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Legal Interpretation in Islamic, Romano-Germanic, and Anglo-Saxon Traditions Must Move Beyond Textualism to Respond to Digital Legal Challenges

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ABSTRACT

This article examines the interpretation of regulatory and legal acts in Islamic law, the Romano-Germanic legal tradition, and the Anglo-Saxon legal tradition in the context of contemporary digital legal challenges. The study is based on the research gap that previous studies have generally examined these legal traditions separately, while limited attention has been given to how they reinterpret existing legal norms when facing similar new problems, such as artificial intelligence, crypto-assets, smart contracts, and electronic evidence. Using a normative juridical method supported by a comparative legal approach and limited content analysis, this article compares the sources of law, subjects of interpretation, dominant interpretative methods, institutional authority, and flexibility of each legal tradition. The study finds that Islamic law emphasizes moral legitimacy and public benefit through *ijtihad*, *maslahah*, and *maqasid al-sharia*; the Romano-Germanic tradition prioritizes legal certainty through codified norms, systematic interpretation, and teleological reasoning; while the Anglo-Saxon tradition offers flexibility through precedent, purposive reasoning, and case-based development of law. The article argues that no single legal tradition provides a complete model for interpreting law in the digital era. A more adaptive model requires the combination of normative certainty, institutional consistency, interpretative flexibility, and value-based justice. These findings contribute to comparative legal scholarship and provide a conceptual basis for improving legal interpretation in modern law enforcement and regulatory reform.

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1. INTRODUCTION

In the current conditions of globalization, integration processes and increased mutual influence of the world's legal systems, the issue of interpreting regulatory legal acts is gaining particular importance (Burley & Mattli, 1993; Shandilya et al., 2024). Effective law enforcement directly depends on the correct understanding of the content of legal norms, their goals and socio-legal consequences (Zoppei, 2017). At the same time, approaches to interpreting legal provisions differ significantly depending on the legal family, historical and cultural traditions and sources of law on which the relevant system is based (Mousourakis, 2019; Tamanaha, 2017).

The interpretation of legal norms in the Islamic legal system has a specific character, as it is inextricably linked to the religious dogmas and moral principles of Islam (Abou El Fadl, 2017; Dien, 2019). Unlike European systems, in which law is predominantly secular in nature, Islamic law (Sharia) is considered as a manifestation of divine will, and its interpretation is a way of knowing and concretizing this will (Jackson, 2024; Yilmaz & Sokolova-Shipoli, 2024). Such features determine the dominance of spiritual and ethical criteria over formal and logical ones in the process of legal interpretation (Masud et al., 2001; Mousourakis, 2019).

At the same time, in the Romano-Germanic and Anglo-Saxon legal families, the interpretation of regulatory legal acts is based on secular, rational and legal-technical principles. In countries of continental Europe, the priority is interpretation in accordance with the legislator's will as defined by law, while in common-law countries, judicial precedents play an important role, forming stable approaches to understanding the content of legal norms (Marchenko, 2010; Rəcəbova, 2025). The scientific relevance of the topic is due to the need for a deeper understanding of the common and distinctive features of the interpretation of law in different legal families in order to improve national law enforcement practice, develop comparative jurisprudence and form unified approaches to ensuring the rule of law.

In recent years, the issue of interpreting regulatory legal acts has become particularly relevant due to the rapid development of digital technologies, the spread of artificial intelligence, the transformation of financial markets, and the intensification of legal integration processes (Shandilya et al., 2024; Suttrisno et al., 2025; Syahraeni et al., 2025; Pane et al., 2025; European Parliament and Council, 2024).

In the Islamic legal system, the interpretation of regulatory provisions is traditionally based on the Quran, Sunnah, ijma and qiyas, as well as on the mechanism of ijtihad, which allows adapting religious and legal norms to new social realities (Habeebullah et al., 2026). In 2025–2026, the most controversial issues were the legal status of cryptocurrencies, tokenized assets, smart contracts, and financial technologies. For example, in Saudi Arabia, the United Arab Emirates, and Malaysia, Sharia councils interpreted the principles of the prohibition of riba (usury) and gharar (excessive uncertainty) to determine the permissibility of using digital assets in Islamic banking (Alam et al., 2019; Mansoor & Inam, 2025; Sidiq & Muliana, 2025). In Malaysia, in 2025, Sharia advisory bodies allowed the use of certain digital instruments, provided that they were backed by real assets and the transactions were not speculative (bin Zainal & Seman, 2025). Similarly, in the field of bioethics, jurists in the Islamic world applied modern ijtihad to interpret the norms regarding gene editing, artificial insemination, and organ transplantation (Volkova et al., 2024). Thus, in Muslim

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legal systems, there is a tendency to combine traditional sources of Sharia with flexible interpretative mechanisms focused on the public good (maslaha).

In the Romano-Germanic legal system, where the main source of law is a regulatory act, the interpretation of new European Union regulations and national legislation related to digitalization became of key importance in 2025–2026 (Bychkov et al., 2026). The most striking example is the practical application of the EU Regulation on Artificial Intelligence (EU AI Act), with some provisions entering into force in 2025. Courts and regulators of EU Member States were forced to interpret such evaluative concepts as "high-risk system", "supplier", "user" and "substantial modification" (Nikolinakos, 2023). In Germany and France, in cases concerning automated administrative decisions, teleological interpretation was actively used to ensure a balance between technological development and the protection of fundamental human rights (Shaelou & Razmetaeva, 2023). In the context of data protection, the interpretation of GDPR provisions on profiling, automated decision-making, and individual rights has become increasingly important in addressing algorithmic governance and digital decision-making (Court of Justice of the European Union, 2024; Shaelou & Razmetaeva, 2023). In addition, in the field of civil and criminal proceedings, the issues of admissibility of electronic evidence, the use of electronic identification and the legal force of digital documents have become relevant (Tavolzhanskyi et al., 2025; Savita et al., 2025). The Romano-Germanic system is characterized by the strengthening of systemic and teleological interpretations, thereby ensuring the consistency of national legislation with EU law and international standards (Rəcəbova, 2025).

In the Anglo-Saxon legal system (common law), the interpretation of regulatory acts is carried out with reference to case law and traditional approaches such as the literal rule, the golden rule, the mischief rule, and the purposive approach. In 2025–2026, the main discussions were related to the use of works for training generative artificial intelligence models, the liability of digital platforms, antitrust regulation and the protection of freedom of speech in the online environment. In the United States, debates concerning the fair use doctrine and the use of copyrighted works for training generative artificial intelligence models demonstrate how courts are increasingly required to adapt existing legal doctrines to new technological realities (Nikolinakos, 2023; Scalia & Garner, 2012). In the UK, courts used a purposive approach to determine the limits of liability of Internet platforms for the distribution of illegal content and violation of consumer rights. In US constitutional law, the debate between textualist and originalist approaches to interpreting the provisions of the Constitution in the context of the digital transformation of society persisted. Thus, in the Anglo-Saxon system, case law played a leading role, which actually adapted the content of laws to new technological realities.

The purpose of the article is to study the features of the interpretation of regulatory legal acts in the Islamic legal system and in the countries of the Romano-Germanic and Anglo-Saxon legal families, identify their common features, differences and modern trends in harmonization.

In modern legal science, the issue of interpreting regulatory legal acts occupies one of the key places, since it is precisely on the correct understanding of the content of legal norms that the effectiveness of law enforcement activities, the stability of the rule of law, and the provision of human rights and freedoms depend. The diversity of legal systems in the world, formed under the influence of historical, cultural, religious, and social factors, determines differences in approaches to the interpretation of law.

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Particular attention is required to compare approaches to the interpretation of regulatory legal acts in countries belonging to different legal families - Islamic, Romano-Germanic, and Anglo-Saxon. Islamic law (Sharia) is based on the divine origin of legal norms, which determines the sacralized nature of interpretation and determines the participation of ulema as religious and legal authorities. In contrast, in the Romano-Germanic legal tradition, the interpretation of laws is based on rational, logical-systemic and teleological methods aimed at clarifying the will of the legislator. In the countries of the Anglo-Saxon legal family, interpretation is casuistic in nature and largely depends on judicial practice, where court decisions actually act as a source of law.

The presence of these differences gives rise to a number of problems at the theoretical and practical levels. First, it is difficult to ensure unity of approaches to understanding legal norms in international relations that cover states from different legal families. Second, in the process of harmonizing legislation in the context of globalization, there is a need to take into account the peculiarities of legal consciousness, legal culture and traditions of interpretation in each of the systems. Third, the issue of adapting institutions of legal interpretation to modern conditions of development of international law and human rights, where universal standards of legal understanding play an important role, is relevant.

Thus, the scientific problem lies in the need for a comprehensive analysis of theoretical and practical approaches to the interpretation of regulatory legal acts in the above-mentioned legal families, in order to identify common patterns, differences, and potential directions for harmonizing legal systems in the context of globalization processes.

Although legal interpretation has been widely discussed in Islamic law, Romano-Germanic law, and Anglo-Saxon law, most previous studies tend to examine these legal traditions separately. Existing research often focuses either on classical methods of interpretation, the role of courts, or the development of digital regulation in particular jurisdictions. However, limited attention has been given to how different legal traditions reinterpret existing legal norms when they are confronted with similar contemporary challenges, such as artificial intelligence, crypto-assets, smart contracts, and electronic evidence. This gap is important because modern legal problems increasingly cross national, doctrinal, and technological boundaries, while each legal tradition still relies on different sources of law, interpretative authorities, and methodological assumptions.

This article contributes to the existing scholarship by offering a comparative analytical framework for understanding legal interpretation across Islamic, Romano-Germanic, and Anglo-Saxon legal traditions. Rather than merely describing the characteristics of each system, the article examines how these traditions balance legal certainty, flexibility, moral legitimacy, and practical justice in responding to new legal realities. The originality of this study lies in its effort to connect classical theories of legal interpretation with contemporary digital legal challenges and to identify possible directions for developing a more adaptive, coherent, and rights-oriented model of legal interpretation.

2. METHODS

This study employs a normative juridical method supported by comparative legal and limited empirical content analysis. The normative juridical method is used to examine legal doctrines, statutory instruments, judicial decisions, and scholarly opinions concerning the interpretation of

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regulatory and legal acts (Chynoweth, 2008; Hutchinson & Duncan, 2012). The comparative legal approach is used to compare the interpretative logic of Islamic law, the Romano-Germanic legal tradition, and the Anglo-Saxon legal tradition (Örücü, 2004; Zweigert & Kötz, 1998).

The empirical component of the study is conducted through qualitative content analysis of selected judicial decisions and official legal documents. Qualitative content analysis is appropriate for identifying patterns, categories, and meanings within legal texts and judicial reasoning (Krippendorff, 2019; Mayring, 2014). The materials were selected purposively based on their relevance to legal interpretation, digital legal challenges, and the development of judicial reasoning (Patton, 2015). The analyzed materials include decisions of constitutional and supreme courts, selected administrative court decisions, official legal explanations, and relevant supranational legal documents issued by institutions such as the European Court of Human Rights and the Court of Justice of the European Union.

The comparative analysis is conducted through six indicators: sources of law, subjects of interpretation, dominant interpretative methods, institutional authority, flexibility in responding to new legal problems, and the balance between legal certainty and substantive justice. Islamic law is analyzed through the concepts of tafsir, ta'wil, ijtihad, maslahah, and maqasid al-sharia (Hallaq, 2009; Kamali, 1991; Masud et al., 2001). The Romano-Germanic tradition is analyzed through grammatical, systematic, historical, and teleological interpretation (Canaris, 2001; Larenz, 1991; Zippelius, 2012). The Anglo-Saxon tradition is analyzed through the literal rule, golden rule, mischief rule, purposive approach, and precedent-based reasoning (Bennion, 2008; Cross & Bell, 1995; Scalia & Garner, 2012).

To operationalize the content analysis, each selected legal document is coded according to the dominant interpretative method used in its reasoning. The coding categories include grammatical interpretation, systematic interpretation, teleological interpretation, logical interpretation, purposive interpretation, precedent-based reasoning, and value-based or maqasid-oriented reasoning. The frequency of each category is then compared to identify dominant patterns of interpretation across the selected legal materials (Krippendorff, 2019; Mayring, 2014). This allows the study to move beyond conceptual description and to show how interpretative methods are actually used in legal reasoning.

Contemporary issues such as artificial intelligence, crypto-assets, smart contracts, and electronic evidence are used as analytical examples to assess how each legal tradition adapts existing norms to new legal realities. These issues are not treated as separate research objects, but as test cases for evaluating the flexibility, consistency, and legitimacy of each interpretative model. The selected materials were obtained from official legal databases and institutional sources, including the Constitutional Court of Ukraine, the Supreme Court of Ukraine, the European Court of Human Rights HUDOC database, and the Court of Justice of the European Union database. The selection of digital legal issues is also supported by recent regulatory developments, including the EU Artificial Intelligence Act, the Markets in Crypto-Assets Regulation, and the General Data Protection Regulation (European Parliament and Council, 2016, 2023, 2024).

3. RESULTS AND DISCUSSION

Theoretical and legal principles of interpretation of normative legal acts

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Interpretation of regulatory legal acts is not merely a technical activity of clarifying the linguistic meaning of legal texts, but a process of legal reasoning through which legal actors connect normative texts with concrete social realities (Dworkin, 1986; Kelsen, 2001; MacCormick, 1994).

Classical legal theory distinguishes grammatical, systematic, historical, logical, and teleological methods of interpretation (Alexy, 2002; Canaris, 2001; Zippelius, 2012). However, the relevance of these methods differs across legal traditions. In the Romano-Germanic tradition, interpretation is strongly connected to statutory texts, codified norms, and the systematic coherence of legislation. In the Anglo-Saxon tradition, interpretation develops through precedent, judicial reasoning, and purposive analysis. In Islamic law, interpretation is grounded in religious sources and moral-legal reasoning through tafsir, ta'wil, ijtihad, maslahah, and maqasid al-sharia.

Therefore, the central issue is not only what methods of interpretation exist, but how each legal tradition uses those methods to maintain legal certainty, institutional legitimacy, and substantive justice when facing new legal problems. This is particularly important in the context of artificial intelligence, crypto-assets, smart contracts, and electronic evidence, where existing legal norms are often applied to social realities that were not anticipated by lawmakers.

Interpretation of legal norms in foreign legal systems

Interpretation of legal norms in foreign legal systems is an important factor in ensuring legal certainty, stability of judicial practice and implementation of the rule of law. A comparative analysis of approaches to interpretation in different countries allows us to identify effective models of law enforcement that can be used in domestic practice (David & Jauffret-Spinosi, 2002).

Peculiarities of interpretation in countries with a continental legal system. In the continental (Roman-Germanic) legal family, which includes most European countries, the interpretation of legal norms is carried out primarily on the basis of written law. A judge, as a rule, does not have the right to go beyond the text of the law, therefore literal and systematic interpretation are a priority (Zweigert & Kötz, 1998).

In Germany, the concept of "fidelity to the law" (Gesetzestreue) is used, according to which a judge does not create a new norm, but only clarifies the content of an existing one (Alexy, 2002). In this case, doctrinal comments by lawyers who have significant authority in judicial practice play an important role.

The interpretation of law in Germany is based on the idea of fidelity to the law (Gesetzestreue), according to which the court has no right to go beyond the law, and its decisions must reflect the will of the legislator. At the same time, German law recognizes that the text of the law is not always self-sufficient, therefore it allows for judicial clarification (richterliche Rechtsfortbildung) - the development of the law by the courts, if the norm is incomplete or contradictory (Alexy, 2002; Canaris, 2001; Zippelius, 2012).

According to the position of the Federal Constitutional Court of Germany (Bundesverfassungsgericht), interpretation must be carried out within the limits set by the Constitution (Grundgesetz) and be consistent with the principles of democracy, the rule of law and the protection of human rights (Bundesverfassungsgericht, 1958).

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In German jurisprudence, four main methods of interpretation are traditionally distinguished: Grammatical (sprachliche Auslegung) - clarification of the content of norms by analyzing the text, syntax, grammatical structure and terminology. Systematic (systematische Auslegung) - determination of the meaning of the norm through its place in the legal system, its relationship with other norms. Historical (historische Auslegung) - taking into account the intention of the legislator, materials of parliamentary debates, preparatory documents. Purposeful or teleological (teleologische Auslegung) - interpretation in accordance with the purpose (Zweck) of legal regulation (Canaris, 2001).

Most often, courts combine these methods, forming a "unity of methods of interpretation" (Einheit der Auslegungsmethoden), which allows for a comprehensive and logical understanding of a legal norm (Zippelius, 2012).

The Federal Constitutional Court of Germany (Bundesverfassungsgericht) in its activities not only interprets laws, but also determines the boundaries of judicial interpretation. For example, in BVerfGE 7, 198 (1958), the Court emphasized that a judge is not entitled to substitute his own judgment for the will of the legislator, but may interpret a norm in its "life context" if this is necessary to protect fundamental rights.

The German Federal Court (Bundesgerichtshof, 2019) also often applies functional interpretation when the content of a norm is clarified by taking into account its role in specific legal relations, thereby ensuring consistency between the abstract nature of the law and practice.

In Germany, legal doctrine (Rechtswissenschaft) has a significant influence on judicial practice. Scholarly commentaries on codes (e.g. Palandt zum BGB, Maunz/Dürig zum Grundgesetz) are authoritative sources of interpretation that are often cited by the courts. This combination of case law and scholarly doctrine creates a "dialogical model of legal application" in which law, court and science interact (Maunz & Dürig, 2022).

Interpretation of regulations in Germany is characterized by systematicity, rationality and respect for the legislator. At the heart is the principle of the rule of law, complemented by judicial flexibility in cases where literal interpretation leads to injustice. The experience of Germany demonstrates that the effectiveness of law enforcement depends on the balance between legislative precision and the courts' freedom of interpretation.

In France, priority is given to purposeful (teleological) and logical interpretation, which allows the court to take into account the legislator's purpose. The Court of Cassation (Cour de cassation) often issues general interpretations that serve as guidelines for lower courts (Terré et al., 2021).

Interpretation in the countries of the Anglo-Saxon legal system. In contrast to the continental model, in the countries of the common law (Anglo-Saxon) system — Great Britain, the USA, Canada, Australia — the central place belongs to judicial precedent. It is the judicial practice that determines the content of the norms, and therefore, the interpretation of the law here is a law-making process (Cross & Bell, 1995).

In the United Kingdom, there are three main rules of interpretation: the literal rule — the court applies the law in its literal meaning; the golden rule — allows for a departure from the literal meaning to avoid absurdity; the mischief rule — focuses on eliminating the social defect that the law was supposed to correct (Bennion, 2008).

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In the USA, in addition to traditional methods, purposive (purposeful) interpretation is widespread, which takes into account the will of the legislator, the history of the adoption of the law, the materials of parliamentary hearings, etc. The US Supreme Court often refers to the principles of constitutionalism, the rule of law and justice (Scalia & Garner, 2012).

International legal experience. In the practice of the European Court of Human Rights (ECHR), an evolutionary approach to interpretation has been formed, which allows taking into account changes in society and the development of legal standards. The European Court of Human Rights has developed an evolutionary approach by interpreting the Convention as a "living instrument" that must be understood in light of present-day conditions (European Court of Human Rights, 2023; European Parliament and Council, 2023).

Similarly, the Court of Justice of the European Union (CJEU) actively uses functional and teleological interpretation aimed at ensuring the effectiveness of European law (principle of effectiveness). This allows for the formation of uniform standards of law enforcement in the Member States (Court of Justice of the European Union, 2024).

Table 1. *Foreign experience in interpreting regulatory legal acts*

Country / Legal system	**Main methods of interpretation**	**Characteristics**	**Examples / Sources**
Germany	Grammatical, systematic, historical, teleological	Principle of Gesetestreue; the court can clarify the content of a norm, but not create a new one; great role of doctrine	BVerfGE 7, 198 – Lüth Case; Maunz/Dürig GG; https://www.bundesverfassungsgericht.de/
France	Logical, teleological, systemic	Orientation on the purpose of the law; the judge is the "voice of the law"; the practice of the Cour de cassation forms unity	Civil Code; Cour de cassation; https://www.courdecassation.fr/
United Kingdom	Literal Rule, Golden Rule, Mischief Rule	The judge actively forms the content of the norm; court decisions are a source of law; precedent prevails	Heydon's Case (1584); Hart (2012); https://www.bailii.org/

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USA	Textual, purposive, constitutional interpretation	Use of historical materials, parliamentary debates; balance between the letter and spirit of the law	Marbury v. Madison (1803); Brown v. Board of Education (1954); https://www.oyez.org /
European Union	Functional, teleological, evolutionary	Principle of effectiveness (effet utile); ensuring the unity of EU law	Van Gend en Loos (1963); Costa v. ENEL (1964); https://curia.europa.eu /
ECHR	Evolutionary, teleological, systemic	The Convention is interpreted as a "living instrument"; priority of human rights over the form of the law	Tyrer v. the United Kingdom (1978); Demir and Baykara v. Turkey (2008); https://www.echr.coe.int/

Source: Authors' elaboration based on the cited literature.

The comparison above shows that foreign legal systems do not rely on a single method of legal interpretation. Continental legal systems tend to prioritize written law, systematic coherence, and fidelity to the will of the legislator. However, they also recognize the importance of teleological and functional interpretation when the literal meaning of a norm is insufficient to resolve legal uncertainty. In contrast, the Anglo-Saxon legal tradition gives greater space to judicial precedent and purposive reasoning, allowing courts to develop the meaning of legal norms through concrete cases. Meanwhile, supranational courts such as the European Court of Human Rights and the Court of Justice of the European Union demonstrate a more dynamic model of interpretation by linking legal texts to human rights protection, social change, and the effectiveness of regional legal integration.

This foreign experience confirms that legal interpretation must balance textual certainty, institutional consistency, and substantive justice. Literal interpretation remains important as the starting point of legal reasoning, but it cannot be the only method when legal norms are ambiguous, incomplete, or unable to respond to new social realities. Systematic, teleological, functional, and evolutionary interpretations are needed to ensure that law remains relevant without undermining legal certainty. This point is particularly important in the context of contemporary legal challenges, including artificial intelligence, crypto-assets, digital platforms, smart contracts, and electronic evidence, where legal texts often develop more slowly than technological realities.

Therefore, the study of foreign legal systems provides an important analytical foundation before discussing Islamic legal interpretation. Although Islamic law has different sources and authorities of interpretation, it also faces a similar problem: how to maintain fidelity to foundational legal texts while responding to new legal, social, and technological developments. The following section

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examines how Islamic law constructs legal interpretation through religious sources, juristic reasoning, and value-based methods such as ijtihad, maslahah, and maqasid al-sharia.

Interpretation of legal acts in Islamic law countries

The Islamic legal system is one of the oldest and at the same time the most original in the world. Its uniqueness lies in the fact that the sources of law have a divine origin, and therefore the interpretation of legal norms is considered not as an act of human understanding, but as a process of revealing the will of Allah (Hallaq, 2005). Within the framework of Islamic law, the concept of "interpretation" has a religious and dogmatic meaning and is inextricably linked to the theological tradition.

The main sources that determine the boundaries of interpretation are the Quran, Sunnah, Ijma (consensus of scholars) and Qiyas (analogy) (Coulson, 1964). The Quran is considered the basic and unconditional law, and the Sunnah specifies its provisions through examples from the life of the Prophet Muhammad. When there is no direct indication, ijma is used - the collective agreement of the ulema, or qiyas - the derivation of norms by analogy from existing decisions (Weeramantry, 1988).

In Islamic law, there are two main types of interpretation: tafsir and ta'wil.

1. Tafsir is a literal or grammatical interpretation that aims to explain the meaning of the Quran in accordance with the lexical and contextual features of the Arabic language (Hallaq, 2009; Kamali, 1991).
2. Ta'wil is an allegorical, deep interpretation that allows you to reveal the spiritual or moral meaning of norms that is not always obvious from the text.

Legal scholars (faqihs) also use additional methods of interpretation:

1. Istikhsan - the principle of choosing a more just solution in cases where strict adherence to a rule could lead to injustice (Nyazee, 2003).
2. Istishlah (maslahah) is an orientation towards public benefit, which allows for a decision aimed at the benefit of the community, even in the absence of a direct norm (Hallaq, 2009; Kamali, 1991; Masud et al., 2001).
3. Urf is the consideration of local customs and traditions, if they do not contradict the basic prescriptions of Sharia (Hallaq, 2009).

In the process of interpretation, the madhhab - the legal school (Hanafi, Maliki, Shafi'i, Hanbali, etc.) is of great importance. Each of them has developed its own methodology for interpreting norms, although all recognize the higher power of divine revelation (Schacht, 1964). Thus, in the Hanafi school, a rationalist approach using qiyas prevails, while the Hanbali school tends to literal interpretation and strict adherence to the text.

A feature of Islamic interpretation is that judges (qadis) do not have the right to create new norms. Their task is to apply existing regulations, guided by authoritative legal collections,

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interpretations of ulema and decisions of legal schools (Coulson, 1964). Precedent as a source of law is absent in classical Islam, although in some modern countries (for example, in Malaysia, Pakistan) a system of judicial interpretations is gradually forming, which is gaining practical significance (Masud et al., 2001).

In modern Islamic states, there is a tendency to combine traditional religious interpretation with elements of secular law. For example, in Saudi Arabia, courts apply Sharia directly, while in Iran there is a Council of Guardians of the Constitution, which checks the compliance of laws with the principles of Islam (Weeramantry, 1988). In Egypt, the interpretation of laws is carried out by the Constitutional Court, but taking into account the fact that Sharia is the "main source of legislation".

Thus, the interpretation of legal acts in Islamic law countries has a sacralized, teleological, and moral-valued nature. Its goal is not only the legal, but also the spiritual provision of justice, which distinguishes the Islamic legal tradition from the secular legal systems of the West.

Table 2. Comparative characteristics of the interpretation of legal acts in the Islamic legal system and in the countries of the Romano-Germanic and Anglo-Saxon legal families

Analytical indicator	**Islamic legal tradition**	**Romano-Germanic tradition**	**Anglo-Saxon tradition**
Main source of law	Qur'an, Sunnah, ijma, qiyas, ijtihad	Constitution, codes, statutes, regulations	Statutes, judicial precedents, constitutional principles
Main authority of interpretation	Ulema, mufti, qadi, Sharia councils	Courts, constitutional courts, legal scholars, administrative bodies	Courts, especially higher courts
Dominant method	Tafsir, ta'wil, ijtihad, maslahah, maqasid al-sharia	Grammatical, systematic, historical, teleological interpretation	Literal rule, golden rule, mischief rule, purposive approach, precedent
Main strength	Moral legitimacy and public benefit	Legal certainty and systematic coherence	Flexibility and practical justice
Main weakness	Variation among religious authorities and schools	Possible rigidity of written law	Risk of judicial unpredictability
Response to digital issues	Ethical evaluation based on Sharia objectives	Regulatory and systematic interpretation of statutory norms	Case-based adaptation through precedent

Source: Authors' elaboration based on comparative legal literature.

The table shows that the difference among the three traditions lies not only in the sources of law, but also in the way each system constructs legal authority and responds to legal uncertainty. Islamic law tends to evaluate new legal problems through moral and public benefit considerations.

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The Romano-Germanic tradition seeks coherence between new problems and existing statutory frameworks. The Anglo-Saxon tradition adapts legal meaning through judicial decisions and precedent. These differences explain why similar issues, such as crypto-assets or electronic evidence, may be interpreted through different legal categories in each system.

The analysis of the comparative characteristics of the interpretation of legal acts in the Islamic legal system and in the countries of the Romano-Germanic and Anglo-Saxon legal families indicates the existence of fundamentally different conceptual principles of legal interpretation, which are formed under the influence of different sources of law, institutional mechanisms and value orientations of legal regulation. At the same time, the study also demonstrates the presence of a common trend: all legal systems strive to ensure the adaptation of legal norms to new social relations, while maintaining the legitimacy and predictability of legal application.

First of all, significant differences are traced in the sources of law. In the Islamic legal system, normative regulation is based on sacred texts and religious tradition - the Quran, Sunni, ijma and qiyas. This means that interpretation has not only a legal, but also a theological character, since any legal application is considered as a clarification of divine will. In the countries of the Romano-Germanic and Anglo-Saxon legal families, the basis is normative legal acts, constitutions, codes and case law. Although the role of precedent varies, in the European tradition the sources of law are secular in nature and are based on the principles of rational legislative regulation.

The nature of interpretation is also significantly different. In Islamic law, the interpretation of norms is religious-dogmatic, that is, the content of the norm is established through an appeal to theological methods and authoritative legal schools. Tafsir and ta'wil allow to reveal the literal and hidden content of the prescriptions, but the limits of such interpretation are determined by the canons of Sharia. In European legal systems, a rational-legal approach prevails, focused on the logical analysis of the text, the systemic correlation of norms, their purpose and functional meaning. This ensures greater adaptability of law to changes in social relations.

Differences are also observed with regard to the subjects of interpretation. In Islamic law, the key role is played by ulema, muftis and qadi, who combine theological and legal competence. Their authority largely determines the legitimacy of legal conclusions. In countries of the continental and Anglo-Saxon traditions, the main subjects of interpretation are judges, as well as scholars, constitutional courts and specialized law enforcement agencies. In the Anglo-Saxon system, judicial decisions can acquire normative significance as binding precedents, while in the Romano-Germanic system they perform mainly a unifying and orienting function.

The main methods of interpretation demonstrate varying degrees of freedom of interpretation. Tafsir and ta'wil are aimed at revealing the meaning of religious texts within the framework of Islamic dogma (Tarlam et al., 2025). Literal, systemic and teleological interpretation, characteristic of European legal systems, allow for a broader consideration of the social purpose of the norm, the principles of justice and proportionality. In common law, precedent doctrines play an additional role, ensuring the evolutionary development of the content of legal norms.

The difference in the role of the court is particularly significant. In the Islamic tradition, the judge is primarily called upon to apply the norms of Sharia as an expression of divine will, and his discretion is limited by religious sources and authoritative conclusions of jurists. In European legal

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systems, the court acts as an active interpreter of law, specifying legislative provisions and shaping the practice of their application. This gives the courts a much greater influence on the development of the legal system.

The indicator of legal flexibility demonstrates that the Islamic legal system formally has strict boundaries defined by religious principles. However, in modern conditions, through the mechanisms of ijtihad, qiyas and consideration of the public interest (maslaha), it is also able to adapt to new challenges, in particular in the field of financial technologies and bioethics. European legal systems are characterized by greater institutional flexibility, since the content of legal norms can be quickly clarified through judicial practice, official clarifications and legislative changes.

Thus, the table above demonstrates the fundamental difference between sacred and secular models of legal interpretation. Islamic law is dominated by a value-based and religious approach focused on maintaining compliance with the norms of Sharia, while the Romano-Germanic and Anglo-Saxon traditions are based on a secular, rational and institutionally organized interpretation. At the same time, all systems, despite their different methodological foundations, strive to achieve a common goal - ensuring fair, predictable and effective application of law in conditions of constant social transformations.

The limited content analysis of 50 selected judicial decisions and official interpretative documents shows that courts and legal authorities rarely rely on a single interpretative method. Teleological and purposive reasoning appears prominently in cases concerning constitutional rights, technological regulation, and public interest. Grammatical interpretation remains important as an initial step, but it is often complemented by systematic, functional, or value-based reasoning (Syafran & Roselani, 2025). This pattern indicates that contemporary legal interpretation increasingly moves from purely textual clarification toward contextual, goal-oriented, and justice-based reasoning.

Comparative Analytical Findings: Certainty, Flexibility, and Legitimacy

The comparative analysis shows that Islamic law, the Romano-Germanic tradition, and the Anglo-Saxon tradition construct legal interpretation through different foundations of authority. Islamic law derives interpretative legitimacy from religious sources, moral reasoning, and the objectives of Sharia (Hallaq, 2005; Kamali, 1991; Masud et al., 2001). The Romano-Germanic tradition derives legitimacy from codified legislation, systematic coherence, and constitutional principles (Alexy, 2002; Canaris, 2001; Zippelius, 2012). The Anglo-Saxon tradition derives legitimacy from precedent, judicial reasoning, and the practical resolution of disputes (Bennion, 2008; Cross & Bell, 1995; Scalia & Garner, 2012). These differences demonstrate that interpretation is not a neutral technical process, but a reflection of the deeper structure of each legal system.

In terms of legal certainty, the Romano-Germanic tradition offers the strongest model because it emphasizes written law, codification, systematic interpretation, and doctrinal coherence (Canaris, 2001; Larenz, 1991; Zweigert & Kötz, 1998). This model is useful for maintaining predictability and preventing excessive judicial discretion. However, its weakness appears when legal texts are unable to respond quickly to new technological problems. In the context of artificial intelligence or crypto-assets, rigid textual interpretation may create regulatory gaps because the law often

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develops more slowly than technology (European Parliament and Council, 2023, 2024; Nikolinakos, 2023; Volkova et al., 2024).

In terms of flexibility, the Anglo-Saxon tradition provides a more adaptive model. Through precedent and purposive reasoning, courts are able to develop legal meaning gradually from case to case (Bennion, 2008; Cross & Bell, 1995; Scalia & Garner, 2012). This makes common law systems more responsive to new disputes involving digital platforms, automated decision-making, electronic evidence, or intellectual property in artificial intelligence (European Parliament and Council, 2016, 2024; Shaelou & Razmetaeva, 2023). However, this flexibility also creates risks. If judicial reasoning is not guided by clear normative limits, interpretation may lead to unpredictability and excessive judicial law-making (Dworkin, 1986; MacCormick, 1994).

Islamic law offers a different contribution. Its strength lies in value-based interpretation through ijtihad, maslahah, and maqasid al-sharia (Hallaq, 2005, 2009; Kamali, 1991; Masud et al., 2001; Nyazee, 2003). These concepts allow legal reasoning to consider public benefit, prevention of harm, protection of property, human dignity, and social justice (Mansoor & Inam, 2025; Weeramantry, 1988). In the context of financial technology, crypto-assets, or digital transactions, Islamic legal interpretation does not only ask whether a practice is formally regulated, but also whether it is consistent with the ethical and social objectives of Sharia (Alam et al., 2019; Hafizd et al., 2026; Mansoor & Inam, 2025; Sidiq & Muliana, 2025;). However, the challenge lies in ensuring methodological consistency among different religious authorities, schools of law, and national legal institutions (Masud et al., 2001; Schacht, 1964).

These findings indicate that no single legal tradition provides a complete model of interpretation for contemporary legal challenges. The Romano-Germanic tradition provides legal certainty, but may be less flexible. The Anglo-Saxon tradition provides flexibility, but may face problems of predictability. Islamic law provides moral legitimacy and value orientation, but requires institutional and methodological consistency. Therefore, a more balanced interpretative model should combine the certainty of codified law, the adaptability of precedent-based reasoning, and the moral orientation of value-based legal interpretation (Dworkin, 1986; MacCormick, 1994; Zweigert & Kötz, 1998).

Implications for Legal Reform and Ukrainian Legal Practice

For the Ukrainian legal system, which belongs to the continental family, it is important to take into account the positive elements of foreign experience, in particular: strengthening the role of court decisions as a source of interpretation of law; introducing the doctrine of "living law" in constitutional justice; taking into account the practice of the ECHR as a guideline for national courts; developing legal doctrine and commentaries as a means of unofficial interpretation (Constitutional Court of Ukraine, 2002, 2010).

In the context of the reform of the legal system of Ukraine, the issue of improving approaches to the interpretation of regulatory legal acts is of particular relevance. Effective interpretation of law is a key tool for ensuring the rule of law, the unity of judicial practice and the proper application of legislation. Foreign experience in this area can become a valuable reference point for improving the quality of national law enforcement.

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In countries with a continental legal system (in particular, Germany, France, Italy), interpretation is based on the principle of fidelity to the law (Gesetzestreue), but is supplemented by a teleological and systemic approach, which allows harmonizing the content of norms with general principles of law (Leheza et al., 2023).

For Ukraine, it is advisable to use a teleological method that orients the law enforcement officer to the purpose of the norm and ensures its compliance with the principles of the Constitution of Ukraine and European human rights standards (Leshchenko, 2025; Shkuta et al., 2026).

Borrowing the German doctrine of interpretation will contribute to the development of the unity of judicial practice, the formation of a culture of scientific commenting on laws, as well as strengthening the role of legal science in the process of lawmaking (Volkova et al., 2024).

The legal systems of the United Kingdom and the United States are characterized by a precedential nature, in which interpretation acts as a source of law. Judges apply the literal, golden, and mischief rules, ensuring a balance between the literal content of the norm and the fairness of its application (Leheza et al., 2023).

For Ukraine, the introduction of elements of precedential thinking is valuable - the use of Supreme Court decisions as guidelines for the uniform application of the law by lower courts. This approach has already been partially implemented in Article 13 of the Law of Ukraine "On the Judiciary and the Status of Judges" and can be expanded by strengthening the role of judicial explanations (Verkhovna Rada of Ukraine, 2016).

The decisions of the European Court of Human Rights (ECHR) and the Court of Justice of the European Union demonstrate evolutionary interpretation that takes into account social changes and the development of society. The Convention on the Protection of Human Rights is interpreted as a "living instrument" (European Court of Human Rights, 2023).

It is important for Ukraine not only to apply the decisions of the ECHR in national practice, but also to introduce a method of dynamic interpretation, which will allow adapting legislation to modern challenges, in particular digitalization and martial law (Court of Justice of the European Union, 2024).

For the effective implementation of foreign experience, it is necessary to: increase the role of the Supreme Court in forming unified approaches to the interpretation of norms; develop scientific and doctrinal commentaries on laws, similar to the German Kommentaren; ensure the integration of judges into international training programs focused on comparative law; develop standards of official interpretation that will regulate the procedures for interpreting laws by government bodies.

For Ukraine, the comparative findings should not be understood as a recommendation to transplant foreign legal models mechanically. Legal transplantation without institutional adaptation may create inconsistency between imported interpretative methods and the domestic legal culture. Therefore, the more appropriate approach is selective adaptation. Ukraine may adopt the systematic certainty of the Romano-Germanic tradition, strengthen the practical role of Supreme Court decisions as interpretative guidance, and integrate the European Court of Human Rights's evolutionary human rights approach.

At the same time, the value-oriented dimension of Islamic legal interpretation offers an important comparative insight. Although Ukraine is not an Islamic legal system, the emphasis on

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public benefit, prevention of harm, and moral legitimacy can enrich broader discussions on legal interpretation in plural and rapidly changing societies (Yusuf, 2025). This does not mean adopting a Sharia-based interpretation in Ukrainian law, but rather recognizing that legal interpretation should also consider ethical consequences, social justice, and human dignity (Widjaja et al., 2025).

Thus, improving legal interpretation in Ukraine requires a mixed yet controlled model. This model should preserve the certainty of written law, strengthen the consistency of judicial interpretation, and allow dynamic interpretation in cases involving technological change, human rights, and public interest. Such a model is more suitable than a purely textual approach or an unrestricted precedent-based approach.

4. CONCLUSION

This study shows that the interpretation of regulatory and legal acts is not merely a technical process of clarifying legal texts, but a form of legal reasoning through which legal systems adapt existing norms to new social, technological, and institutional realities. The comparison of Islamic law, the Romano-Germanic legal tradition, and the Anglo-Saxon legal tradition demonstrates that each system constructs legal interpretation through different sources of authority, institutional actors, and methodological assumptions. Contemporary issues such as artificial intelligence, crypto-assets, smart contracts, and electronic evidence reveal the limitations of purely textual interpretation and the need for more adaptive, coherent, and justice-oriented approaches.

The findings indicate that each legal tradition offers a distinct contribution to modern legal interpretation. Islamic law provides a value-based model through ijtihad, maslahah, and maqasid al-sharia, which emphasizes public benefit, prevention of harm, moral legitimacy, and substantive justice. The Romano-Germanic tradition contributes legal certainty through codified norms, systematic interpretation, and teleological reasoning. The Anglo-Saxon tradition contributes flexibility through precedent, purposive reasoning, and case-based legal development. However, none of these models is sufficient on its own. Islamic law requires methodological consistency among interpretative authorities, the Romano-Germanic tradition may face rigidity when legislation lags behind technological change, and the Anglo-Saxon tradition may create unpredictability if judicial discretion is not properly limited.

Therefore, this article argues for a balanced model of legal interpretation that combines normative certainty, interpretative flexibility, institutional consistency, and value-based justice. For legal systems undergoing reform, including Ukraine and other jurisdictions influenced by transnational legal standards, the comparative findings should not be understood as a call for mechanical legal transplantation, but as a basis for selective adaptation. Legal reform should preserve the certainty of written law, strengthen the consistency of judicial interpretation, integrate human rights-oriented and evolutionary interpretation, and remain attentive to ethical values and public interest. Such an approach can help ensure that the interpretation of regulatory and legal acts remains effective, predictable, and just in responding to contemporary digital transformations.

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