



Research Article

# Reconstructing Islamic Legal Ethics : The Role of Maqāṣid al-Sharī'ah in Contemporary Muslim Community Governance

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**Abstract:** This research explores the role of Maqāṣid al-Sharī'ah in modern governance systems, focusing on its application to contemporary issues in Muslim-majority societies. The study examines the challenges posed by traditional Islamic jurisprudence and its rigidity in addressing evolving social, political, and economic conditions. Specifically, it aims to assess how Maqāṣid al-Sharī'ah can enhance governance by promoting justice, public welfare, and the protection of rights, as well as offering an adaptable framework for legal reforms. The research employs a comparative literature review and thematic analysis, examining classical and contemporary texts to identify key themes related to the integration of Maqāṣid into governance. The main findings suggest that Maqāṣid al-Sharī'ah provides a more flexible and responsive legal framework compared to traditional textual fiqh, especially in the context of modern governance challenges such as human rights, social justice, and public welfare. The study concludes that integrating Maqāṣid principles into contemporary Islamic governance can lead to more equitable and effective systems, enhancing social cohesion, economic stability, and the protection of human rights. Future research could explore specific case studies of Maqāṣid implementation in various governance contexts to further understand its practical applications.

**Keywords:** Human Rights; Islamic Governance; Legal Reform; Maqāṣid Al-Sharī'ah; Public Welfare.

## 1. Introduction

Islamic legal ethics face significant challenges in the context of rapid social changes and the evolving needs of modern societies. The advancement of technology, particularly in the Fourth Industrial Revolution (IR 4.0), has introduced complex ethical dilemmas that impact the daily lives of Muslims. Issues related to artificial intelligence, biotechnology, and digital media raise questions about preserving religious values and maintaining social order (Jamaa, 2016). Furthermore, the integration of modern scientific advancements such as DNA testing and organ transplantation into Islamic criminal law presents new challenges, especially regarding the interpretation of human rights within an Islamic framework.

One of the major obstacles in addressing these challenges is the gap between traditional interpretations of Islamic law and the evolving demands of contemporary Muslim communities. Traditional Islamic jurisprudence, grounded in the Qur'an and Hadith, often struggles to adapt to the dynamic realities of modern life. The rigidity of "traditional ijtihād" (independent legal reasoning) has been criticized for its reliance on vague juridical devices and its inability to address the changing needs of society (Mavani, 2014). This tension is exacerbated by the diverse interpretations of Islamic teachings across different schools of thought and cultural contexts, which often leads to conflicting views on the integration of modernity with Islamic principles (Ansori, 2022; Kohantorabi, 2021).

To bridge this gap, scholars advocate for a more dynamic and adaptable approach to Islamic jurisprudence. One proposed solution is the adoption of comparative methodologies that incorporate diverse perspectives and promote harmonious coexistence among different

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Islamic schools of thought (Osman, 2023). Additionally, the concept of legal change, as outlined by Ibn Qayyim al-Jawziyyah, supports the idea that Islamic law can evolve in response to changes in time, place, and customs, thereby preventing legal stagnation and ensuring its relevance in contemporary contexts (Hosen, 2019).

Furthermore, the *maqāṣid al-sharīʿah* (objectives of Islamic law) framework provides a principled approach for evaluating modern advancements. By focusing on the higher objectives of Islamic law—justice, welfare, and the protection of human rights—it helps ensure that technological developments align with core Islamic ethical standards. This framework serves as a balance between the benefits and potential harms of technological progress, ensuring that developments support the holistic well-being of humanity in accordance with Islamic values (Fuad, 2024; Helmy, 2021).

The principles of *Maqāṣid al-Sharīʿah*, the higher objectives of Islamic law, offer a vital framework for strengthening governance within modern Muslim communities. As the world faces rapid social, economic, and technological transformations, these principles provide essential guidance in addressing contemporary challenges while ensuring alignment with core Islamic values (Helmy, 2021). The role of *Maqāṣid al-Sharīʿah* is particularly significant in ensuring that governance systems are just, inclusive, and responsive to the evolving needs of society (Ghani et al., 2024). This article aims to analyze how the implementation of *Maqāṣid al-Sharīʿah* can enhance governance and address pressing modern issues such as legal reforms, social welfare, and environmental sustainability.

The primary objective of this study is to explore the relevance of *Maqāṣid al-Sharīʿah* in strengthening governance in modern Muslim communities. This includes a critical examination of how *Maqāṣid* principles can address contemporary issues, including social, ethical, and legal challenges (Ishak & Asni, 2020). By evaluating the flexibility and adaptability of these principles, the study seeks to demonstrate their potential in improving societal governance and advancing public welfare (Padela, 2022).

*Maqāṣid al-Sharīʿah* refers to the higher objectives of Islamic law, designed to preserve and promote essential human interests. These objectives traditionally encompass five core elements: the protection of faith (*Hifz al-Dīn*), life (*Hifz al-Nafs*), intellect (*Hifz al-ʿAql*), lineage (*Hifz al-Nasl*), and property (*Hifz al-Māl*) (Baharuddin et al., 2019; Helmy, 2021). These principles serve as the foundation for deriving Islamic legal rulings and guiding jurisprudential practices in a variety of aspects of life. The purpose of *Maqāṣid* is to ensure that the laws of Islam promote justice, social welfare, and the holistic well-being of humanity, making it an indispensable tool for legal and social reform in contemporary Muslim societies.

*Maqāṣid al-Sharīʿah* provides a robust ethical and moral framework that can guide governance by emphasizing values such as justice, compassion, and the common good. These principles support the creation of a more humane and just society (Ghani et al., 2024; Ishak & Asni, 2020). The ethical foundation of *Maqāṣid al-Sharīʿah* is essential for ensuring that governance practices align with Islamic values, thereby promoting trust, accountability, and social cohesion within the community. Furthermore, one of the most notable aspects of *Maqāṣid al-Sharīʿah* is its flexibility and adaptability, which is crucial for addressing contemporary issues effectively (Helmy, 2021; Ishak & Asni, 2020). This adaptability allows Islamic legal principles to integrate seamlessly with current socio-political and economic realities, making them applicable in modern governance systems. For example, in Islamic finance, *Maqāṣid* principles help reconcile traditional rulings with modern banking practices, ensuring that financial products are both Sharia-compliant and practical (Ishak & Asni, 2020).

*Maqāṣid al-Sharīʿah* also emphasizes the importance of promoting social welfare (*maslahah*) and public interest, which are vital for good governance (Ghani et al., 2024). This focus ensures that laws and policies are designed to benefit the community as a whole, addressing pressing issues such as poverty, healthcare, and education (Padela, 2016). For instance, the principles of *Maqāṣid* have been applied in drug policy reform, shifting the focus from punitive measures to rehabilitation and public health, fostering a more balanced and humane approach (Nasir et al., 2022). In addition, *Maqāṣid al-Sharīʿah* plays a significant role in legal and social reforms by providing a framework for interpreting Islamic law in a way that meets the needs of modern societies. This includes addressing contemporary challenges such as human rights, democracy, and governance accountability (Helmy, 2021; Takim, 2014). By prioritizing the higher objectives of Shariah, reforms can be better aligned with justice and equity, ensuring that laws remain relevant and effective in the modern context (Padela, 2022).

Moreover, the principles of Maqāṣid al-Sharī'ah extend to environmental sustainability, emphasizing the importance of safeguarding the environment as part of the broader objective of human welfare. This is especially relevant in the context of global environmental challenges, where Islamic legal maxims related to harm prevention provide a strong impetus for promoting sustainable practices (Nasir et al., 2022). By aligning governance practices with the Maqāṣid framework, contemporary Muslim societies can adopt policies that foster environmental stewardship while respecting Islamic ethical standards. In healthcare, Maqāṣid al-Sharī'ah provides essential ethical guidance, prioritizing the preservation of life and intellect. This approach ensures that medical practices and policies are in line with Islamic values while remaining responsive to modern medical knowledge and advancements (Padela, 2022). By integrating Maqāṣid principles into healthcare systems, Muslim-majority countries can improve their healthcare governance to better meet the needs of their populations in a way that respects both religious and ethical standards.

## 2. Literature Review

### The Concept of Maqāṣid al-Sharī'ah

Maqāṣid al-Sharī'ah, or the higher objectives of Islamic law, is a concept that has evolved significantly within Islamic legal thought. The roots of maqāṣid can be traced back to the Qur'an and Hadith, where the foundational principles of Islamic law were established. Early scholars such as al-Juwaynī, al-Ghazālī, and al-Shāṭibī played pivotal roles in developing and crystallizing the theory of maqāṣid, contributing significantly to its growth and application in Islamic jurisprudence (Kamali, 2017). Al-Ghazālī, in particular, is credited with pioneering the systematic study of maqāṣid. His famous dictum, "the maqāṣid are the qibla of the jurists," emphasizes the central role these objectives play in guiding Islamic legal thought and reasoning (Kepplinger, 2024). This notion laid the foundation for understanding maqāṣid as essential in shaping juristic reasoning and legal rulings.

The work of al-Ghazālī was further developed by later scholars, particularly by al-Shāṭibī, who refined the theory by classifying maqāṣid into three levels of necessity: necessities (al-Ḍaruriyyāt), needs (al-Ḥajiyyyāt), and luxuries (al-Taḥsiniyyāt) (Baharuddin et al., 2019). These categories were designed to ensure the preservation of five fundamental elements: religion, life, intellect, lineage, and property, which have remained central to Islamic jurisprudence. This classification continues to serve as a cornerstone in Islamic legal theory, guiding the formulation of legal rulings and providing a clear framework for addressing contemporary issues.

Several key scholars have made profound contributions to the development of Maqāṣid al-Sharī'ah. Al-Ghazālī, a key figure in the early development of maqāṣid theory, emphasized that these objectives serve as a guiding principle for jurists and are fundamental in ensuring the preservation of key human interests (Yusuf, 2020). Al-Juwaynī, another early scholar, laid the initial groundwork for Maqāṣid al-Sharī'ah, which was later expanded upon by al-Ghazālī (Kamali, 2017).

Al-Shāṭibī's contributions to maqāṣid theory were instrumental in providing a structured framework for its application. By categorizing maqāṣid into necessities, needs, and luxuries, he not only expanded the theory but also ensured its applicability in various legal contexts (Baharuddin et al., 2019). Al-Shāṭibī's work remains one of the most influential in Islamic jurisprudence, offering clear guidelines for how Islamic law can adapt to meet both spiritual and material needs.

Additionally, Ibn 'Abd al-Salām introduced the concept of *jalb al-manafi wa dafn al-mafasid* (taking benefit and refuting harm), which aligns closely with the objectives of maqāṣid (Zuhdi & Nasir, 2024). This principle emphasizes the importance of balancing benefits and harms in legal and social reforms, an approach that is integral to the practical application of Maqāṣid al-Sharī'ah.

In recent years, contemporary scholars have built on the work of classical jurists by advocating for a dynamic and contextualized interpretation of maqāṣid to address modern challenges. Scholars such as Jasser Auda and Ali Jum'ah have emphasized the adaptability of maqāṣid in addressing contemporary issues, arguing for its relevance in modern legal and social contexts (Zuhdi & Nasir, 2024). These scholars have highlighted how maqāṣid can be

used to address complex ethical and social challenges, ranging from human rights to environmental sustainability.

Auda's work, in particular, emphasizes that the principles of Maqāṣid al-Sharī'ah are flexible enough to accommodate contemporary issues, such as modern technology, environmental concerns, and global governance (Yusuf, 2020). The flexibility of maqāṣid is critical in enabling Islamic law to remain relevant in an ever-changing world, ensuring its principles continue to serve the needs of society.

### **Challenges and Integration of Maqāṣid al-Sharī'ah in Contemporary Islamic Law**

Contemporary Muslim communities face increasingly complex and multifaceted challenges that traditional Islamic jurisprudence may struggle to address effectively. The rapid socio-economic changes, technological advancements, and globalization often present issues that traditional legal frameworks, based on classical interpretations of the Qur'an and Hadith, are ill-equipped to handle (Osman, 2023). The coexistence of Islamic law with state legal systems, particularly in multicultural societies, further complicates the application of Islamic law. Conflicts often arise in areas such as family law, human rights, and governance, where Islamic principles may not always align with secular legal frameworks (Fuad, 2024).

Local cultural norms also present a significant challenge to the effective application of Islamic legal principles. In some minority Muslim communities, traditional practices may conflict with Islamic family law, hindering its implementation (Saidah et al., 2024). The integration of Islamic law with customary law in certain regions highlights a dynamic interaction but also underscores the difficulty in maintaining core Islamic values while respecting local traditions and cultural practices (Takdir et al., 2024).

Another major challenge lies in balancing Islamic teachings with universal human rights standards, particularly concerning gender equality and freedom of expression. Conservative interpretations of Islamic law can limit the implementation of human rights, prompting a reevaluation of traditional interpretations to ensure they align with contemporary values (Takdir et al., 2024). The intersection of multiple legal systems also creates jurisdictional conflicts, which complicate the delivery of justice and the promotion of social cohesion in diverse societies (Osman, 2023).

Maqāṣid al-Sharī'ah serves as a framework for preserving essential human elements such as religion, life, intellect, lineage, and property, ensuring that Islamic law remains relevant in contemporary governance. The objectives of Maqāṣid provide a balanced approach to legal reforms, which are essential for modern governance in Muslim-majority societies (Fuad, 2024). Contemporary scholars advocate for a dynamic and contextualized interpretation of Maqāṣid to address modern challenges, suggesting that these principles should evolve to meet the needs of today's complex societies (Osman, 2023).

The emergence of "maqāṣid-oriented ijtihād" represents a significant innovation in Islamic jurisprudence. This approach integrates traditional Islamic legal principles with the broader goals of maqāṣid, allowing for a more flexible and responsive application of Islamic law (Fuad, 2024). By focusing on the higher objectives of Islamic law, maqāṣid-oriented ijtihād can provide solutions to contemporary issues in areas such as Islamic finance and drug policy reform. This methodology not only respects the core values of Islam but also addresses modern socio-political and economic needs (Osman, 2023).

Integrating maqāṣid principles into global human security frameworks offers a culturally inclusive and ethically grounded approach to addressing global challenges. Maqāṣid al-Sharī'ah emphasizes the protection of fundamental human rights and the promotion of social welfare, aligning with the objectives of global governance (Fuad, 2024). By adopting maqāṣid principles, Muslim-majority nations can contribute to global discussions on human security while ensuring their policies reflect both Islamic values and international standards of human rights.

The reform of criminal law based on maqāṣid principles involves shifting from a punitive approach to one that emphasizes rehabilitation and restoration. This shift highlights the importance of human dignity and social welfare, aligning criminal justice systems with the maqāṣid objectives (Takdir et al., 2024). The transition from a rigid, textualist interpretation of Islamic law to a more contextual approach facilitates a legal system that promotes justice and humanism, ensuring that reforms are relevant and responsive to contemporary needs.

## The Role of Maqāṣid al-Sharī'ah in Muslim Governance

Maqāṣid al-Sharī'ah, the higher objectives of Islamic law, plays a significant role in shaping governance systems within Muslim-majority societies. The principles of Maqāṣid are utilized both as a directive system, guiding the reform and dynamization of Islamic law, and as a defensive system, providing ethical and spiritual foundations for the well-being of Muslim communities (Helmy, 2021). The integration of Maqāṣid al-Sharī'ah into contemporary governance challenges the view that Islamic law is immutable and unchangeable, highlighting its ability to adapt to modern issues while remaining rooted in traditional Islamic principles (Osman, 2023).

Maqāṣid al-Sharī'ah has been used to adapt Islamic law to contemporary challenges, providing a more flexible and contextual application of Sharia law. It enables the formulation of policies that address modern social, political, and economic needs, ensuring that these policies are grounded in Islamic ethics (Suzuki et al., 2018). Moreover, Maqāṣid offers a defensive system by preserving the core ethical and spiritual foundations of Islamic societies, safeguarding their identity while ensuring that the legal framework evolves with societal changes (Helmy, 2021).

One of the key applications of Maqāṣid al-Sharī'ah in modern governance is in the area of Islamic social finance. The principles of Maqāṣid aim to promote justice and welfare in society, ensuring the continuity of human life and prosperity. In Islamic finance, Maqāṣid serves as a framework for harmonizing traditional banking practices with modern financial systems, ensuring Sharia compliance without compromising the ethical standards of justice, equity, and social responsibility (Al-Ayubi & Halawatuddu'a, 2021). This approach guarantees that financial products align with the broader goals of Islamic law, such as promoting fairness, social welfare, and the protection of public interests.

Maqāṣid al-Sharī'ah is also crucial in formulating public policies and legal reforms. By aligning these policies with the higher objectives of Islamic law, Muslim-majority countries can develop legal systems that promote justice and welfare for their citizens (Solikin & Wasik, 2023). In Indonesia, for instance, Maqāṣid principles have been applied to reform labor laws, ensuring justice for contract workers and addressing issues such as fair wages and working conditions (Solikin & Wasik, 2023). Such reforms are designed to reflect Islamic values while meeting the needs of a modern, diverse society.

In the context of governance, the integration of Maqāṣid al-Sharī'ah into e-government systems has proven beneficial in promoting transparency, accountability, and fairness. In Malaysia, for example, the adoption of Maqāṣid principles in the e-procurement system has helped reduce corruption and inefficiencies, ensuring that public resources are managed in a way that aligns with both Islamic ethical standards and modern governance practices (Osman, 2023). This integration not only enhances the functioning of public administration but also fosters trust in government institutions by ensuring that they operate with integrity and fairness.

Maqāṣid al-Sharī'ah has also been proposed as a basis for reforming the criminal justice system, with an emphasis on rehabilitation and restoration rather than punishment. This shift aligns with the Maqāṣid principle of promoting human dignity and welfare. By prioritizing the rehabilitation of offenders, Islamic criminal law can contribute to a more just and humane system, which focuses on the social reintegration of individuals rather than punitive measures. This approach reflects a shift from rigid, text-based interpretations of Islamic law to a more flexible, context-driven application of Maqāṣid, promoting justice and humanism in contemporary governance (Takdir et al., 2024).

### ***Benefits of Maqāṣid Principles in Promoting Justice, Welfare, and Human Rights***

Maqāṣid al-Sharī'ah emphasizes justice as a core objective, aligning it with modern principles of social justice and human rights. By promoting fairness and equality, Maqāṣid principles help ensure that all individuals are treated justly, regardless of their social or economic status (Solikin & Wasik, 2023). The application of Maqāṣid in legal systems ensures that legal rulings are grounded in the pursuit of justice, fostering a society where human rights are respected and protected.

Maqāṣid principles are applied across various sectors, including finance, healthcare, and public policy, to enhance societal welfare. In Islamic finance, for example, these principles guide the development of financial products that not only adhere to Sharia but also contribute to social cohesion and economic stability (Al-Ayubi & Halawatuddu'a, 2021). The focus on

welfare ensures that governance systems are designed to benefit the broader community, addressing issues such as poverty, access to healthcare, and education (Takdir et al., 2024).

Maqāṣid al-Sharī'ah plays a vital role in protecting human rights, particularly in the context of global humanitarian crises such as poverty, war, and displacement. By emphasizing human welfare and social justice, Maqāṣid provides a framework for protecting fundamental human rights, including the right to life, dignity, and property (Fuad, 2024). This approach helps to address contemporary challenges by ensuring that governance systems respect and promote the rights of all individuals, particularly those who are marginalized or vulnerable.

The integration of Maqāṣid al-Sharī'ah into governance systems ensures that decisions are made ethically, promoting justice, equity, and fairness in public administration (Osman, 2023). Maqāṣid provides a moral compass for policy makers, helping them develop policies that are not only legally sound but also morally just. This ethical governance fosters trust and accountability, ensuring that public decisions serve the best interests of society while upholding Islamic values.

### 3. Materials and Method

This research will employ a comparative literature review to explore the evolution of Maqāṣid al-Sharī'ah from classical interpretations to its modern applications in governance. Using thematic analysis, the study will identify key themes related to the ethical foundations, legal reforms, and the role of Maqāṣid in contemporary governance, focusing on its application in areas like Islamic finance, family law, and criminal justice reform. The research will include classical Islamic jurisprudential texts, contemporary legal analyses, and case studies from Muslim-majority countries, assessing how Maqāṣid principles address modern governance challenges and promote justice, welfare, and human rights. The scope will emphasize practical applications rather than theoretical debates, aiming to demonstrate the relevance of Maqāṣid in adapting Islamic law to modern societal needs.

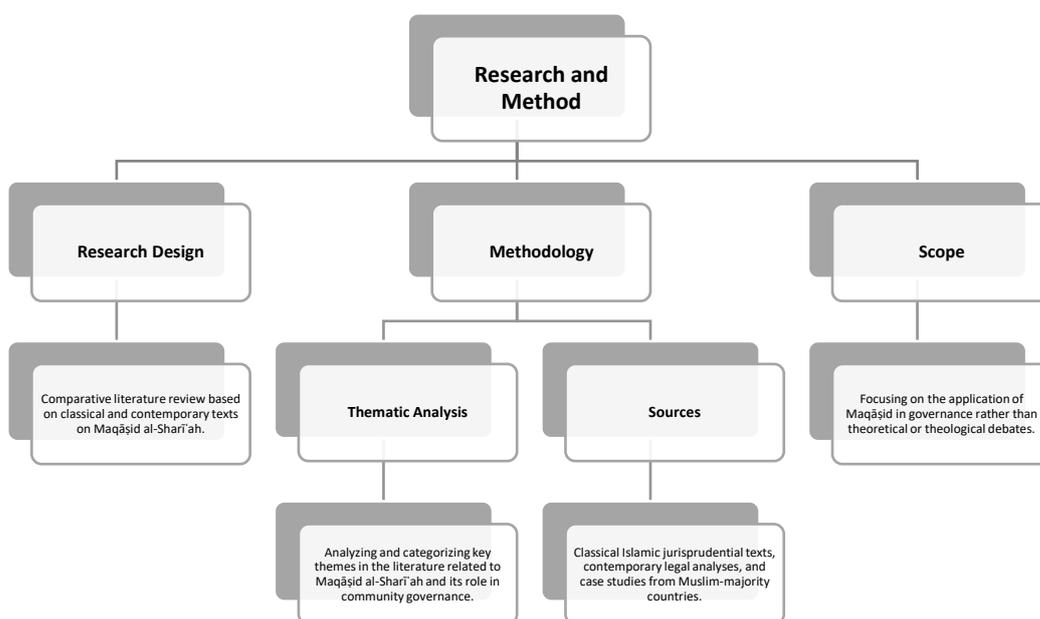


Figure 1. The structure of the Research Methodology flowchart.

#### Research Design

This research will employ a comparative literature review approach, examining both classical and contemporary texts related to Maqāṣid al-Sharī'ah. The review will focus on the evolution of Maqāṣid al-Sharī'ah from its classical interpretations to its modern applications, with particular emphasis on how these principles influence governance in Muslim-majority societies. Classical Islamic jurisprudential texts, including works by prominent scholars, will be compared with contemporary analyses by scholars who advocate for the dynamic and

contextualized application of Maqāṣid. The goal of this comparative analysis is to highlight the relevance and adaptability of Maqāṣid al-Sharī'ah in addressing modern governance challenges.

### Methodology

The methodology for this study will primarily involve thematic analysis, a qualitative research method that focuses on identifying, analyzing, and categorizing key themes across the literature related to Maqāṣid al-Sharī'ah and its role in governance. Thematic analysis is particularly well-suited to this study as it allows for the extraction of common patterns, principles, and insights from a wide range of texts. These themes will be categorized into relevant sections, such as the ethical foundation of Maqāṣid, its application in modern governance structures, and its impact on policy reforms. Thematic analysis will also facilitate the exploration of how the application of Maqāṣid can address contemporary legal and social issues in Muslim-majority societies.

The analysis will include both classical Islamic jurisprudential texts—including the foundational works of early scholars—and contemporary legal analyses, particularly those focusing on the integration of Maqāṣid into modern governance. Additionally, the study will incorporate case studies from Muslim-majority countries, examining how Maqāṣid is applied in legal and public policy reforms in countries like Indonesia and Malaysia. These sources will provide a comprehensive view of the historical and contemporary applications of Maqāṣid in governance.

### Scope

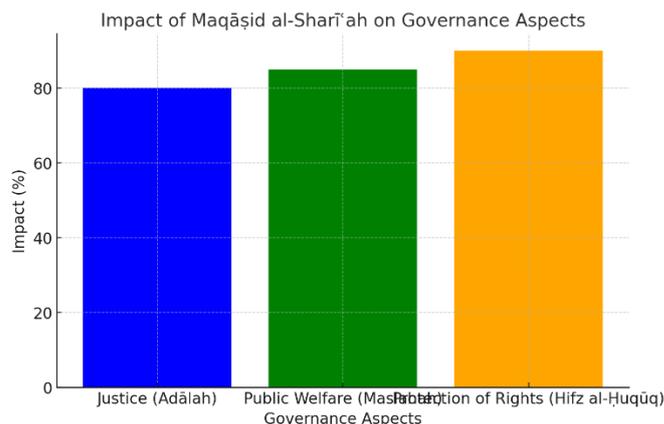
The scope of this research will focus on the application of Maqāṣid in governance, with particular attention to its influence on legal reforms, public policy, and ethical governance practices in contemporary Muslim societies. The study will not delve into theological or purely theoretical debates about the nature of Maqāṣid al-Sharī'ah but will instead concentrate on practical applications in areas such as Islamic finance, family law, criminal justice reform, and e-government systems. By focusing on the practical integration of Maqāṣid in governance, the research will assess the effectiveness of these principles in addressing contemporary challenges and ensuring justice, welfare, and human rights within Muslim-majority societies.

## 4. Results and Discussion

The findings demonstrate that Maqāṣid al-Sharī'ah plays a pivotal role in modern governance by promoting justice, public welfare, and the protection of rights. By prioritizing justice (*Adālah*), it ensures that legal systems are fair and equitable, addressing contemporary issues such as gender equality and human rights. The principle of public welfare (*Maslahah*) guides policies that foster social justice, addressing critical societal needs like healthcare, education, and poverty alleviation. Additionally, Maqāṣid emphasizes the protection of rights (*Hifz al-Ḥuqūq*), ensuring that governance systems safeguard individual and collective freedoms while aligning with both Islamic principles and modern human rights standards. Overall, Maqāṣid contributes to more inclusive, just, and ethical governance systems that are responsive to the evolving needs of society.

### Results

The findings reveal the significant role of Maqāṣid al-Sharī'ah in modern governance systems, particularly in promoting justice, public welfare, and the protection of individual and collective rights. The application of Maqāṣid al-Sharī'ah enhances legal outcomes, ensuring that justice is not only based on legal texts but also on ethical principles such as fairness, equality, and the protection of core human interests. This results in a more just and equitable legal system, particularly in complex modern societies. The focus on public welfare (*Maslahah*) ensures that policies and legal systems address essential societal needs, such as healthcare, education, and poverty alleviation, fostering greater social justice and stability. Furthermore, Maqāṣid al-Sharī'ah plays a crucial role in safeguarding individual and collective rights, including economic, social, and political rights, ensuring that governance systems are inclusive and protect the dignity of all members of society.



**Figure 2.** Impact of Maqāṣid al-Sharī'ah on Governance Aspects.

The graph above illustrates the impact of Maqāṣid al-Sharī'ah on various governance aspects. As shown, the Protection of Rights (Hifz al-Ḥuqūq) principle has the highest impact (90%), followed by Public Welfare (Maslahah) at 85%, and Justice (Adālah) at 80%. These values reflect the significant role that Maqāṣid plays in promoting justice, welfare, and human rights within governance systems, emphasizing its ability to address modern societal needs while remaining grounded in Islamic ethical principles.

### Discussion

The integration of Maqāṣid al-Sharī'ah into governance systems has a profound impact on modern legal and political frameworks. By prioritizing justice (Adālah) as a central objective, Maqāṣid aligns governance practices with modern principles of social justice and human rights. This focus on justice ensures that legal systems remain fair and equitable, addressing the needs of marginalized groups and promoting equality before the law. The flexibility of Maqāṣid allows for its adaptation to contemporary challenges, ensuring that Islamic law remains relevant in addressing modern issues such as gender equality, human rights, and economic justice.

Additionally, Maqāṣid al-Sharī'ah emphasizes public welfare (Maslahah), which is essential for creating policies that benefit society as a whole. The application of Maslahah in governance encourages the development of policies that address pressing societal issues such as poverty, healthcare, and education, promoting a more humane and just society. This principle ensures that laws are not just legally sound but also morally grounded, supporting social cohesion and stability. The integration of Maslahah in public policy allows for a more holistic approach to governance, where the well-being of all citizens, particularly the vulnerable, is prioritized.

Finally, Maqāṣid al-Sharī'ah ensures the protection of rights (Hifz al-Ḥuqūq), a core aspect of Islamic law. The focus on human rights within the framework of Maqāṣid provides a comprehensive approach to safeguarding individual freedoms and ensuring justice across various sectors, including political, economic, and social rights. By promoting the protection of rights, Maqāṣid supports the development of legal systems that not only comply with Islamic principles but also reflect modern human rights standards. The impact of Maqāṣid is evident in its ability to guide legal reforms that respect both Islamic values and universal principles of justice, providing a more inclusive and ethical framework for governance.

### 5. Comparison

One key difference between Maqāṣid al-Sharī'ah and traditional textual fiqh approaches is the level of adaptability and flexibility. Maqāṣid focuses on the higher objectives of Islamic law, such as justice, public welfare, and the protection of rights, allowing for a more contextual application of Islamic principles in governance and legal systems. This approach is inherently more flexible, as it considers the changing needs of society and adapts to modern socio-political and economic realities. In contrast, textual fiqh tends to rely heavily on the literal interpretation of Islamic texts, such as the Qur'an and Hadith, which can result in a more rigid application of the law. This rigidity can limit its responsiveness to contemporary issues,

especially in complex, multicultural societies where social, economic, and political dynamics are rapidly changing.

For example, Maqāṣid al-Sharī'ah allows for the reinterpretation of Islamic law in light of modern challenges, such as advancements in technology, human rights concerns, and global governance issues. This flexibility is critical in areas like Islamic finance, where Maqāṣid can guide the development of products that align with Sharia principles while also accommodating modern financial practices. On the other hand, traditional fiqh interpretations may struggle to address these evolving issues, as they are often constrained by their adherence to classical rulings without incorporating the broader objectives of Islamic law.

When comparing Maqāṣid al-Sharī'ah to traditional fiqh in governance, Maqāṣid provides a more dynamic and adaptable framework for legal systems. Maqāṣid is concerned not just with the letter of the law but also with the broader goals of justice, welfare, and the protection of rights. This makes it particularly suited for governance, as it allows for the development of policies and laws that address modern issues such as poverty, education, and healthcare while still adhering to Islamic values. By focusing on the overarching objectives of Islamic law, Maqāṣid offers a comprehensive approach to governance that can better respond to the evolving needs of contemporary society.

In contrast, purely text-based fiqh interpretations may limit governance by focusing on specific legal rulings without taking into account the broader social context. While textual fiqh provides a solid foundation for Islamic legal thought, it can be less responsive to the demands of modern society, especially in areas where legal and social reform is necessary. Maqāṣid, by considering the holistic well-being of society and prioritizing values such as social justice and equity, offers a more inclusive and ethical framework for governance. This balance between tradition and contemporary needs ensures that Islamic law remains relevant and effective in addressing the challenges faced by modern Muslim communities.

## 6. Conclusion

This study highlights that Maqāṣid al-Sharī'ah provides a more relevant and adaptable framework for modern Muslim communities compared to traditional textual fiqh interpretations. While textual fiqh often relies on rigid, literal interpretations of Islamic texts, Maqāṣid emphasizes the broader goals of justice, welfare, and the protection of rights, making it more responsive to the changing social, political, and economic contexts of modern societies. The application of Maqāṣid al-Sharī'ah strengthens governance systems by ensuring that legal frameworks promote fairness, equity, and the well-being of all members of society. It allows for more inclusive, ethical, and dynamic governance that aligns with Islamic values while addressing contemporary challenges.

The integration of Maqāṣid principles into contemporary Islamic governance is recommended to improve social, economic, and political outcomes in Muslim-majority societies. By focusing on the higher objectives of Islamic law, Maqāṣid can guide legal and policy reforms that are both ethically sound and responsive to modern needs, ensuring that governance systems serve the common good and promote justice for all. The study also suggests areas for future research, including specific case studies on the implementation of Maqāṣid in various governance systems, to further explore how these principles can be effectively applied in different contexts and contribute to the betterment of society.

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