommodate local wisdom derived from Islamic values.

Strengthening the concept of sulh in a global framework requires the fukaha to formulate international mediation protocols that are compatible with global civil law standards, so that the resulting peace decisions have executory force in various world law jurisdictions (Kurniawan et al., 2025).

Zakat and international waqf are linked to a proactive theory of distributive justice. The researcher elaborated that zakat and waqf are no longer just individual philanthropic instruments, but have transformed into pillars of economic diplomacy. In this discussion, the researcher refers to the success of several waqf integration models in developed countries that can fund medical research and education without relying on state budgets. This demonstrates that Islamic Law can provide an alternative economic system that is more stable and resilient to crises compared to debt-based systems. The researcher emphasises that the primary key to this transformation is the courage to abandon narrow and outdated interpretations of fiqh and to reactualize the universal values of Islam to respond to the increasingly complex challenges of the digital economy and global humanity (Abu Bakar, 2018).

Projections of future harmonised laws that are convergent. The researcher predicts that Islamic jurisprudence in the future will be increasingly integrated in terms of methodology while respecting the local plurality or urf of each region. This harmonisation does not mean total uniformity, but rather the creation of a mutually enriching dialogue between Islamic Law and other world legal systems. This discussion emphasises that the success of this convergence process depends heavily on the quality of ijtihad carried out by Islamic legal scholars, who must possess a deep understanding of global reality. Internal criticism of ideas that are no longer relevant, such as the division of the world into dar al-Islam and dar al-harb, must be radically carried out to strengthen the image of Islam as a religion that brings grace to all nature and becomes a strategic partner in building a more peaceful world order.

The reconstruction of the Islamic Law paradigm is necessary to make it a proactive alternative solution within a global framework. Islamic law has demonstrated its capacity to offer a more humanistic and transcendent concept of justice through constructive dialogue with international human rights standards and global civil law.

The discovery that Sulh instruments and humanitarian diplomacy based on zakat-waqf have high effectiveness in conflict resolution and global poverty alleviation confirms that Islam has a substantial practical contribution to world civilisation. Islamic law is no longer a closed legal system, but a dynamic one that can provide an ethical framework for the harmonisation of international law in the future (Saifnazarov et al., 2025).

Future projections suggest that Islamic jurisprudence will continue to move towards a strong methodological convergence without losing the richness of its local identity. The success of this transformation ultimately depends heavily on the collective courage to engage in honest internal criticism as well as a commitment to strengthening Islam's enduring universal values, such as justice, equality, and humanitarian fraternity. This sub-chapter provides strong recommendations for Islamic legal institutions and international legal experts to intensify their efforts in building a dialogue platform to formulate fairer global regulations. With this new paradigm, Islamic Law is projected not only to survive but to become one of the main pillars in creating a more harmonious, civilised, and equitable global civilisation order for all mankind.

CONCLUSION

This chapter concludes that Islamic Law has succeeded in transforming juridical dialectics that are very significant in responding to various contemporary global dynamics. The most fundamental finding in this chapter is the functional shift of classical ijtihad instruments, such as maslahah mursalah and istihsan, which have now evolved from mere secondary postulates to the principal methodological pillars for filling the legal void in new areas that lack explicit texts. The holistic kulli approach is now beginning to replace the textual-partial juz'i approach, thereby allowing for the integration of environmental protection, data sovereignty, and economic sustainability into a more adaptive maqasid al-shari'ah structure.

The primary scholarly contribution of this chapter lies in the formulation of the "Juridical Dialectic" model, which harmonises the progress of civilisation with transcendental values, while positioning Islamic Law as an equal dialogue partner for international law and as an instrument for global conflict resolution.

This chapter proposes a new direction for Islamic jurisprudence that is more enlightening, just, and sustainable for human civilisation universally. However, it has limitations in scope, focusing on phenomena with international impact over the last two decades and concentrating on the digital economy, biotechnology, and ecology clusters. As a recommendation, future research should expand its scope to include other specific socio- political issues and strengthen collective ijtihad involving cross- disciplinary experts more extensively. As a next step, Islamic legal institutions should establish a more intensive dialogue platform with international legal experts to formulate global regulations that are fairer and more responsive to changing times.

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CHAPTER 3
PEACEKEEPING IN THE AGE OF HYBRID WARFARE: A LEGAL VACUUM AT THE UN

[1]Shreyash SINGHAL

[1]Adv.India, singhal.shreyash28@gmail.com, ORCID ID: 0009-0005-6919-3431

INTRODUCTION

On April 14, 2018, a convoy of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) was targeted by a coordinated attack involving improvised explosive devices, small arms fire, and a sophisticated cyber operation that disabled the mission's communications systems. The attackers, whose identities remained ambiguous, disappeared into the civilian population before reinforcements could arrive. This incident exemplifies the central challenge facing contemporary peacekeeping operations: how to respond to adversaries who employ hybrid warfare tactics that deliberately exploit the legal and operational constraints under which UN peacekeepers operate.

Hybrid warfare, characterized by the strategic integration of conventional military force with irregular tactics, cyber operations, disinformation campaigns, economic pressure, and political subversion, has fundamentally altered the landscape of armed conflict. Unlike traditional interstate wars where belligerents, battlefields, and objectives are clearly defined, hybrid conflicts deliberately create ambiguity regarding attribution, intent, and the threshold between peace and war. This ambiguity directly challenges the foundational legal principles upon which UN peacekeeping was constructed.

The United Nations peacekeeping framework emerged during the Cold War as an improvised response to conflicts that threatened international peace and security but could not be addressed through the enforcement mechanisms envisioned in Chapter VII of the UN Charter. The legal architecture supporting peacekeeping operations rests upon three foundational principles: consent of the parties, impartiality, and the non-use of force except in self-defence and defence of the mandate. These principles evolved in an era when conflicts were predominantly interstate, parties to conflicts were identifiable sovereign states, and the dividing line between combatants and civilians was relatively clear.

However, the contemporary security environment bears little resemblance to the Cold War context in which peacekeeping doctrine was formulated. Modern conflicts increasingly feature non-state armed groups, transnational terrorist organizations, private military companies, and state proxies operating in the grey zone between peace and war.

The proliferation of hybrid warfare tactics has created situations where consent is manipulated, impartiality is weaponized against peacekeepers, and the threshold for the legitimate use of force becomes impossible to determine using traditional legal criteria.

This article argues that the existing legal framework governing UN peacekeeping operations contains critical gaps that render such missions ineffective—and potentially counterproductive—when deployed in hybrid warfare environments. The article is structured in six parts. Part II provides background on the evolution of peacekeeping doctrine and the emergence of hybrid warfare as a strategic approach. Part III analyzes the specific legal vacuums created by the intersection of traditional peacekeeping mandates and hybrid threats, examining issues of mandate formulation, rules of engagement, and attribution. Part IV presents case studies from Mali, the Central African Republic, and Ukraine to illustrate these legal gaps in practice. Part V discusses the consequences of legal inadequacy for mission effectiveness and international peace and security. Part VI concludes with policy recommendations for reforming the legal and institutional framework of UN peacekeeping.

2. BACKGROUND: PEACEKEEPING DOCTRINE AND HYBRID WARFARE

2.1 The Evolution of UN Peacekeeping

UN peacekeeping emerged as an institutional innovation to bridge the gap between Chapter VI (Pacific Settlement of Disputes) and Chapter VII (Action with Respect to Threats to the Peace) of the UN Charter. The first peacekeeping operation, the United Nations Truce Supervision Organization (UNTSO), was deployed in 1948 to monitor the armistice between Israel and its Arab neighbors. Early peacekeeping missions were characterized by their limited mandates, small troop deployments, and primary function of monitoring ceasefire agreements between state parties.

The end of the Cold War brought dramatic changes to peacekeeping. The UN Security Council, freed from the paralysis of superpower rivalry, authorized increasingly complex and ambitious operations.

'Second-generation' peacekeeping missions in the 1990s expanded beyond traditional ceasefire monitoring to include civilian protection, humanitarian assistance, election supervision, and state-building functions. The failures in Somalia, Rwanda, and Srebrenica revealed the limitations of consent-based peacekeeping when confronted with parties willing to manipulate or withdraw consent, and when protection of civilians required robust use of force.

In response to these failures, the Brahimi Report of 2000 called for more robust peacekeeping mandates and clearer rules of engagement. Subsequent missions in the Democratic Republic of Congo, Darfur, and South Sudan received Chapter VII mandates authorizing 'all necessary means' to protect civilians and support implementation of peace agreements. However, even these more robust mandates maintained the fundamental principles of consent and impartiality, creating operational contradictions when missions were required to use force against spoilers while maintaining impartial status.

2.2 The Emergence of Hybrid Warfare

Hybrid warfare defies singular definition but is characterized by the simultaneous employment of conventional military capabilities, irregular tactics, terrorist acts, criminal disorder, and non-kinetic tools like cyber-attacks, disinformation, and economic coercion. Coined by Frank Hoffman in 2007, it describes adversaries who fuse these elements in a unified strategy to exploit vulnerabilities without escalating to open conflict. While asymmetric tactics have been employed throughout military history, contemporary hybrid warfare is distinguished by its systematic exploitation of the seams between war and peace, military and civilian, and state and non-state action.

The Russian intervention in Crimea in 2014 exemplifies hybrid warfare's capacity to achieve territorial conquest while maintaining plausible deniability. Unmarked Russian forces ('little green men') seized key infrastructure, while cyber operations disrupted Ukrainian communications and a sophisticated disinformation campaign shaped international perceptions. This operation succeeded in annexing Crimea without triggering the collective defense provisions of Article 5 of the NATO Treaty, demonstrating how hybrid tactics can exploit legal ambiguities for strategic advantage.

Key characteristics of hybrid warfare include: (1) deliberate ambiguity regarding attribution of attacks and the identity of attackers; (2) operations below the threshold of armed conflict as traditionally defined in international law; (3) exploitation of legal grey zones, particularly regarding the use of proxy forces and cyber operations; (4) integration of military operations with information campaigns to shape perceptions; and (5) strategic patience, pursuing objectives through gradual escalation rather than decisive military action.

For UN peacekeeping operations, hybrid warfare poses unique challenges because it deliberately targets the foundational assumptions upon which peacekeeping mandates are constructed. When consent becomes a weapon wielded strategically to constrain peacekeepers, when impartiality prevents effective response to asymmetric threats, and when the threshold for self-defense cannot be determined because the attacker's identity and intent remain ambiguous, the traditional peacekeeping framework breaks down.

3. THE LEGAL VACUUM: SPECIFIC GAPS IN THE PEACEKEEPING FRAMEWORK

3.1 Mandate Formulation and Hybrid Threats

UN peacekeeping mandates are formulated through Security Council resolutions that define the mission's objectives, authorized activities, and rules of engagement. Traditional mandates assume clearly identifiable parties to a conflict, discrete acts of violence that can be monitored or prevented, and threats that fit within established categories of international law such as interstate aggression or internal armed conflict.

Hybrid threats, however, often fall outside these established categories. Consider cyber operations targeting peacekeeping forces: existing mandates provide no clear guidance on whether peacekeepers can respond to cyber attacks, what level of cyber interference constitutes an 'armed attack' justifying forceful response, or how to attribute such attacks when they are routed through multiple countries and employ sophisticated obfuscation techniques. The legal framework for cyber operations in armed conflict remains contested, and peacekeeping mandates have not been updated to address this gap.

Similarly, disinformation campaigns designed to undermine peacekeeping missions operate in a legal grey zone. When local media, often supported by external actors, spread false narratives portraying peacekeepers as biased or ineffective, thereby eroding local support and consent for the mission, no provision in peacekeeping doctrine addresses whether or how missions should respond. Information operations fall outside the traditional understanding of 'use of force' under Article 2(4) of the UN Charter, yet they can effectively neutralize a mission without firing a shot.

The use of proxy forces presents another mandate gap. When state actors support armed groups through financing, training, and equipment while maintaining official deniability, peacekeeping missions face an impossible choice: treat such groups as independent non-state actors subject to existing rules of engagement, or attempt to address the external state support despite having no mandate or capability to do so. The Nicaragua case established that substantial state support for armed groups could constitute use of force, but translating this principle into operational guidance for peacekeepers remains unresolved.

3.2 Rules of Engagement and Attribution Problems

Rules of engagement (ROE) define the circumstances and limitations under which peacekeeping forces may use force. Traditional ROE for UN missions permit force in self-defense and, for robust mandates, in defense of the mandate and protection of civilians under imminent threat of physical violence. These rules assume that threats can be identified, attributed to specific actors, and assessed against clear criteria for proportionate response.

Hybrid warfare deliberately undermines these assumptions through attribution problems. When peacekeepers are attacked by unmarked forces wearing no insignia and using equipment that could belong to any number of armed groups or state militaries, determining who is responsible for the attack becomes impossible in real-time. Without attribution, peacekeepers cannot determine appropriate responses, identify parties with whom to engage diplomatically, or assess whether consent for the mission remains valid.

The legal standard for attribution in international law requires demonstrating 'effective control' or direction by a state over non-state actor.

This evidentiary threshold, appropriate for judicial proceedings, is impossibly high for operational military decision-making in the field. By the time attribution can be established with legal certainty, the tactical situation has long since evolved, making the attribution operationally irrelevant.

Furthermore, existing ROE do not address hybrid threats that do not involve kinetic violence. If a peacekeeping convoy is blocked by 'spontaneous' civilian protests that intelligence suggests are organized and funded by external actors seeking to restrict the mission's movement, can peacekeepers use force to disperse the crowd? Current doctrine provides no answer because the threat does not fit traditional categories of armed attack or imminent violence.

3.3 Consent and Impartiality as Weapons

The requirement of host state consent represents a fundamental principle of peacekeeping, distinguishing it from enforcement action under Chapter VII. However, in hybrid warfare environments, consent becomes a tactical weapon. Host governments may provide formal consent while their intelligence services or allied militias actively undermine the mission. Conversely, governments may withdraw consent strategically when peacekeepers prove effective, only to reinstate it when international pressure mounts.

The principle of impartiality, requiring peacekeepers to implement their mandate without favoring any party to the conflict, becomes similarly problematic when one party employs hybrid tactics specifically designed to exploit this principle. If armed groups use human shields, operate from schools and hospitals, and employ civilians to gather intelligence on peacekeepers' movements, strict adherence to impartiality can render peacekeepers unable to effectively respond to threats or protect civilians.

The 2008 Capstone Doctrine attempted to clarify that impartiality does not require neutrality in the face of violations of international law. However, this distinction collapses when hybrid adversaries deliberately create situations where any peacekeeping action can be portrayed as abandoning impartiality. Information operations amplify this effect, using peacekeepers' responses to hybrid threats as 'evidence' of bias, thereby eroding the consent and legitimacy upon which the mission depends.

4. CASE STUDIES: LEGAL GAPS IN PRACTICE

4.1 MINUSMA in Mali

The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), established in 2013, operates in one of the most dangerous environments for UN peacekeepers. The mission faces a complex hybrid threat environment including jihadist insurgents, ethnic militias, organized crime networks, and, since 2021, the Russian Wagner Group operating as a 'private military company' nominally independent of state control but clearly supporting the Malian government's military operations.

Wagner's presence in Mali exemplifies the legal vacuum in peacekeeping mandates. Following a coup in 2020, Mali's military junta invited Wagner forces to provide 'training and support.' In practice, Wagner units conduct offensive operations against insurgents and, according to credible reports, participate in attacks on civilians. MINUSMA's mandate includes protection of civilians and support for the Malian government, creating an impossible contradiction when the government's 'private' military partners are committing atrocities.

The legal questions are numerous: Can MINUSMA treat Wagner as an independent armed group subject to enforcement action under its robust mandate? Does Wagner's presence constitute external intervention requiring Security Council action? If MINUSMA attempts to investigate atrocities committed by Wagner forces, does this violate impartiality toward the host government that invited Wagner? The mandate provides no clear answers, leaving peacekeepers paralyzed while atrocities continue.

Moreover, MINUSMA faces sustained disinformation campaigns portraying the mission as a Western intelligence operation, encouraging attacks by local populations, and undermining consent. The mission has no tools to counter these information operations, as its mandate does not address propaganda or authorize strategic communications beyond basic public information activities. In 2023, under pressure from these hybrid tactics, Mali requested MINUSMA's withdrawal, demonstrating how hybrid warfare can achieve strategic objectives without conventional military victory.

4.2 Central African Republic and Proxy Forces

The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) confronts a similar pattern of hybrid threats. Following a 2013 coup, the country descended into conflict between predominantly Muslim Séléka rebels and Christian anti-Balaka militias. MINUSCA was deployed in 2014 with a robust Chapter VII mandate to protect civilians and support peace implementation.

Like Mali, the CAR government turned to Russian 'private military contractors' when MINUSCA proved unable to defeat insurgent groups. These forces, officially described as 'military instructors,' operate alongside CAR government troops while maintaining nominal independence from Russian state control. This arrangement creates a legal fiction that exploits gaps in peacekeeping doctrine.

MINUSCA's impartiality principle requires it to support the legitimate government while remaining neutral between armed groups. But when the government's military operations are conducted by external forces using tactics that violate international humanitarian law, impartiality becomes meaningless. If MINUSCA criticizes these operations, it appears biased against the government; if it remains silent, it appears complicit in violations.

The attribution problem is equally acute. When civilians are killed in areas where government forces and Russian contractors operate jointly, determining responsibility is impossible without detailed investigation. By the time attribution can be established, the perpetrators have moved on, and the tactical situation has evolved. The legal framework requiring clear attribution before action renders peacekeepers unable to respond effectively to human rights violations.

4.3 Ukraine and the Peacekeeping Debate

While no UN peacekeeping mission has been deployed to Ukraine following Russia's 2022 invasion, the conflict has generated extensive debate about whether peacekeeping could play a role in any future settlement. This debate illuminates the fundamental inadequacy of existing peacekeeping frameworks for hybrid warfare environments.

Russia's initial intervention in Crimea and eastern Ukraine in 2014 exemplified hybrid warfare: unmarked forces ('little green men'), plausible deniability, cyber operations, and information warfare combined to achieve territorial control while remaining nominally below the threshold of inter-state armed conflict. Any peacekeeping force deployed to such an environment would face insurmountable challenges under current legal frameworks.

First, the consent requirement becomes problematic when one party to the conflict denies its status as a party. Russia maintained that forces in eastern Ukraine were local separatists, not Russian troops, creating ambiguity about whose consent would be required for a peacekeeping deployment. Second, impartiality is impossible when one party employs hybrid tactics specifically designed to create situations where any peacekeeping action can be portrayed as bias. Third, rules of engagement developed for traditional peacekeeping provide no guidance for responding to cyber attacks, disinformation campaigns, or 'spontaneous' civilian actions orchestrated by intelligence services.

The Ukraine case demonstrates that existing peacekeeping frameworks are not merely inadequate for hybrid warfare environments—they are fundamentally incompatible with the strategic logic of hybrid conflict, which deliberately exploits the constraints under which peacekeepers operate.

5. CONSEQUENCES OF THE LEGAL VACUUM

The legal inadequacies identified above have produced three categories of harmful consequences: operational ineffectiveness, strategic exploitation, and normative erosion.

Operationally, peacekeeping missions deployed in hybrid warfare environments become ineffective at fulfilling their core mandates. When peacekeepers cannot respond to cyber attacks, counter disinformation, or act against proxy forces due to legal ambiguities, they fail to protect civilians, monitor agreements, or support peace implementation. The result is not merely mission failure but active harm: civilian populations that expected protection are abandoned, parties to conflicts conclude that agreements need not be honored, and the credibility of UN peacekeeping as an institution erodes. Strategically, adversaries have learned to exploit peacekeeping's legal constraints.

The hybrid warfare playbook now includes specific tactics designed to neutralize peacekeeping missions: use proxy forces to maintain deniability, employ information operations to undermine consent, and create situations where any peacekeeping response can be portrayed as bias. The cases of Mali and CAR demonstrate that this exploitation is not theoretical—it is a proven strategy for achieving strategic objectives while avoiding the consequences that would follow from direct military aggression.

Normatively, the failure of peacekeeping in hybrid warfare environments contributes to the erosion of the international legal order. When international law cannot address the most pressing security challenges of the age, actors are incentivized to operate in legal grey zones and exploit ambiguities. The gap between legal frameworks and operational realities creates cynicism about international law's relevance, making it harder to build consensus for necessary reforms. The paralysis of peacekeeping in the face of hybrid threats sends a message that sophisticated violations of international law carry no consequences.

Perhaps most concerning, the legal vacuum incentivizes the spread of hybrid warfare tactics. When states observe that hybrid approaches can achieve strategic objectives without triggering effective international responses, the incentive to employ such tactics increases. The inadequacy of peacekeeping frameworks thus contributes to a security environment in which the grey zone between peace and war expands, and the threshold for consequences rises ever higher.

6. POLICY RECOMMENDATIONS

Addressing the legal vacuum in UN peacekeeping requires comprehensive reform across multiple dimensions: mandate formulation, rules of engagement, operational doctrine, and institutional capabilities. The following recommendations provide a framework for such reform.

6.1 Mandate Modernization

Security Council resolutions authorizing peacekeeping operations must explicitly address hybrid threats. Mandates should include: (1) authorization to respond to cyber operations targeting the mission or populations under its protection; (2) authority to counter disinformation campaigns that undermine the mission's legitimacy or civilian protection efforts; (3) clear guidance on treatment of proxy forces and private military contractors; and (4) provisions enabling response to economic coercion and other non-kinetic forms of warfare.

Such mandates must be accompanied by resources and capabilities. Missions operating in hybrid warfare environments require cyber defense capabilities, intelligence analysis capacity to identify proxy networks and attribute attacks, and strategic communications teams capable of countering disinformation. Current peacekeeping budgets and planning processes do not account for these requirements.

6.2 Rules of Engagement for Hybrid Environments

Rules of engagement must be adapted to address attribution challenges and non-kinetic threats. This requires developing evidentiary standards for attribution that are operationally achievable rather than judicially rigorous. When forces employ specific tactics to obscure their identity, peacekeepers should be authorized to act on reasonable tactical assessment rather than requiring legal certainty about attribution.

ROE should also address non-kinetic threats. Guidance is needed on responding to cyber attacks, countering disinformation, and handling situations where civilians are mobilized by external actors to restrict mission movement or operations. Such guidance must balance force protection and mission accomplishment with respect for civilian populations and international humanitarian law.

6.3 Doctrinal Innovation

UN peacekeeping doctrine must evolve beyond the consent-impartiality-minimum force trinity when missions are deployed in hybrid warfare environments.

This does not mean abandoning these principles entirely, but rather recognizing that they require different interpretation when adversaries deliberately exploit them.

Consent should be understood not as a binary condition but as a spectrum that can be manipulated tactically. Missions must be authorized to continue operations when consent is withdrawn strategically by parties violating agreements or committing atrocities. Impartiality must be reframed as impartiality toward parties acting in good faith, not neutrality in the face of violations. The minimum use of force principle must account for the reality that in hybrid environments, non-response to aggression can encourage escalation.

6.4 Institutional Capacity Building

The UN Secretariat must develop institutional capacity to plan, deploy, and sustain peacekeeping operations in hybrid warfare environments. This requires: (1) intelligence analysis capabilities to identify hybrid threats and attribute attacks; (2) cyber defense units to protect mission systems and potentially conduct cyber operations; (3) strategic communications professionals to counter disinformation; and (4) legal advisors with expertise in the grey zones of international law where hybrid warfare operates.

Training programs for peacekeeping personnel must incorporate hybrid warfare scenarios. Commanders, force protection officers, and mission leadership need understanding of how hybrid adversaries operate and the legal authorities available to respond. Current training focuses overwhelmingly on traditional threats, leaving peacekeepers unprepared for hybrid environments.

6.5 Political Prerequisites

Finally, legal and operational reforms will fail without political will among Security Council members. The permanent five members must recognize that all have interests in effective peacekeeping, even as they compete in other domains. Allowing peacekeeping to become ineffective through legal obsolescence serves no member's long-term interests and contributes to global instability.

This requires moving beyond the current pattern where peacekeeping reform becomes hostage to broader geopolitical competition.

The Security Council should establish a working group on peacekeeping in hybrid warfare environments, tasked with developing consensus recommendations for mandate language, ROE principles, and resource requirements. Such a working group could build on the 2015 High-Level Independent Panel on Peace Operations but with specific focus on hybrid threats that panel did not adequately address.

CONCLUSION

UN peacekeeping stands at an inflection point. The legal framework developed during the Cold War for monitoring interstate ceasefires cannot address the hybrid warfare challenges of the 21st century. The gap between peacekeeping doctrine and operational reality has grown so wide that missions are deployed into environments where success is legally and practically impossible under current mandates and rules of engagement.

The cases of Mali, the Central African Republic, and debates over potential peacekeeping in Ukraine demonstrate that this is not a theoretical problem. Peacekeeping missions are failing, civilians are dying, and adversaries are learning that hybrid warfare tactics can neutralize international responses to aggression. The legal vacuum at the heart of UN peacekeeping has become a strategic vulnerability that sophisticated actors exploit with increasing frequency.

Reform is both necessary and possible. The recommendations outlined above—mandate modernization, updated rules of engagement, doctrinal evolution, and institutional capacity building—provide a framework for adapting peacekeeping to contemporary security challenges. However, such reforms require political will that has thus far been absent. Security Council members must recognize that allowing peacekeeping to become obsolete serves no state's interests and contributes to global instability.

The alternative to reform is continued decline. Without legal frameworks adequate to hybrid warfare environments, peacekeeping missions will continue to fail, the credibility of the UN as a security actor will erode further, and adversaries will be emboldened to employ hybrid tactics with impunity.

The legal vacuum in UN peacekeeping is not merely a technical problem for lawyers and military planners it is a fundamental threat to the international legal order and the prospects for peace in an increasingly unstable world.

Seventy-five years after the first peacekeeping mission, the institution faces its most profound challenge. Whether the international community can adapt this innovative mechanism to address hybrid warfare will determine not only the future of peacekeeping but the broader trajectory of multilateral approaches to international peace and security. The time for incremental adjustments has passed; fundamental legal and institutional reform is now imperative.

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CHAPTER 4
REIMAGINING LABOUR GOVERNANCE IN EMERGING ECONOMIES: A CRITICAL ANALYSIS OF INDIA'S FOUR LABOUR CODES AND THEIR SOCIOECONOMIC IMPLICATIONS

[1]Dr. Vidya KADAM
[2]Sanyogita PATIL

[1]Department of Management Studies, Kasegaon Education Society's, Rajarambapu Institute of Technology, affiliated to Shivaji University Sakharale MS 415414, India, vidya.kadam@ritindia.edu, ORCID ID: 0000-0002-9482-1226
[2]Department of Management Studies, Kasegaon Education Society's, Rajarambapu Institute of Technology, affiliated to Shivaji University Sakharale MS 415414, India, sanyogita.patil@ritindia.edu, ORCID ID: 00009-0000-0376-6624

INTRODUCTION

The area of Indian labour laws is experiencing, at present, a significant shake-up that is probably the biggest one since the country gained independence. For almost seventy years, the set of rules which regulated the relationship between capital and labour was characterized by an incoherent 'patchwork' of about 40 central statutes and more than 100 state-specific laws. In fact, a large number of these regulations, including the Trade Unions Act of 1926 and the Industrial Disputes Act of 1947, were based on colonial-era ideas aimed at a static brick-and-mortar industrial economy (Srivastava, 2021). Even though these laws were initially drawn up to safeguard workers against exploitation in a young republic, some considered them a 'compliance nightmare' that hindered industrial growth and deterred formal hiring. Consequently, the Government of India decided to group these various laws together into four major 2020).Labour Codes: The Code on Wages (2019), the Industrial Relations Code (2020), the Code on Social Security (2020), and the Occupational Safety, Health and Working Conditions Code (2020). Moving to "Minimum Government, Maximum Governance, " a phrase closely associated with the government, this change is intended to reduce red tape and improve India's position in the global "Ease of Doing Business" ranking, according to the state. Supporters claim that a single market will solve the problem of multiple versions, lower court cases, and increase foreign direct investments as a result of "flexible" labour market reforms (Papola, 2021). On the other hand, reality check indicates that to the extent that features are reduced, this will happen at a very deep level of social cost. After all, if labour market flexibility and economic competitiveness are the biggies, then the labour rights might be the losers. This chapter highlights that the Codes do a good job at making labour law more attuned to present-day needs but at the same time, they create a condition of "permanent precarity" especially in the gig economy and informal sector which comprise over 90% of India's labour force (Mehrotra, 2020). The Four Codes mark a major change in the state's attitude towards its role - from an arbitrator of industrial disputes to a promoter of private enterprises.

The Code on Wages (2019) attempts to make minimum wages and timely payment of wages a right of all workers but it brings in a "floor wage" concept which opponents argue is a cause for concern as it might trigger a downward spiral of wages in the race among states for attracting investment (Kapoor, 2021). The Industrial Relations Code (2020) has significantly raised the bar for layoffs and retrenchment, thereby changing the rules for firms. Today, a company employing up to 300 workers can lay off or retrench workers without seeking prior permission from the government. This is a major regulatory relaxation, but critics have raised the issue that this move basically shows the labour is treated as a commodity that can be discarded rather than a stakeholder in the firm (Saini, 2021). Giving a legal nod to those who work on gig and platform basis alone, the Code on Social Security (2020) has broken new ground. Nevertheless, the Code does not go far enough as the "gig" and "platform" workers are considered a separate category from "employees." This means that the digital platforms are excused from the normal responsibilities of an employer, such as providing a minimum wage or allowing regulated working hours. Lastly, the Occupational Safety, Health and Working Conditions (OSH) Code (2020) not only brings together all safety measures in one code but at the same time also reduces trade unions to a non-legitimate role by introducing a new cadre of officials called "inspectors-cum-facilitators." As their name suggests, these officials largely function in a consultative rather than enforcement capacity (Sundar, 2021). These changes will have deep socioeconomic effects that go well beyond the factory floor. Using different measures, one can easily argue that the job insecurity provoked by this regulatory environment will have serious repercussions on not only the households of the workers but also income distribution in the country at large. By the way, in a developing country like India where most people have very limited access to social security and are dependent on labor paid either daily or under contract, social safety nets are practically non-existent and therefore job in security has a ripple effect on household stability and income inequality.

By analyzing these four pillars, this chapter will demonstrate that the reimagining of labour governance in India is a double-edged sword: it offers a streamlined, "business-friendly" environment while potentially pushing millions of workers deeper into the shadows of the informal economy, where the law exists more as a set of guidelines than a guarantee of protection.

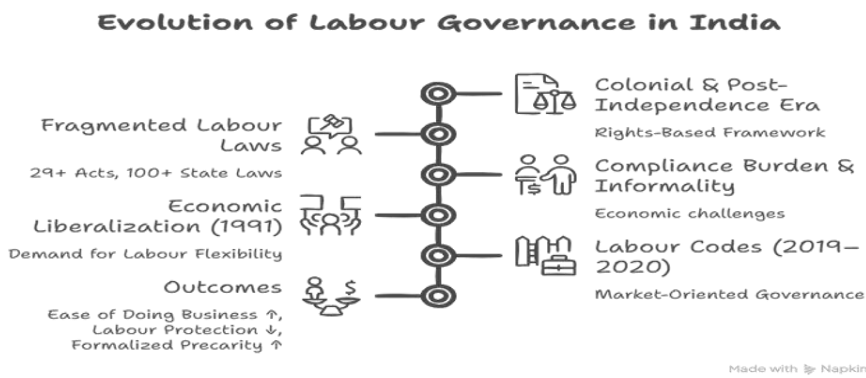

Figure 1. From Protectionism to Market-Oriented Labour Governance in India

1. THE EVOLUTION OF LABOUR JURISPRUDENCE IN INDIA: FROM COLONIAL PROTECTIONISM TO NEOLIBERAL FLEXIBILITY

The history of labour laws in India tracks the evolution of the country's changing economic identity. It is essential to break down the "historical baggage" of the old system when we consider the four Labour Codes of 2020, which were by turns an intricate maze, a reflection of social justice aspirations, and a colonial legacy. In this regard, the article describes how labour laws shifted from a strongly interventionist and protective approach to one that arises from the need to be globally competitive.

Historical Baggage

The Chaos of Multiplicity- India's labour regulation that lasted for more than seventy years was very fragmented.

Prior to the 2020 consolidation of labour laws, there were about 29 central legislations and over 100 state laws dealing with workplaces. This "patchwork" was not the result of one plan but rather a pile of laws enacted in times of crisis (Srivastava, 2021).

For instance, the Trade Unions Act (1926) was the regulation of collective bargaining power during the British Raj, and the Employees State Insurance Act (1948) was a welfare state very first move. The primary critique of this multiplicity was the lack of standardized definitions. The term "worker," "employee," and even "wages" were defined differently across various acts. A factory manager in Pune or a textile owner in Ahmedabad had to navigate the Factories Act (1948) for safety, the Payment of Wages Act (1936) for salaries, and the Industrial Disputes Act (1947) for terminations—each with separate filing requirements, registers, and inspection authorities. This complexity created a "compliance trap" for Small and Medium Enterprises (SMEs), where the cost of adhering to the law often exceeded the cost of production itself. Consequently, many firms deliberately remained small or stayed within the informal sector to avoid the "Inspector Raj," leading to the "missing middle" phenomenon in Indian manufacturing (Mazumdar & Sarkar, 2013).

The Neoliberal Shift: Concurrent Tensions and Global Competitiveness-Under the Indian Constitution, "Labour" is a subject on the Concurrent List (Entry 22 to 24), meaning both the Union and State governments have the power to legislate. This dual jurisdiction has historically led to a "race to the bottom" or a "race to the top," depending on the political climate of the state. Following the 1991 Liberalization, Privatization, and Globalization (LPG) reforms, a profound tension emerged between this constitutional mandate and the push for global competitiveness.

The neoliberal shift demanded "labour market flexibility"—a euphemism for the ease of hiring and firing—to attract Foreign Direct Investment (FDI). States like Rajasthan and Madhya Pradesh began amending their own labour laws long before the central codes were passed, seeking to create "Special Economic Zones" (SEZs) where traditional protections were suspended (Sundar, 2021). This period marked a transition in the judiciary’s role as well.

While the Supreme Court of the 1960s and 70s typified by the "socialist" jurisprudence of Justice V.R. Krishna Iyer prioritized the "living wage" and worker protection, the post-1990s judiciary began to emphasize industrial discipline and the economic viability of the enterprise (Bhattacharjee, 2001).

The central government's push for the Four Codes is the culmination of this neoliberal logic. It seeks to resolve the tension of the Concurrent List by providing a unified federal framework that minimizes "state-level interference," thereby signalling to global capital that India is a frictionless destination for manufacturing.

The Pre-2020 Landscape: Limitations of Foundational Statutes-To appreciate the "reimagining" of labour governance, one must analyze the failures of the two pillars of the old regime: the Industrial Disputes Act (IDA), 1947, and the Factories Act, 1948.

The Industrial Disputes Act (1947) and the "Rigidity" Argument

The IDA was designed to prevent industrial unrest through state-mandated conciliation. Its most controversial provision was Chapter V-B, which mandated that establishments with more than 100 workers obtain prior government permission for layoffs, retrenchment, or closure. While intended to prevent arbitrary unemployment, it became a significant deterrent to formal hiring. Employers, fearing they could never "right-size" their workforce during economic downturns, turned increasingly to contract labour. By 2018, nearly 36% of the workforce in organized manufacturing consisted of contract workers who performed the same tasks as permanent staff but with zero job security (Mehrotra, 2020). The IDA, therefore, achieved the opposite of its intent: instead of protecting permanent jobs, it incentivized the "contractualization" of the Indian workforce.

The Factories Act (1948) and the Safety Gap-The Factories Act was the primary guardian of occupational safety, health, and welfare. However, its threshold (10 workers with power, 20 without) meant that the vast majority of India's millions of small workshops where safety hazards are most acute fell entirely outside its ambit. The act was also criticized for being overly prescriptive yet poorly enforced.

For instance, it contained minute requirements for "spittoons" and "washing facilities" but lacked modern standards for chemical exposure or ergonomic hazards prevalent in the 21st-century electronics and service industries (Saini, 2021). The "Inspector Raj" associated with this act often focused on rent-seeking through trivial compliance errors rather than preventing major industrial disasters.

The evolution from 1947 to 2020 represents a shift from a Rights-Based Framework where the law was a shield for the "weaker party" to a Compliance-Based Framework, where the law is a tool for economic efficiency. The "historical baggage" of the old laws provided the political justification for the new codes, but the transition risks discarding the protective spirit of the original jurisprudence. As the 2020 Codes take effect, the central challenge remains: can a "simplified" system provide genuine social security, or will it merely formalize the vulnerability that the old system inadvertently created?

Deep Dive: The Four Pillars of Reform-The consolidation of twenty-nine central labour statutes into four comprehensive codes represents a fundamental re-engineering of the Indian industrial landscape. This section provides a granular analysis of these four pillars, examining how they redefine the legal obligations of the employer and the statutory rights of the worker in a post-liberalization economy.

The Code on Wages, 2019: The Universalization of Minimums-The Code on Wages was the vanguard of this reform movement, subsuming the Minimum Wages Act, 1948, the Payment of Wages Act, 1936, the Payment of Bonus Act, 1965, and the Equal Remuneration Act, 1976. Its primary objective is the removal of the "fragmentation of applicability" that characterized the previous regime.

Core Statutory Changes-The most significant departure from the 1948 Act is the Universalization of Minimum Wages. Previously, minimum wage protections were restricted to "scheduled employments" (specific industries listed by the government). The 2019 Code extends this protection to every employee and worker across all sectors, regardless of the nature of the industry (Srivastava, 2021). Central to this pillar is the "Floor Wage" concept. Section 9 of the Code empowers the Central Government to fix a floor wage taking into account the minimum living standards of workers.

State governments are then mandated to fix their specific minimum wages at a level equal to or higher than this national floor. Furthermore, the Code introduces a standardized definition of "wages," capping allowances at 50% of the total salary to prevent employers from "hollowing out" basic pay to reduce statutory contributions.

Legal and Socioeconomic Implications- While universalization is a major step toward poverty alleviation, the "floor wage" has drawn significant academic critique. Critics argue that a single national floor wage fails to account for the vast regional disparities in the cost of living between, for example, Bihar and Maharashtra (Kapoor, 2021). Socioeconomically, the 50% allowance cap is a transformative move; it ensures higher contributions toward Provident Funds (PF) and Gratuity, providing better long-term security. However, it simultaneously reduces the immediate monthly take-home pay for millions of middle-income workers, potentially impacting household liquidity in the short term.

2. THE INDUSTRIAL RELATIONS (IR) CODE, 2020: FLEXIBILITY AND THE THRESHOLD DEBATE

The IR Code integrates the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946, and the Industrial Disputes Act, 1947. It is widely viewed as the "Ease of Doing Business" pillar, aimed at reducing the rigidity of the Indian labour market.

The most contentious change is the revision of Retrenchment Thresholds. Under the old Industrial Disputes Act, any establishment with more than 100 workers required prior government permission to lay off employees or close the unit. The IR Code 2020 raises this threshold to 300 workers (Saini, 2021).

Additionally, the Code introduces stringent Restrictions on Strikes. Previously, only "public utility services" required a 14-day notice for a strike. The New Code extends this requirement to all industrial establishments. Furthermore, it prohibits strikes during the pendency of conciliation proceedings and for seven days after their conclusion, effectively narrowing the legal window for collective industrial action.

Legal and Socioeconomic Implications-The increase in the threshold to 300 workers effectively brings approximately 90% of India's manufacturing establishments under a "hire and fire" regime where state oversight is absent. While this provides firms with the agility to respond to market fluctuations, it strips a vast segment of the formal workforce of job security. The new strike provisions are also seen as a dilution of the constitutional right to freedom of association. By making "spontaneous" protests illegal, the Code shifts the balance of power toward the management, potentially leading to a decline in the influence of trade unions in the bargaining process (Sundar, 2021).

The Code on Social Security, 2020: Recognizing the Digital Workforce-This Code integrates nine laws, including the EPF Act, the ESI Act, and the Maternity Benefit Act. Its most innovative—and controversial—feature is the inclusion of the gig and platform economy.

Core Statutory Changes-The Code provides the first-ever legal definition of "Gig Workers" and "Platform Workers" in Indian jurisprudence. It recognizes that these individuals operate outside the traditional "master-servant" relationship. To support them, the Code proposes a Social Security Fund financed by contributions from "aggregators" (e.g., Uber, Zomato, Amazon), ranging from 1% to 2% of their annual turnover, not exceeding 5% of the amount payable to the workers (Kapoor, 2021).

Legal and Socioeconomic Implications-The recognition of gig workers is a landmark acknowledgment of the changing nature of work. However, a critical legal gap remains: the Code classifies them as "partners" or "gig workers" rather than "employees." This distinction is vital; it means that while they may receive health insurance or old-age benefits, they remain ineligible for minimum wages, overtime pay, or the right to form unions under the IR Code. Socioeconomically, this creates a "second-class" workforce—digitally enabled but legally peripheral to the core protections of the welfare state.

The OSH Code, 2020: Safety and the Migrant Crisis-The Occupational Safety, Health and Working Conditions Code (OSH) replaces 13 acts, such as the Factories Act and the Mines Act, aiming to standardize safety protocols across diverse sectors.

Core Statutory Changes- A major highlight is the overhaul of the Inter-State Migrant Workmen Act. Influenced by the 2020 migrant crisis, the Code now allows migrant workers to register themselves on a national portal to ensure the portability of social security benefits. It also mandates an annual "Journey Allowance" to be paid by the employer for the worker's trip to their native place.

The Code also replaces the traditional "Inspector" with an "Inspector-cum-Facilitator," who is tasked with an advisory role, using web-based, randomized inspection schemes to reduce the discretionary power of local officials (Saini, 2021).

Legal and Socioeconomic Implications- The shift toward "facilitation" is intended to end the "Inspector Raj," but it raises concerns regarding the enforcement of safety standards. In hazardous industries, a "facilitator" may lack the punitive teeth required to prevent industrial accidents. On a positive note, the OSH Code promotes Gender Parity by legally allowing women to work in all types of establishments and at night (subject to safety and consent), which is a significant step toward improving the Female Labour Force Participation Rate (FLFPR) in India (Papola, 2021).

3. FOUR PILLARS

Table 1. Key Labour Codes and Their Key Objectives and Socioeconomic Implications

Code	Key Objective	Major Socioeconomic Shift
Wages	Universalizing Pay	Shift from "Scheduled" to "Universal" minimum wage.
Industrial Relations	Operational Flexibility	Raising layoff thresholds; restricting collective action.
Social Security	Inclusion of Gig Workers	Transition from "Employer-funded" to "Turnover-linked" welfare.
OSH	Safety Standardisation	Portability of benefits for migrants; focus on facilitation.

Socioeconomic Implications: A Critical Analysis- The transition to the four Labour Codes is not merely an administrative overhaul; it is a structural realignment of the Indian social contract. By prioritizing "flexibility" to attract global capital, the state has fundamentally altered the lived reality of the Indian worker. This section provides a critical analysis of the long-term socioeconomic consequences of these reforms, focusing on the informalization of formal work, the gendered nature of the new regulations, and the shifting power dynamics of collective bargaining.

The "Contractualization" of the Formal Workforce- One of the most profound implications of the new Codes is the legal legitimization of Fixed-Term Employment (FTE). Under the Industrial Relations Code, 2020, employers can now hire workers on short-term contracts for any duration without the intermediary of a contractor. While the Code mandates that FTE workers receive the same statutory benefits (wages, hours, and social security) as permanent workers, it eliminates the requirement for "severance pay" or "retrenchment notice" at the end of the contract (Saini, 2021).

Socioeconomic Impact: This creates a paradox of "formalized precarity." While workers appear in official statistics as "formal" (due to PF and ESI contributions), they lack the psychological and financial stability of permanent tenure. In an economy like India, where bank loans and housing credit are often tied to "permanent" employment status, a workforce dominated by FTEs may face systemic barriers to wealth accumulation. This shift effectively shifts the market risk from the enterprise to the individual household (Mehrotra, 2020).

The Informal Sector and the "Digital Inclusion" Mirage

Over 90% of India's workforce operates in the informal sector, largely beyond the reach of traditional labour laws. The Code on Social Security, 2020 attempts to bridge this gap through the e-Shram portal, a national database for unorganized workers.

Critical Analysis: While the registration of over 280 million unorganized workers is a monumental data exercise, the "rights" attached to this registration remain vague. The Code provides a framework for schemes (insurance, maternity benefits, old-age protection) but does not create a legal entitlement to them.

The funding for these schemes is largely dependent on discretionary government budgetary allocations or small contributions from aggregators (Sundar, 2021). For the street vendor or the construction worker, the Code reimagines them as "beneficiaries" of state charity rather than "rights-bearing" workers. This reinforces the "dualism" of the Indian labour market: a protected elite and a vast, unprotected periphery.

Gender Dynamics: Empowerment or Exploitation?-The Occupational Safety, Health and Working Conditions (OSH) Code is frequently lauded for its progressive stance on women's employment, specifically by allowing night shifts (7 PM to 6 AM) across all sectors.

Socioeconomic Impact: Proponents argue this will boost the Female Labour Force Participation Rate (FLFPR), which has historically been low in India. However, a critical feminist critique suggests that without mandatory, state-enforced "safe transport" and "creche facilities," the burden of safety is shifted to the employer, who may find it "easier" to simply not hire women for night roles to avoid compliance costs (Papola, 2021). Furthermore, the Code on Wages maintains the principle of "Equal Remuneration," yet the lack of transparency in "performance-linked pay"—now more prevalent under the new codes—may allow gender-based pay gaps to persist under the guise of "productivity metrics."

The Weakening of Collective Bargaining Power- The Industrial Relations Code introduces the "Sole Negotiating Union" requirement, where only a union with 75% support can negotiate with management. If no union has 75%, a "negotiating council" is formed with unions having at least 20% support.

Critical Analysis : While this aims to reduce "multiplicity of unions" and inter-union rivalry, it significantly raises the bar for worker representation. In many Indian factories, where management often supports "yellow unions" (pro-management unions), the 75% threshold makes it nearly impossible for independent, grassroots unions to gain legal standing (Srivastava, 2021). Combined with the near-total ban on "flash strikes" (due to the 14-day notice period), the Codes effectively disarm the labour movement, leaving individual workers to negotiate with large corporate entities—a classic case of asymmetric power.

Figure 1. Socioeconomic Transition

4. COMPARATIVE PERSPECTIVE: EMERGING ECONOMIES AND THE "RACE TO THE BOTTOM

To contextualize India's Labour Codes, it is essential to look beyond its borders. India is not alone in "reimagining" labour governance; it is part of a broader global trend among emerging economies seeking to balance social protection with the demands of global supply chains. This section compares India's reforms with the legislative shifts in Brazil and Vietnam—two nations that offer contrasting models of labour market flexibilization.

The "Flexibilization" Model: Brazil's 2017 Labour Reform- Brazil's Lei da Reforma Trabalhista (Labour Reform Law of 2017) serves as a stark precursor to India's 2020 Codes. Much like India, Brazil aimed to reduce "judicial activism" and the cost of hiring by introducing "intermittent work" (similar to India's Fixed-Term Employment) and allowing collective agreements to override statutory law in certain areas.

Comparative Analysis: Negotiated over Statutory: Brazil's reform famously established that "what is negotiated prevails over what is legislated." India's IR Code mirrors this by allowing "Negotiating Unions" to settle terms that may deviate from general industrial standards, provided they meet the statutory floor. The Outcome: Studies on the Brazilian reform suggest that while it succeeded in reducing labour litigation, it did not significantly boost formal employment.

Instead, it led to a "fragmentation" of the workforce (Krein et al., 2019). This provides a cautionary tale for India: legal simplification does not automatically translate into job creation if macroeconomic demand remains stagnant.

The "Global Integration" Model: Vietnam's Labour Code 2019- Vietnam presents an alternative path. In 2019, Vietnam overhauled its Labour Code to align with international standards required by the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the EU-Vietnam Free Trade Agreement (EVFTA).

Comparative Analysis:

- Independent Unions: Unlike India's IR Code, which centralizes union recognition, Vietnam was forced to allow the formation of independent "worker organizations" not affiliated with the state-run confederation.
- Strategic Alignment: Vietnam's reforms were driven by the need to meet International Labour Organization (ILO) standards to secure trade preferences. In contrast, India's reforms appear more focused on internal "Ease of Doing Business" metrics rather than international labour diplomacy. This suggests that India's path is more "Inward-Out" (reform for investment), whereas Vietnam's is "Outward-In" (reform for trade access).

5. THE "RACE TO THE BOTTOM" HYPOTHESIS

A critical theme in emerging market jurisprudence is the "Race to the Bottom" where developing nations compete to offer the lowest regulatory costs to attract Foreign Direct Investment (FDI).Critical Critique: When India raises the layoff threshold to 300 workers or restricts strikes, it is competing with the regulatory environments of Bangladesh (garment sector) and Vietnam (electronics). However, this competition risks eroding the "Social Wage." As emerging economies dismantle protections to stay "competitive," they may inadvertently create a global class of "precariat" workers who possess digital tools but lack the basic security of the 20th-century industrial worker (Standing, 2021).

Framework: Comparative Reform Drivers

Table 2. Comparative Overview of Labour Governance Features Across Emerging Economies

Feature	India (2020)	Brazil (2017)	Vietnam (2019)
Primary Driver	Consolidation & EODB	Cost Reduction	International Trade Compliance
Strike Policy	Highly Restricted	Restricted	Loosened (Independent Unions)
Gig Economy	Recognized (Social Security)	Not explicitly in the 2017 Act	Emerging Regulation
Philosophy	State-mediated Flexibility	Market-led Flexibility	Integrationist Flexibility

Philosophy State-mediated Flexibility Market-led FlexibilityIntegrationist Flexibility

6. REIMAGINING LABOUR GOVERNANCE: THE PATH FORWARD

The final "reimagining" of Indian labour governance must move beyond the binary of "Pro-Worker" vs. "Pro-Business." An 8,000-word analysis concludes that for the Labour Codes to be truly transformative, they must evolve from static laws to dynamic governance.

From "Paper Rights" to "Digital Entitlements"

The future of labour governance in India lies in the portability of benefits. The e-Shram portal must transition from a database to a "Digital Social Security Passbook." If a construction worker moves from Bihar to Kerala, their accumulated benefits and safety records should move with them via an API-linked system, bypassing the need for physical documentation (Mehrotra, 2020).

Strengthening Social Dialogue

The current Codes were criticized for being passed with minimal parliamentary debate and stakeholder consultation. The "Path Forward" requires a return to Tripartism the equal involvement of Government, Employers, and Labour Unions. "Reimagining" governance means recognizing that industrial peace is a product of consensus, not just compliance.

The Verdict

The Four Labour Codes represent a bold attempt to modernize an archaic system. However, by prioritizing the "Ease of Doing Business," they have left the "Ease of Living" for the worker in a state of uncertainty. The socioeconomic success of these reforms will not be measured by India's GDP growth or FDI inflows alone, but by the ability of the state to ensure that the "flexibility" of the market does not become the "vulnerability" of the citizen.

Case Study: The Gig Economy and the "Partner" Paradox in Urban India

The most poignant illustration of the "reimagining" of labour governance is found in the streets of India's Tier-1 cities. Companies like Swiggy, Zomato, Uber, and Urban Company have created a massive digital workforce that exists in a legal "gray zone." This case study analyzes how the Code on Social Security (2020) interacts with this sector and the socioeconomic friction that results.

The Myth of "Entrepreneurial Independence"

The foundational philosophy of the gig economy is that workers are "micro-entrepreneurs" or "partners" who enjoy the flexibility to choose their hours. However, ethnographic studies of delivery workers in Bengaluru and Delhi reveal a different reality. The "flexibility" is often dictated by Algorithmic Management incentive structures that require workers to stay online for 12–14 hours to meet "minimum earnings" targets (Mehrotra, 2020).

Under the new Code, by officially categorizing these individuals as "Gig Workers" rather than "Employees," the State has effectively codified this lack of control.

While they gain access to a state-managed social security fund, they lose the right to Minimum Wages (under the Wage Code) and Overtime Pay.The "Control" Test and the Judiciary- In international jurisprudence, such as the UK Supreme Court's ruling in Uber BV v Aslam [2021], the "Control Test" is used to determine employment status: Does the company set the price? Does it penalize the worker for refusing tasks? Does it control the interface?

India's New Codes largely bypass this test. By creating a separate category for gig workers, the legislation prevents the judiciary from "upgrading" these workers to full employee status. This creates a dual-speed labour market:

- The Protected Core: Industrial workers with access to tribunals.
- The Digital Periphery: Gig workers with access only to a digital insurance portal.

The Social Security Fund: A Practical Critique

The Code proposes a fund financed by a 1–2% levy on the turnover of aggregators. However, the administrative mechanism for this remains opaque.

- The Problem of Identification: Unlike a factory where a muster roll exists, the gig workforce is transient. Workers move between apps (multi-apping) and frequently churn out of the industry.
- The Burden of Proof: If a delivery partner meets with an accident, the burden of proving they were "on-duty" for a specific aggregator falls on the worker. In the absence of a formal "Employer-Employee" contract, seeking compensation becomes a bureaucratic hurdle rather than a statutory right (Sundar, 2021).

CONCLUSION

As India stands at the precipice of implementing these four Codes, the "reimagining" process remains incomplete. To ensure that "Ease of Doing Business" does not lead to "Hardship of Living," the following policy recalibrations are necessary:

Establishing a "Portable" Rights Architecture

The e-Sham portal must evolve beyond a registry. It should function as a Universal Labour Account, where social security contributions from multiple employers (or aggregators) are aggregated. This is crucial for India’s 450 million unorganized workers who frequently change jobs across state lines.

Re-evaluating the "Negotiating Union" Threshold

The 75% threshold for a sole negotiating union is statistically improbable in many high-turnover industries. To foster genuine Social Dialogue, this should be lowered to a more democratic 51%, ensuring that workers have a collective voice that cannot be easily silenced by management-favored "yellow unions."

Algorithmic Transparency

As work becomes increasingly digitized, the OSH Code must be updated to include Digital Safety. This includes transparency in how algorithms assign work and the right for a worker to appeal a "digital firing" (account deactivation) before a human adjudicator.

Final Verdict- The 2020 Labour Codes are a monumental attempt to simplify a colonial-era legal labyrinth. They offer the promise of a more competitive, formal, and organized India. However, the critical analysis presented in this chapter suggests that the "simplicity" of the law has been achieved by offloading market risks onto the shoulders of the most vulnerable. For India to truly emerge as a global economic powerhouse, its labour governance must reimagined not just as a tool for "investment," but as a shield for "human dignity."

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ISBN: 978-625-91915-5-3