

Reaffirming the Methodological Foundations of Ijtihād Maqāṣidī: Responding to Accusations of Liberalism in Contemporary Islamic Law

Muhammad Rifqi Ridho¹, Abu Bakar²

¹Universitas Islam Negeri Profesor K.H. Saifuddin Zuhri Purwokerto, Indonesia. Universitas Nahdlatul Ulama Purwokerto, Indonesia

²Universitas Nahdlatul Ulama Purwokerto, Indonesia

ABSTRACT: This article aims to analyze the historical, epistemological, and methodological foundations of ijtihād maqāṣidī and to examine the validity of accusations associating it with liberal tendencies in contemporary Islamic law. This study employs qualitative library research through historical, conceptual, and normative-critical approaches to analyze classical and contemporary literature in the fields of *uṣūl al-fiqh* and *maqāṣid al-Sharī'ah*. The findings indicate that ijtihād maqāṣidī is not a new methodology that emerged as a response to modernity but rather a continuation of the Islamic legal reasoning tradition that has developed since the earliest period of Islam. Epistemologically, this methodology is rooted in the theory of *ta'līl al-aḥkām*, evolved within the tradition of *Madrasat al-Ra'y*, and was systematically developed in the classical theory of *maqāṣid al-Sharī'ah*. The study further finds that accusations of liberalism against ijtihād maqāṣidī stem primarily from differing paradigms concerning the relationship between *maqāṣid* and the authority of the *naṣṣ*, rather than from the concept of *maqāṣid* itself. Within the moderate paradigm, ijtihād maqāṣidī continues to regard the Qur'an, the Sunnah, and the principles of *uṣūl al-fiqh* as its normative foundations, while *maqāṣid* functions as a methodological framework for realizing the objectives of the Sharī'ah. These findings affirm that ijtihād maqāṣidī serves as a methodological instrument for enhancing the relevance of Islamic law in responding to social change without compromising the authority of the textual sources of the Sharī'ah.

KEYWORDS: ijtihād maqāṣidī; maqāṣid al-Sharī'ah; uṣūl al-fiqh; maṣlaḥah; liberalism; contemporary Islamic law.

I. INTRODUCTION

"The Sharī'ah is maṣlaḥah, and maṣlaḥah is the Sharī'ah itself," asserts Aḥmad al-Raisūnī in his work *al-Ijtihād: al-Naṣṣ, al-Wāqī', wa al-Maṣlaḥah* (al-Raisūnī, 2000). This statement encapsulates one of the central themes in Islamic legal thought: the relationship between the Sharī'ah and *maṣlaḥah*. Far from being a recent concern, this issue has long occupied the attention of Muslim jurists and legal theorists. Classical and contemporary scholars generally maintain that the Sharī'ah revealed by Allah to His messengers is fundamentally intended to realize genuine *maṣlaḥah* for humanity, both in this world and in the Hereafter (al-Ghazālī, 1993; Ibn 'Ashūr, 2001; Ibn al-Qayyim, 1991).

Although this principle has been widely accepted by Muslim jurists, al-Shāṭibī argues in *al-Muwāfaqāt* that the proposition that every ruling of the Sharī'ah is intended to realize *maṣlaḥah* must be substantiated by compelling evidence (*dalīl*) (al-Shāṭibī, 2004). Such substantiation serves not only to strengthen believers' conviction and commitment to the Sharī'ah but also to respond to the perception that Islamic law is merely a collection of dogmatic rules devoid of rational justification. By demonstrating that every legal ruling is founded upon divine wisdom (*ḥikmah*) and *maṣlaḥah*, the Sharī'ah emerges as a legal system that is not only normatively authoritative but also intellectually coherent and accessible to reasoned analysis.

In his doctoral dissertation, *Ḍawābiṭ al-Maṣlaḥah fī al-Sharī'ah al-Islāmiyyah*, Sa'īd Ramaḍān al-Būṭī presents a range of evidences derived from the Qur'an, the Sunnah, and the general principles of the Sharī'ah to demonstrate that all legal rulings of the Sharī'ah are ultimately oriented toward the realization of *maṣlaḥah*. Among the evidences he advances is Qur'an 21:107, which declares that the Prophet Muḥammad was sent as "a mercy to all the worlds" (*raḥmatan lil-'ālamīn*). According to al-Būṭī, this designation can only be fully understood if the Sharī'ah brought by the Prophet genuinely embodies the mission of realizing *maṣlaḥah* and the ultimate well-being of humanity in both this world and the Hereafter. Otherwise, if the Sharī'ah lacked such an orientation, its characterization as "a mercy to all the worlds" would lose its essential meaning (al-Būṭī, 2005).

In subsequent developments, scholars of *uṣūl al-fiqh* systematized the higher objectives of the Sharī'ah (*maqāṣid al-Sharī'ah*) into the five essential necessities (*al-ḍarūriyyāt al-khams*): the preservation of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). These five objectives constitute the central pillars upon which the entire

structure of Islamic law is founded (al-Shāṭibī, 2004). So fundamental is the role of *maqāṣid* that al-Shāṭibī maintains that no jurist is qualified to attain the status of a *mujtahid* without a comprehensive understanding of the *maqāṣid al-Sharī'ah* (al-Shāṭibī, 2004).

According to 'Abdullāh Darrāz in his commentary on *al-Muwāfaqāt*, al-Shāṭibī was the first scholar to explicitly identify a comprehensive understanding of *maqāṣid al-Sharī'ah* as one of the essential qualifications for *ijtihād* (al-Shāṭibī, 2004). This view was subsequently challenged by Aḥmad al-Raisūnī, who argues that al-Shāṭibī was not the first to require knowledge of *maqāṣid* for a *mujtahid*. Rather, his distinctive contribution lay in providing a more systematic formulation of an idea that had already been articulated by earlier scholars of *uṣūl al-fiqh*. Nevertheless, al-Raisūnī acknowledges that al-Shāṭibī's greatest achievement was elevating *maqāṣid* to the highest methodological rank (*al-martabah al-ūlyā*) within the process of *ijtihād*. In doing so, al-Shāṭibī established an intellectual foundation that has profoundly influenced the subsequent development of *maqāṣid al-Sharī'ah* theory in modern *uṣūl al-fiqh* scholarship (al-Raisūnī, 1995).

Building upon the framework systematically developed by al-Shāṭibī, the paradigm of *ijtihād maqāṣidī* emerged as a mode of Islamic legal reasoning that applies the values of *maqāṣid al-Sharī'ah*, accords them due consideration, and regards them as the primary methodological criterion in the process of *istinbāt* and Islamic legal analysis (al-Khādimī, 1998). This paradigm subsequently evolved into one of the principal approaches for addressing contemporary legal issues for which no explicit rulings are found in the *nuṣūṣ* of the Sharī'ah.

Through this approach, *ijtihād maqāṣidī* plays a strategic role in fostering a dynamic and adaptive *fiqh* capable of responding to the evolving challenges of contemporary society. Consequently, *ijtihād maqāṣidī* has come to be understood as a legal approach that enables the Sharī'ah to remain responsive to social change without compromising its normative foundations (Athambawa, 2025). Moreover, in the introduction to his book, al-Khādimī (1998) cites 'Umar 'Ubayd Ḥasanah, who argues that “*al-fikr al-maqāṣidī* should not be confined to a method of *istinbāt* for *mujtahids*; rather, it should be developed as a mode of reasoning (*al-'aql al-maqāṣidī*) that shapes the intellectual culture of the Muslim community across all spheres of life.”

On the other hand, the growing prominence of *ijtihād maqāṣidī* has also given rise to criticism from some scholars. This approach is frequently viewed as opening the door to the liberalization of Islamic law because it is perceived to prioritize *maṣlaḥah* and the objectives of the Sharī'ah over the authority of the *naṣṣ*. This debate indicates that the methodological status of *ijtihād maqāṣidī* remains one of the key issues requiring further clarification in contemporary Islamic legal discourse.

Over the past two decades, a considerable body of research has been devoted to *ijtihād maqāṣidī*. However, most of these studies have focused either on its conceptual framework or on its application to contemporary issues in Islamic law and religious *fatāwā* (Arminsyah, 2025). By contrast, studies that specifically examine the methodological foundations of *ijtihād maqāṣidī* in response to criticisms associating it with liberal tendencies in Islamic law remain relatively limited. Yet, such research is essential for reinforcing the position of *ijtihād maqāṣidī* as a legitimate methodology of *istinbāt* in Islamic law.

Building on this research gap, this article aims to examine the historical, epistemological, and methodological foundations of *ijtihād maqāṣidī* and to analyze their relevance in responding to criticisms that associate this approach with the liberalization of Islamic law within contemporary Islamic legal discourse. This focus is intended not only to investigate the historical, epistemological, and methodological foundations of *ijtihād maqāṣidī*, but also to evaluate the validity of criticisms linking it to liberal tendencies in Islamic law.

This article is guided by two principal research questions. First, what are the historical and epistemological foundations of *ijtihād maqāṣidī* within the tradition of Islamic legal reasoning, from the time of the Prophet Muḥammad, the Companions, and the Successors (*tābi'ūn*) to its development in classical and contemporary *uṣūl al-fiqh*? Second, why is *ijtihād maqāṣidī* frequently associated with liberal tendencies in contemporary Islamic law, and to what extent can such accusations be methodologically justified? Drawing upon these two questions, this article undertakes a critical examination through historical, conceptual, and normative-critical approaches to reaffirm the methodological status of *ijtihād maqāṣidī* within the framework of *uṣūl al-fiqh*.

II. METHODS

This study employs a qualitative library research design. Primary data were obtained from classical and contemporary works on *ijtihād*, *maqāṣid al-Sharī'ah*, and the methodology of *istinbāt*, including *al-Muwāfaqāt* by Abū Ishāq al-Shāṭibī, *al-Ijtihād: al-Naṣṣ, al-Wāqī', wa al-Maṣlaḥah* by Aḥmad al-Raisūnī, *Ḍawābiṭ al-Maṣlaḥah fī al-Sharī'ah al-Islāmiyyah* by Sa'īd Ramaḍān al-Būṭī, *al-Ijtihād al-Maqāṣidī* by Nūr al-Dīn al-Khādimī, and *Risālah fī Ri'āyat al-Maṣlaḥah* by Najm al-Dīn al-Ṭūfī. Secondary data were drawn from peer-reviewed journal articles and other scholarly literature relevant to the research topic.

The data were analyzed through three complementary approaches. First, the historical approach was employed to trace the development of *ijtihād maqāṣidī* from the time of the Prophet Muḥammad, the Companions, and the Successors (*tābi'ūn*), through the codification of classical *uṣūl al-fiqh*, to its development in the contemporary period. Second, the conceptual approach was used to examine the epistemological and methodological foundations of *ijtihād maqāṣidī*, as well as the evolution of the concept within the tradition of Islamic law. Third, the normative-critical approach was employed to analyze the arguments advanced by Muslim

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jurists concerning the relationship between the *naṣṣ*, *maqāṣid*, and *maṣlaḥah*, including a critical assessment of accusations associating ijtihād maqāṣidī with the liberalization of Islamic law.

Data were analyzed using content analysis, following a systematic process of data reduction, thematic classification, interpretation of primary and secondary texts, comparative analysis of the views advanced by Muslim jurists, and the development of an argumentative synthesis concerning the methodological status of ijtihād maqāṣidī within the framework of *uṣūl al-fiqh*.

III. HISTORICAL AND EPISTEMOLOGICAL FOUNDATIONS *IJTIHĀD MAQĀSIDĪ*

The discourse on maqāṣid, maṣlaḥah, and their relationship to the Sharī'ah is closely connected to the theory of legal causation (*ta'līl al-aḥkām*) as developed within the tradition of *uṣūl al-fiqh*. This relationship stems from the fact that *maqāṣid* essentially represent the objectives that the Sharī'ah seeks to realize through its legal rulings, whereas *ta'līl al-aḥkām* constitutes the methodological framework for identifying the 'illah (effective legal cause) underlying the enactment of a particular ruling. Consequently, acceptance or rejection of the doctrine of *ta'līl* has direct implications for the legitimacy of employing *maqāṣid* and *maṣlaḥah* as methodological considerations in the process of ijtihād.

The literalist school, represented by Ibn Ḥazm and the adherents of the Zāhirī school, rejected the doctrine of *ta'līl* (*nufāt al-ta'līl*). They argued that seeking to identify the 'illah (effective legal cause) underlying the *naṣṣ* confers excessive authority upon human reason in the process of legal determination. In their view, such an approach contradicts the Qur'anic injunction that legal disputes should always be referred back to the two primary sources of Islamic law—the Qur'an and the Sunnah—without extending beyond them. This epistemological stance ultimately led them to reject, in a categorical manner, *qiyās*, *istiḥsān*, and *istiṣlāḥ* as valid methods of Islamic legal reasoning (Muṣṭafā al-Khin, 1998).

The assumptions advanced by the literalists are difficult to sustain, as they overlook the historical development of Islamic legal reasoning from the earliest generations of Muslims. In his work *Ta'līl al-Aḥkām*, Muṣṭafā Shalabī provides a comprehensive account of the historical development of the doctrine of legal causation across successive generations of Muslim jurists (Shalabī, 1947). This *uṣūl al-fiqh* scholar from Alexandria University concludes that an awareness of *ta'līl* had, in fact, existed since the earliest period of Islam. However, the doctrine of *ta'līl al-aḥkām* did not evolve into a coherent and systematic theoretical framework until the era of the *mujtahids*, after which it was further refined and developed by their students (Shalabī, 1947).

During the era of the Companions, the practice of *ta'līl al-aḥkām* and ijtihād maqāṣidī can be traced through numerous *āthār* that document the application of rational considerations in Islamic legal reasoning. One of the most frequently cited examples is the decision of Caliph 'Umar ibn al-Khaṭṭāb to discontinue the allocation of *zakāt* to the category of *al-mu'allafah qulūbuhum* (those whose hearts were to be reconciled to Islam) (al-Ṭabarī, 2000; al-Shāṭibī, 2004). This decision provoked controversy among some of the Companions, particularly those inclined toward a literalist interpretation, because it appeared to depart from the explicit provisions of the Qur'an, the Sunnah, and the established practice that had prevailed from the time of the Prophet Muḥammad through the caliphate of Abū Bakr al-Ṣiddīq. At first glance, it also seemed paradoxical in light of 'Umar's reputation as a Companion renowned for his firm character and unwavering adherence to the *naṣṣ*.

This controversy raises an important question as to how Caliph 'Umar ibn al-Khaṭṭāb constructed his ijtihād in a manner that resulted in a policy which, on its face, appeared to conflict with the *naṣṣ*. From the perspective of *uṣūl al-fiqh*, however, 'Umar's decision did not contradict the explicit provisions of the *naṣṣ* as understood by some of the Companions. Rather, it reflected his firm commitment to the *naṣṣ* at the level of its substantive meaning rather than its literal wording. Instead of confining his understanding to the apparent meaning of the *naṣṣ*, 'Umar sought to identify the 'illah underlying the ruling so that it could be applied in accordance with the objectives that the Sharī'ah seeks to realize. In essence, his reasoning exemplifies the application of *taḥqīq al-manāt*, namely the verification of whether the effective legal cause ('illah) underlying a legal ruling continues to exist.

With regard to this decision, Caliph 'Umar understood that the 'illah underlying the allocation of *zakāt* to *al-mu'allafah qulūbuhum* during the time of the Prophet Muḥammad and the caliphate of Abū Bakr al-Ṣiddīq was the need to strengthen and secure support for the Muslim community when it was still politically and socially vulnerable. By the time of 'Umar's caliphate, however, he considered that 'illah to have ceased to exist, as the Muslim community had attained sufficient strength and stability. Consequently, the ruling was no longer applied because the effective legal cause upon which it was based no longer existed. Thus, 'Umar's objective was not to set aside the *naṣṣ*, but rather to realize the objectives of the Sharī'ah (*maqāṣid*) embodied in that ruling.

This analysis demonstrates that the substance of 'Umar's *ijtihād* based on 'illah constitutes a manifestation of ijtihād maqāṣidī, as its legal reasoning was not confined to the literal wording of the *naṣṣ* but was directed toward realizing the objectives of the Sharī'ah (*maqāṣid*) through the verification of the continued existence of the 'illah underlying the ruling. Accordingly, Caliph 'Umar's decision represents one of the earliest documented examples of the practical application of ijtihād maqāṣidī within the Islamic legal tradition.

The development of Islamic legal reasoning became increasingly significant during the era of the Successors (*tābi'ūn*), as the rapid expansion of the Islamic polity gave rise to numerous legal issues that had not been encountered in earlier periods. One of the

principal centers of this intellectual development was Kūfah in Iraq. Unlike the Ḥijāz, which served as the principal center for the transmission of *ḥadīth*, Kūfah's geographical distance limited access to prophetic reports. This historical reality prompted the jurists of Kūfah to expand the scope of ijtihād through a more rational methodological approach by developing *qiyās*, investigating the 'illah underlying legal rulings, and analyzing the substantive meaning of the *naṣṣ* in resolving novel legal issues for which no explicit rulings could be found in the *nuṣūṣ* of the Sharī'ah. This tendency is evident in a number of cases in which *qiyās* was preferred over solitary reports (*aḥādīth āḥād*) that had not attained a sufficient degree of epistemic certainty. Consequently, Kūfah came to be recognized as the center of Madrasat al-Ra'y, a legal tradition that regarded disciplined methodological reasoning as an essential instrument in the process of *istinbāṭ*. This intellectual tradition subsequently reached a more systematic form through the legal thought of Imām Abū Ḥanīfah and his followers (Abū Zahrah, n.d.).

This historical development demonstrates that the emergence of Madrasat al-Ra'y was not merely a consequence of the limited transmission of *ḥadīth*, but also reflected a growing epistemological awareness that resolving newly emerging legal issues required a mode of reasoning that extended beyond the literal meaning of the *naṣṣ*. Through the use of *qiyās* and the investigation of the 'illah, the jurists of Kūfah sought to preserve the coherence between the rulings of the Sharī'ah and the objectives they were intended to realize. From this perspective, Madrasat al-Ra'y may be regarded as one of the earliest intellectual foundations of ijtihād maqāṣidī, which was subsequently given a more systematic theoretical formulation within the discipline of *uṣūl al-fiqh*.

During the period of the codification of *uṣūl al-fiqh* (*'aṣr ta' līf al-uṣūl*), the doctrine of *ta' līl al-aḥkām* reached a more mature and systematic stage of development. This advancement was marked by the formulation of methods for identifying the 'illah (*masālik al-'illah*) and the establishment of principles for evaluating the validity of an 'illah as the basis of a legal ruling (al-Ghazālī, 1997). One of the most important works devoted specifically to this subject is *Shifā' al-Ghalīl fī Bayān al-Shabah wa al-Mukhīl wa Masālik al-Ta' līl* by Ḥujjat al-Islām, Imām al-Ghazālī (Bahrudin, 2021). This process of codification marked a significant transformation in the epistemology of ijtihād, as the investigation of the 'illah evolved from being primarily a practical exercise of legal reasoning undertaken by *mujtahids* into a methodological framework governed by established principles and scholarly criteria within the discipline of *uṣūl al-fiqh*. Consequently, *ta' līl al-aḥkām* came to be understood not merely as an intuitive rational exercise, but as a scientifically grounded method of *istinbāṭ*. This development subsequently became one of the principal epistemological foundations for the emergence and further development of ijtihād maqāṣidī in later periods.

This epistemological development reached its culmination in the thought of al-Shāṭibī, who successfully transformed *maqāṣid* from merely the objectives underlying the legislation of the Sharī'ah into a methodological foundation for ijtihād maqāṣidī. According to al-Raisūnī, al-Shāṭibī was the scholar who provided the most systematic formulation of ijtihād maqāṣidī by placing *maqāṣid* at the highest level (*al-martabah al-'ulyā*) within the process of ijtihād (al-Raisūnī, 2000). Whereas al-Ghazālī laid the methodological groundwork through his development of the doctrine of *ta' līl al-aḥkām* and the theory of *masālik al-'illah*, al-Shāṭibī advanced this intellectual tradition by establishing *maqāṣid al-Sharī'ah* as the primary orientation of the process of *istinbāṭ*. Accordingly, al-Shāṭibī's principal contribution did not lie in originating the concept of *maqāṣid* itself, but in transforming it from a mere expression of the wisdom underlying the Sharī'ah into a methodological paradigm that guides the entire process of ijtihād. This transformation constitutes the principal foundation for the emergence of ijtihād maqāṣidī in its methodological sense.

A number of indicators demonstrate the increasing development of ijtihād maqāṣidī during this period. First, many *fuqahā'* explicitly identified *maqāṣid al-Sharī'ah* as one of the principal parameters for legal determination in their juridical works. Second, this period witnessed the emergence of numerous *ijtihād*-based rulings addressing novel legal issues for which no explicit guidance could be found in the Qur'an or the Sunnah. Third, jurists formulated a range of legal maxims (*qawā'id fiqhīyyah*) rooted in the values of *maqāṣid*, including *al-mashaqqah tajlib al-taysīr* (hardship begets facilitation), *al-darar yuzāl* (harm must be eliminated), and *jalb al-maṣāliḥ muqaddam 'alā dar' al-mafāsīd* (the attainment of benefits takes precedence over the prevention of harms). Fourth, exceptions to general legal principles (*mustathnayāt*) were recognized in particular cases (*juz'īyyāt*) on the basis of considerations of *maṣlaḥah*. Fifth, secondary legal proofs (*al-maṣādir al-taba'īyyah*), such as *istiṣlāḥ*, *istiḥsān*, *sadd al-dharā'ī'*, and *'urf*, came to be employed more systematically as instruments of *istinbāṭ* (al-Khādimī, 1998).

Collectively, these five indicators demonstrate that ijtihād maqāṣidī was no longer understood merely as a theoretical construct within the literature of *uṣūl al-fiqh*, but had evolved into an operational paradigm that shaped a wide range of methodologies of Islamic legal reasoning.

It may therefore be concluded that ijtihād maqāṣidī did not emerge as a new methodology in the contemporary period; rather, it represents the continuation of a tradition of Islamic legal reasoning that has evolved from the time of the Prophet Muḥammad through the eras of the Companions and the Successors (*tābi'ūn*), before being systematically articulated within the discipline of classical *uṣūl al-fiqh*. The principal difference lies in the degree of its theoretical formulation. During the formative period of Islam, ijtihād maqāṣidī manifested itself primarily in legal decisions oriented toward the realization of *maṣlaḥah*. In the classical and contemporary periods, however, these practices evolved into a coherent epistemological framework through the development of the theories of *maqāṣid al-Sharī'ah*, *ta' līl al-aḥkām*, and various methods of *istinbāṭ* that place the objectives of the Sharī'ah at the

center of understanding and applying Islamic law. Accordingly, from a historical perspective, ijtihād maqāṣidī represents the evolutionary continuation of the Islamic tradition of ijtihād; from an epistemological perspective, it constitutes the refinement of the methodology of *istinbāt* by integrating the *naṣṣ*, the *‘illah*, empirical reality, and *maqāṣid al-Sharī‘ah* into a unified framework of Islamic legal reasoning.

IV. THE REVIVAL OF IJTIHād MAQāṢIDI: IS IT LIBERALISM?

Although the significance of ijtihād maqāṣidī for the development of Islamic law has gained increasing recognition among Muslim scholars, calls to adopt *maqāṣid al-Sharī‘ah* as a principal framework for addressing contemporary religious issues have not been universally accepted (Arwani S., 2026). Within the tradition of Bahtsul Masā’il of Nahdlatul Ulama, the acceptance of the *maqāṣid al-Sharī‘ah* approach evolved gradually. The official *Guidelines for Legal Decision-Making within Nahdlatul Ulama*, adopted at the *Munas Alim Ulama* held in Bandar Lampung in 1992, recognized only three methods of legal reasoning—*qawli*, *ilhāqī*, and *manhajī*—without acknowledging *maqāṣid* as an independent methodology. This indicates that, at that stage, Nahdlatul Ulama regarded *maqāṣid* as an inherent consideration within the process of *istinbāt* rather than as a distinct methodological framework.

Nevertheless, subsequent developments in Islamic legal thought within Nahdlatul Ulama reveal a significant methodological transformation. In various Bahtsul Masā’il forums and the *Musyawahar Nasional (Munas) Alim Ulama* convened after the 2005 National Conference, the *maqāṣid al-Sharī‘ah* approach gradually gained recognition as one of the methodological instruments employed in the process of *istinbāt* (Zahro, 2004). This development parallels a broader global trend in which *maqāṣid al-Sharī‘ah* has increasingly been adopted as a paradigm for the reform of contemporary Islamic law, particularly in addressing legal issues that are not explicitly regulated in the classical *fiqh* literature (Fatarib et al., 2025).

Such recognition does not elevate *maqāṣid al-Sharī‘ah* to the status of an independent source of Islamic law, nor does it replace the authority of the Qur’an, the Sunnah, *ijmā’*, *qiyās*, or the established principles of *uṣūl al-fiqh*. Rather, it functions as a methodological framework that reinforces the *qawli*, *ilhāqī*, and, in particular, the *manhajī* approaches in responding to contemporary legal issues (Muhajir, 2018). Accordingly, *maqāṣid* is understood as an instrument for uncovering the objectives of the Sharī‘ah (*maqāṣid al-Sharī‘ah*) in the process of legal determination while remaining firmly grounded in the authoritative sources of Islamic law and the established principles of *uṣūl al-fiqh* (al-Shāṭibī, 1997).

This development reflects the strengthening of the methodological paradigm within the tradition of Bahtsul Masā’il, namely, a shift from the predominance of the textual (*qawli*) approach toward a more systematic integration of textual reasoning, the methodological (*manhajī*) approach, and *maqāṣid*-based considerations in addressing the evolving challenges of contemporary Islamic law (Mahfudh, 1994).

This phenomenon is not confined to Indonesia but can also be observed across the broader Muslim world. One of the most frequently cited examples is the policy introduced by Tunisian President Habib Bourguiba in the early 1960s. As part of his campaign to accelerate national economic development, Bourguiba publicly urged workers, particularly state officials, to refrain from fasting during the month of Ramadan, arguing that fasting hindered productivity and economic development (*anna al-ṣiyām yusabbibu ta‘īl al-a‘māl wa ḍa‘f al-intāḍ*) (al-Raisūnī, 2000; Murphy, 1999; Perkins, 2004). This position provoked widespread controversy among Muslim scholars because it was perceived as prioritizing economic *maṣlaḥah* over a definitive (*qaṭ‘ī*) ruling of the Sharī‘ah. Consequently, it has become one of the most frequently discussed cases in debates concerning the limits of invoking *maṣlaḥah* in contemporary ijtihād. At the same time, contemporary scholars of *uṣūl al-fiqh* have used this episode to emphasize that neither *maṣlaḥah* nor *maqāṣid al-Sharī‘ah* may serve as a basis for suspending or abrogating Sharī‘ah rulings established by evidence that is definitive in both authenticity and meaning (*qaṭ‘ī al-thubūt wa al-dalālah*) (al-Būṭī, 2005).

Similar ideas have also emerged across the Muslim world. In Morocco, the contemporary Muslim thinker Muḥammad ‘Ābid al-Jābirī, as cited by al-Raisūnī, argues that the implementation of the punishment of amputation for theft (*ḥadd al-sariqah*) in the context of the modern state should be reconsidered through the perspective of *maqāṣid al-Sharī‘ah*. According to al-Jābirī, the primary emphasis of this ruling lies not in the physical form of the punishment itself, but in the objective that the Sharī‘ah seeks to realize—namely, the protection of property (*ḥifẓ al-māl*) and the achievement of deterrence (*al-zajr wa al-rad‘*) against theft. Consequently, he maintains that any discussion of the implementation of this punishment cannot be separated from the changing social, political, and legal contexts that characterize modern societies (al-Raisūnī, 2014).

Al-Jābirī’s perspective has subsequently attracted the attention of a number of Muslim legal reformers across the Islamic world who have developed the *maqāṣid* approach as a methodological paradigm for reinterpreting Islamic legal texts, particularly in the fields of Islamic criminal law and public law (Auda, 2008; al-Raisūnī, 2010). These ideas have also influenced the development of *fiqh maqāṣidī* discourse in Indonesia, especially among progressive Muslim scholars such as M. Amin Abdullah, Masdar F. Mas‘udi, Syamsul Anwar, and Sahal Mahfudh, all of whom regard *maqāṣid* as a methodological framework for the development of contemporary Islamic law (Amin Abdullah, 2010).

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These three developments demonstrate that the revival of ijtihād maqāṣidī in the contemporary period has given rise to two distinct methodological orientations. On the one hand, *maqāṣid* is understood as a methodological framework that continues to operate within the boundaries of the *naṣṣ* and the established principles of *uṣūl al-fiqh*, as reflected in the tradition of Bahtsul Masā'il within Nahdlatul Ulama. On the other hand, some contemporary thinkers have employed *maqāṣid* as a basis for reinterpreting legal rulings that have long been established on the basis of the *naṣṣ*. It is this divergence in methodological orientation that has led to the perception that the revival of ijtihād maqāṣidī is synonymous with liberal tendencies in contemporary Islamic law.

The foregoing controversies, however, are not the primary focus of this study. Rather, this article is concerned with the fact that arguments advocating the precedence of *maṣlaḥah* over the *naṣṣ* are frequently traced back to the classical Islamic intellectual tradition (*turāth*). Among the figures most commonly cited in support of this position is Najm al-Dīn al-Ṭūfī, a prominent Ḥanbalī jurist, particularly through his well-known treatise *Risālah fī Ri'āyat al-Maṣlaḥah*. Against this background, it is important to examine critically whether al-Ṭūfī's thought genuinely provides a methodological justification for the supremacy of *maṣlaḥah* over the *naṣṣ*, as it is often portrayed in contemporary Islamic legal discourse, or whether his ideas have instead been oversimplified—or even distorted—in the course of their reception and interpretation.

AL-ṬU>FI>; MAS}LAHAH VERSUS NAS}

Did al-Ṭūfī truly maintain that *maṣlaḥah* could override the *naṣṣ*? Before addressing this question, it is necessary to examine al-Ṭūfī's own exposition in *Risālah fī Ri'āyat al-Maṣlaḥah*. In fact, this treatise is not an independent work but rather a compilation of al-Ṭūfī's discussion of the theory of *maṣlaḥah*, derived from his commentary on the prophetic tradition, "lā ḍarar wa lā ḍirār" ("There should be neither harm nor reciprocal harm"). After outlining the various legal proofs recognized as valid in the process of *istinbāt*, al-Ṭūfī states:

"The strongest of these legal proofs is the *naṣṣ*, followed by *ijmā'*. These two proofs may either accord with *maṣlaḥah* or appear to conflict with it. If they are in harmony with *maṣlaḥah*, then there is no room for disagreement, since in such a case the three proofs—the *naṣṣ*, *ijmā'*, and *maṣlaḥah*—concur. However, if the *naṣṣ* and *ijmā'* conflict with *maṣlaḥah*, then *maṣlaḥah* should be given precedence over them through the mechanisms of *takhṣīṣ* (specification) and *bayān* (interpretive clarification), rather than by nullifying or invalidating them. This is analogous to the Sunnah taking precedence over the Qur'an in its capacity as *bayān*." (al-Ṭūfī, 1993)

According to al-Ṭūfī, *maṣlaḥah* is discerned in light of social reality. Consequently, when the apparent implications of the religious texts come into conflict with the demands of *maṣlaḥah*, priority should be given to *maṣlaḥah*. For al-Ṭūfī, however, giving precedence to *maṣlaḥah* does not mean nullifying or abrogating the religious texts. Rather, *maṣlaḥah* functions as a form of *takhṣīṣ* (specification) and *bayān* (interpretive clarification) of the relevant textual evidence.

Unsurprisingly, al-Ṭūfī's theory has generated considerable controversy among contemporary scholars of Islamic law, including Muṣṭafā Zayd (1964), Zāhid al-Kawtharī (1994), Abū Zahrah (1947), and al-Būṭī (2005). According to al-Raisūnī, one of the principal reasons for this controversy is that al-Ṭūfī failed to provide a single concrete example in which *maṣlaḥah* actually conflicts with the *naṣṣ*. For this reason, al-Raisūnī concludes that al-Ṭūfī's formulation remained largely theoretical rather than demonstrably applicable in legal practice (al-Raisūnī, 2000).

Nevertheless, one point deserves particular emphasis. Despite the boldness of his theory, al-Ṭūfī continued to recognize the binding authority of definitive (*qaṭ'ī*) rulings and did not set them aside on the grounds of *maṣlaḥah*. This is because he maintained that every act causing harm is prohibited by the Sharī'ah on the basis of the prophetic tradition, "lā ḍarara wa lā ḍirāra." However, this principle does not apply to matters governed by explicit and specific textual evidence, such as the *hudūd* and other prescribed criminal punishments (*uqūbāt*) in Islamic law. It is therefore evident that contemporary liberal interpretations that invoke *maṣlaḥah* to override definitive textual rulings cannot legitimately be regarded as a representation of al-Ṭūfī's methodological thought.

Accordingly, an analysis of al-Ṭūfī's thought demonstrates that the accusation of liberalism directed toward ijtihād maqāṣidī cannot be attributed simplistically to the concept of *maṣlaḥah* that he developed. Al-Ṭūfī continued to regard the *naṣṣ* as the primary source of legal authority, while *maṣlaḥah* functions within the framework of *takhṣīṣ* and *bayān*, rather than as an instrument for nullifying definitive (*qaṭ'ī*) rulings of the Sharī'ah. Therefore, equating the revival of ijtihād maqāṣidī with liberalism constitutes an overgeneralization that is not entirely consistent with the methodological framework developed within the classical tradition of *uṣūl al-fiqh*.

V. IJTIHA>D MAQA>S}IDI: A METHODOLOGICAL RESPONSE, NOT THE LIBERALIZATION OF ISLAMIC LAW

The debate concerning the relationship between *maqāṣid* and the authority of the *naṣṣ*, as discussed in the previous section, demonstrates that accusations of liberalism against ijtihād maqāṣidī are essentially rooted in differing approaches to the position of *maqāṣid* within the process of legal *istinbāt*. In this context, the classification proposed by Nūr al-Dīn al-Khādimī becomes significant in clarifying the methodological boundaries governing the application of *maqāṣid al-Sharī'ah* in contemporary ijtihād.

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According to al-Khādimī, there are at least three major tendencies in responding to the status of *maqāṣid* as a parameter for legal consideration in Islamic law (al-Khādimī, 1998). These three tendencies are as follows:

First, there is a tendency among some scholars to grant *maqāṣid* an independent status as a basis for legal determination. Al-Khādimī criticizes this tendency for being excessive in positioning *maqāṣid* as the primary foundation of legal reasoning, even to the extent of setting aside the apparent meaning of the *naṣṣ* through interpretations claimed to be oriented toward the essence and objectives of the Sharīʿah. According to him, such an approach risks removing the concept of *maqāṣid* from the methodological framework established by the early Muslim scholars (*salaf*), thereby undermining the necessary balance between the objectives of the Sharīʿah and the authority of the *naṣṣ*.

Second, there is a tendency among some scholars to regard the texts of the Qur'an and Sunnah as the sole foundations for legal determination, maintaining that both sources are sufficient to address all emerging legal issues without requiring consideration of *maqāṣid*. Al-Khādimī criticizes this tendency for neglecting the function of *maqāṣid* as an instrument for understanding the objectives and wisdom underlying the Sharīʿah in the process of ijtihād. According to him, an approach that is excessively oriented toward textual literalism may produce legal outcomes that are rigid, insufficiently responsive to changing realities, and, in certain cases, inclined toward *tasyaddud* (excessive strictness or rigidity in the application of Islamic law).

Third, there is the moderate tendency (*al-waṣāṭiyyah*), which occupies a middle position between these two extreme orientations. Al-Khādimī argues that this approach regards *maqāṣid* as an important parameter in the process of ijtihād, while maintaining the texts of the Qur'an and Sunnah as the primary foundations that cannot be disregarded. From this perspective, *maqāṣid* and the *naṣṣ* are positioned proportionally according to their respective functions and authorities, allowing them to complement one another in the process of legal *istinbāt*. According to him, this moderate approach enables a balance between fidelity to the *naṣṣ* and sensitivity to changing realities, encourages the formulation of legal rulings oriented toward the principle of *taysīr* (facilitation), and remains responsive to social transformation without departing from the methodological framework of the Sharīʿah (*uṣūl al-fiqh*).

Recent studies have demonstrated that the application of *maqāṣid* within the parameters of *uṣūl al-fiqh* produces a more adaptive legal approach while preserving the authority of the *naṣṣ*. In this framework, *maqāṣid* functions as an integrative methodology rather than an instrument for deconstructing Islamic law (Ismail et al., 2025).

This classification demonstrates that the debate surrounding ijtihād maqāṣidī does not concern the acceptance or rejection of *maqāṣid* as an instrument of ijtihād, but rather concerns how *maqāṣid* is positioned in relation to the *naṣṣ*. Accordingly, the distinction between a moderate approach and a liberal approach does not lie in the use of *maqāṣid* itself, but in whether or not such use remains bound by the methodological framework of *uṣūl al-fiqh*.

Based on this classification, the third tendency represents the most relevant paradigm for the development of ijtihād maqāṣidī. This approach positions *maqāṣid* and the *naṣṣ* in a complementary relationship, thereby maintaining a balance between the authority of revelation and the demands of changing realities. Therefore, equating ijtihād maqāṣidī with liberal tendencies that disregard the authority of the *naṣṣ* constitutes an inaccurate simplification. This is because the paradigm of ijtihād maqāṣidī developed by moderate scholars is fundamentally constructed upon the integration of the objectives of the Sharīʿah and the normative authority of the *naṣṣ*.

The moderate approach does not remain merely at the normative level; rather, it is supported by a clear methodological framework. To ensure that ijtihād maqāṣidī remains within the boundaries of the Sharīʿah, al-Khādimī formulates three fundamental principles (*al-asāsiyyāt*) that must serve as the foundations of the ijtihād maqāṣidī process.

First, the textual framework (*asāsiyyāt al-naṣṣ*), namely the set of principles governing the understanding and interpretation of the *naṣṣ* as formulated within the discipline of *uṣūl al-fiqh*. This framework functions to ensure that the process of *istinbāt* remains grounded in the authority of the Qur'an and Sunnah through linguistic principles, theories of textual indication (*dalālāt al-alfāz*), and methods of legal derivation developed by the scholars of *uṣūl al-fiqh*.

Second, the reality-based framework (*asāsiyyāt al-wāqīʿ*), namely a comprehensive understanding of the empirical realities that constitute the object of legal application. According to al-Khādimī, the study of reality cannot be conducted partially; rather, it requires an in-depth analysis that takes into account the various dimensions surrounding it. In this context, the concept of *taḥqīq al-manāṭ* developed by classical scholars of *uṣūl al-fiqh* needs to be revitalized so that it can address contemporary phenomena, including developments in science, technology, medicine, economics, culture, and ongoing social transformations.

Third, the framework of the legally responsible subject (*asāsiyyāt al-mukallaf*), which refers to consideration of the circumstances, capacities, and characteristics of those who are subject to legal obligations. This aspect emphasizes that the implementation of Islamic law cannot be separated from the condition of the *mukallaf* as the recipient of legal responsibility. Therefore, principles such as facilitation (*taysīr*), removal of hardship (*rafʿ al-ḥaraj*), and the realization of public interest (*maṣlaḥah*) must constitute integral elements within the process of ijtihād maqāṣidī.

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Accordingly, these three frameworks form an interconnected methodological structure that integrates the authority of the *naṣṣ*, understanding of reality, and consideration of the *mukallaḥ*. Through this integration, ijtihād maqāṣidī remains faithful to revelation while simultaneously maintaining its responsiveness to the dynamics of human life.

Building upon these three principles, ijtihād maqāṣidī should not be negatively perceived as an attempt to disregard definitive (*qaṭʿī*) rulings of the Sharīʿah, reject scholarly consensus (*ijmāʿ*), or undermine the sanctity of Islamic law. Rather, ijtihād maqāṣidī is a methodological approach that seeks to integrate the authority of the *naṣṣ*, a comprehensive understanding of reality, and the objectives of the Sharīʿah (*maqāṣid al-syarīʿah*). Through this approach, Islamic law remains firmly grounded in the principles of revelation while simultaneously maintaining its capacity to address contemporary issues in a balanced and appropriate manner.

Therefore, ijtihād maqāṣidī should be understood as an effort to preserve the integrity of the Sharīʿah by ensuring that the application of Islamic law remains consistent with its underlying purposes, namely the realization of benefits and the prevention of harm (*jalb al-maṣāliḥ wa darʿ al-maḥāsib*). It does not function as an instrument for altering, suspending, or disregarding legal provisions of the Sharīʿah that have attained definitive (*qaṭʿī*) status.

VI. CONCLUSION

This study demonstrates that ijtihād maqāṣidī is not a new methodology that emerged from the demands of modernity; rather, it represents a continuation of the tradition of Islamic legal reasoning that developed from the era of the Prophet Muhammad ﷺ, the Companions, and the tābiʿūn, until it was systematized within the classical discipline of *uṣūl al-fiqh*. Historically, legal reasoning oriented toward the objectives of the Sharīʿah can be identified in various legal decisions and policies of the Companions, particularly those of Caliph ʿUmar b. al-Khaṭṭāb. It subsequently developed through the intellectual tradition of the *Madrasah al-Raʿy*, gained its epistemological foundation through the theory of *taʿlīl al-aḥkām* and the methods of identifying legal causes (*masālik al-ʿillah*), and reached a more comprehensive methodological formulation through the thought of al-Shāṭibī. Accordingly, ijtihād maqāṣidī represents an evolutionary development in the methodology of Islamic legal reasoning (*istinbāṭ*), integrating the *naṣṣ*, legal causes (*ʿilal*), empirical reality (*al-wāqīʿ*), and the objectives of the Sharīʿah (*maqāṣid al-syarīʿah*) within a coherent framework of legal reasoning.

This study also finds that the association of ijtihād maqāṣidī with liberal tendencies in Islamic law does not originate from the concept of *maqāṣid* itself, but rather from differences in how *maqāṣid* is positioned in relation to the authority of the *naṣṣ*. The revival of *maqāṣid* studies in the contemporary era has indeed given rise to diverse intellectual orientations. Some approaches have employed *maqāṣid* as a justification for reinterpreting established legal rulings, whereas the moderate approach continues to regard *maqāṣid* as a methodological instrument operating within the framework of *uṣūl al-fiqh*. Therefore, generalizing all forms of ijtihād maqāṣidī as identical with liberalism lacks sufficient methodological justification.

The analysis of al-Ṭūfī's thought and al-Khādimī's classification further reinforces this conclusion. Al-Ṭūfī did not position *maṣlaḥah* as an instrument for nullifying definitive (*qaṭʿī*) *naṣṣ*, but rather within the framework of *takḥīṣ* and *bayān*. Meanwhile, al-Khādimī formulated a methodological framework based on the integration of the *naṣṣ*, reality (*al-wāqīʿ*), and the conditions of the *mukallaḥ*, ensuring that ijtihād maqāṣidī remains within the boundaries of the Sharīʿah. Accordingly, the paradigm of ijtihād maqāṣidī developed within the moderate tradition does not diminish the authority of revelation; rather, it strengthens the relevance of Islamic law through the integration of fidelity to the *naṣṣ* and sensitivity to the dynamics of human life.

Based on these findings, this article argues that ijtihād maqāṣidī is essentially a methodology for strengthening Islamic law rather than liberalizing it. Its purpose is not to replace or disregard the Qurʾān, Sunnah, *ijmāʿ*, or the methodological instruments of *uṣūl al-fiqh*, but rather to ensure that the processes of *istinbāṭ* and legal application remain aligned with the objectives of the Sharīʿah in realizing benefits and preventing harm. Accordingly, accusations that associate ijtihād maqāṣidī with liberalism cannot be methodologically substantiated as long as this approach continues to operate within the epistemological and methodological framework of *uṣūl al-fiqh* established by the Islamic scholarly tradition. These findings also reinforce recent scholarly trends that position ijtihād maqāṣidī as a paradigm for Islamic legal renewal that remains rooted in the classical methodology of *uṣūl al-fiqh*.

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