



"MAQASHID SYARIAH AS THE FOUNDATION FOR LEGAL DEVELOPMENT CONTEMPORARY ISLAM"

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Article history:	Abstract:
<p>Received: 8th March 2026 Accepted: 7th April 2026</p>	<p>This research aims to analyze the role of Maqashid Syariah as a foundation in the development of contemporary Islamic law in the midst of increasingly complex social, economic, and technological changes. Modern reality shows that textual Islamic legal approaches are often not able to answer contemporary problems comprehensively, so a more contextual and benefit-oriented approach is needed. This research uses a qualitative approach with a type of normative research (library research), through the study of the Qur'an, hadith, and relevant classical and contemporary literature.</p> <p>The results of the study show that Maqashid Syariah has a strategic role as an epistemological and methodological framework in the development of Islamic law. By focusing on the purpose of sharia, namely the protection of religion, soul, intellect, posterity, and property, this approach allows for more flexible, adaptive, and contextual legal formulations. In addition, Maqashid Syariah is also able to bridge the gap between normative texts and social realities, as well as provide a basis for a more substantive and benefit-oriented reconstruction of Islamic law.</p> <p>This study concludes that Maqashid Syariah can be the main paradigm in the development of contemporary Islamic law, but its implementation requires a systematic methodological framework to avoid subjectivity. Thus, the integration between maqashid, ushul fiqh, and interdisciplinary approaches is key in answering the challenges of Islamic law in the modern era.</p>

Keywords: Maqashid Sharia, Contemporary Islamic Law, Ijtihad, Benefits, Legal Reconstruction

I. BACKGROUND

Islamic law is a legal system that originates from divine revelation and has the main purpose of realizing the benefit of humans. In this context, Islamic law functions not only as a set of normative rules, but also as a system that must be able to adapt to evolving social dynamics. Today's global developments characterized by advances in digital technology, economic transformation, and the complexity of social problems demand a renewal in the approach to Islamic law. Empirically, economic and technological developments show very significant changes in people's lives. For example, the emergence of digital financial systems, Islamic fintech, e-commerce, and the integration of technologies such as blockchain in economic transactions.

Recent research shows that the development of the halal industry and Islamic finance is undergoing

rapid transformation with the support of digital technology and integration with the sustainable economy (green economy). This shows that the social and economic reality of Muslims has changed fundamentally. The study of sharia maqashid in contemporary Islamic law shows significant developments in the last two decades, both conceptually and applicatively. In general, the literature can be grouped into three main themes: (1) the theoretical reconstruction of maqashid, (2) the role of maqashid in legal reform, and (3) the expansion of maqashid into contemporary domains such as economics, technology, and public policy.

However, these changes have not been fully balanced with the development of adaptive Islamic law. Many studies show that the practice of Islamic law still tends to be formalistic and textual compliance-oriented, so it does not fully reflect the substantive goals of the



sharia. Research on Islamic financial management in Indonesia found a gap between the theory of Sharia Maqashid and its implementation in the field, where formal compliance often does not achieve optimal benefit goals. On the other hand, the development of the sharia economy in Indonesia shows a significant trend, especially in the banking, zakat, waqf, and halal industry sectors. However, research shows that despite the rapid growth of the sector, there are still challenges in integrating the values of Maqashid Syariah into overall economic and public policy practices. This indicates that there is a gap between the development of sharia institutions and the depth of implementation of their substantive values.

Theoretically, Maqashid Syariah is a fundamental concept in Islamic law that emphasizes the main purpose of sharia, which is the protection of religion, soul, intellect, descent, and property. This concept is not only normative, but also provides a philosophical framework in the development of Islamic law that is oriented towards the benefit of humans. In the contemporary context, Maqashid Syariah was even developed as a multidimensional framework that encompasses social justice, sustainable development, and the welfare of society at large. Furthermore, recent studies show that Maqashid Syariah has a strategic role in bridging the normative principles of Islamic law with modern needs, including in the fields of digital economy, financial governance, and sharia-based public policy. In fact, in a global context, the Maqashid approach is used to integrate sharia principles with the Sustainable Development Goals (SDGs), demonstrating the universal relevance of this concept in modern development.

However, in practice, the use of Maqashid Syariah as the basis for the development of Islamic law is still not optimal. Many Islamic law products are still textual and less contextual to the development of the times. This condition shows that there is a gap between the theoretical concept of Maqashid Syariah and its implementation in contemporary Islamic law. Therefore, an in-depth study is needed on how Maqashid Syariah can be used as a basis for the development of contemporary Islamic law that is more adaptive, contextual, and benefit-oriented. This study is important so that Islamic law remains relevant and able to answer various modern problems without losing its basic values. Based on this description, the formulation of the problem in this study is; **What is the concept of Maqashid Syariah** in the perspective of classical and contemporary Islamic law?, and what are the dynamics and challenges of the development of Islamic law in

dealing with contemporary problems, especially in the social, economic, and technological fields?.

II. RESEARCH METHODOLOGY

This study uses a qualitative approach with a normative type of research (*Library Research*), which focuses on the study of the concept and development of Islamic law, particularly related to *Maqashid Syariah* as a foundation in the development of contemporary Islamic law. This approach was chosen because the research aims to analyze in depth the theoretical construction of Islamic law as well as its relevance to modern social dynamics. Normative research in the study of Islamic law emphasizes the analysis of legal texts, concepts, and thought that develop in classical and contemporary literature (Hallaq, 2009).

In its implementation, this study uses several approaches, namely the conceptual approach (*conceptual approach*), philosophical approach (*philosophical approach*), historical approach (*Historical Approach*), and comparative approaches (*Comparative Approach*). Conceptual approaches are used to understand structure and meaning *Maqashid Syariah* within the framework of Islamic law (Kamali, 2008). The philosophical approach is used to explore the basic values that are the goals of the sharia, such as the benefits (*Maslahah*), justice, and social welfare, which are the core of maqashid (Auda, 2008). The historical approach is used to trace the development of the concept of maqashid from the thought of classical scholars such as Al-Ghazali and Al-Syatibi to contemporary thinkers. Meanwhile, a comparative approach is used to compare the textual approach of Islamic law with the maqashid-based approach in responding to modern problems (Opwis, 2010; Multazam et al, 2024).

The data sources in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the Qur'an and Hadith as the main sources of Islamic law. Secondary legal materials are in the form of classic books, academic books, and articles from relevant national and international scientific journals. The tertiary legal materials include dictionaries, encyclopedias, and other supporting documents. The use of these sources is important to gain a comprehensive and in-depth perspective on the issue being researched.

The data collection technique is carried out through literature studies by examining various relevant literature. In the context of legal research, this method is a commonly used approach to systematically examine legal norms and concepts (Creswell, 2014). The data that has been collected is then analyzed using descriptive-analytical techniques, namely by describing existing concepts and analyzing them critically. In



addition, this study also uses content analysis (*Content Analysis*) to identify key themes in the literature, as well as critical analysis (*Critical Analysis*) to evaluate the relevance of the concept of maqashid in a contemporary context (Krippendorff, 2018). With this methodological approach, this research is expected to be able to produce a comprehensive and critical analysis of the role of *Maqashid Syariah* in the development of contemporary Islamic law that is more adaptive, contextual, and benefit-oriented.

III. DISCUSSION AND ANALYSIS

1. Maqashid Syariah as an Epistemological Paradigm of Islamic Law

Maqashid Syariah in the study of Islamic law is no longer just understood as the ultimate goal of sharia, but has developed into an epistemological framework in understanding and formulating Islamic law. In the classical tradition, Al-Ghazali affirms that the purpose of the Shari'ah is to safeguard the five basic human needs (*Al-Dharuriyat al-Khams*), i.e. religion (*Hifz al-Din*), soul (*HUFZ al-NAFS*), Sense (*Hifz al-'aql*), descendants (*HUFZ al-Nasl*), and treasures (*Hifz al-Mal*). This concept was later systematized by Al-Syatibi who stated that all Islamic law aims to realize the benefits (*Maslahah*) and resist damage (*Mafsadah*). The normative basis of maqashid can be traced in the Qur'an, one of which is:

"And We did not send you (Muhammad), but to (become) a blessing to the whole world." (QS. Al-Anbiya: 107). This verse shows that Islamic sharia is universal and oriented towards global benefits.

In the hadith of the Prophet it is also affirmed: *"Must not harm oneself and must not harm others"* (HR. Ibn Majah) This hadith has become a universal rule in Islamic law that strengthens the orientation of maqashid towards human protection. However, in contemporary developments, thinkers such as Jasser Auda (2008) criticize the classical maqashid approach that is too hierarchical and static. It offers a systems approach (*Systems Approach*) which views maqashid as an open, multidimensional, and dynamic concept. In this approach, maqashid not only encompasses the five basic needs, but also extends to values such as human rights, social justice, and sustainable development. This transformation shows that maqashid has shifted from a mere "legal purpose" to a "legal methodology". This is important because without epistemological changes, Islamic law will find it difficult to adapt to the complexity of modernity.

The results of the analysis show that Maqashid Shari'ah shows a significant conceptual development from the perspective of classical Islamic law towards a more contextual and multidisciplinary contemporary approach. Classical literature places Maqashid Syariah as a normative framework that focuses on the protection of five basic needs (*al-dharuriyat*), namely *hifz al-din* (religion), *hifz al-nafs* (soul), *hifz al-'aql* (intellect), *hifz al-nasl* (descent), and *hifz al-mal* (wealth), which were systematically formulated by scholars such as al-Ghazali and al-Shatibi (Auda, 2008; Kamali, 2008). However, the trend of global publications shows that there has been an intensification of studies since the 2010s which has led to the reinterpretation and expansion of the meaning of Maqashid Syariah in response to modern challenges (Dusuki & Bouheraoua, 2011; Laldin & Furqani, 2013). The analysis of the co-occurrence of keywords shows a strong relationship between Sharia Maqashid and contemporary issues such as social justice, human rights, sustainable development, good governance, and Islamic economics and finance (Chapra, 2008; Mohammed & Tab, 2015).

In addition, the emergence of new thematic clusters indicates a shift from a textual-normative approach to a substantive approach that emphasizes the value of benefits (*maslahah*) as the main principle in the determination of law (Auda, 2015; Bedoui, 2012). In this context, Maqashid Syariah is no longer understood statically but as a dynamic methodology that can be integrated in various disciplines, including law, economics, education, and public policy (Kasri, 2016; Ahmed & Khan, 2019). These findings also show the significant contribution of contemporary scholars in developing a framework of Maqashid based on universal values, such as justice, well-being, and inclusivity, that is relevant to the global context (Furqani & Haneef, 2012; Haneef & Furqani, 2019). Thus, the results of this study confirm that the concept of Maqashid Syariah has undergone a transformation from a classical paradigm that is protective to a contemporary paradigm that is progressive and adaptive, so that it can become an epistemological foundation in the development of Islamic law that is responsive to social dynamics and the needs of modern society.

This transformation also affirms the position of Maqashid Syariah as an analytical framework that not only functions in the determination of law (*istinbath al-ahkam*), but also as a strategic approach in formulating public policies and developing social systems oriented towards the universal benefit. Therefore, strengthening the study of Maqashid Syariah in future studies is important to ensure its relevance in facing increasingly complex global challenges.



2. The dynamics and challenges of the development of Islamic law in facing contemporary problems,

The development of Islamic law in response to contemporary problems shows quite encouraging dynamics while facing very complex challenges, especially in the social, economic, and technological fields. Fundamentally, Islamic law has elastic characteristics based on principles *maqāṣid al-syarī'ah* (the purpose of the Shari'a) which emphasizes the protection of religion, soul, intellect, descent, and property. This principle allows for the change of fatwa with the changing times, as the well-known rules of fiqh propose: *Taghayyur al-Fatwā bi Taghayyur al-Zamān wa al-Makān*. In the past two decades, scholars and fatwa institutions such as the Indonesian Ulema Council (MUI), the National Sharia Council (DSN), and the International Islamic Fiqh Academy (IIFA) have developed collective ijtiḥād that is more responsive to new issues. A thematic and multidisciplinary approach has begun to be applied, for example by involving economists, doctors, and technologists in the fatwa making process (Muntazar & Bin Soberi, 2026). This dynamic shows that Islamic law is not static, but continues to move with the development of human civilization.

In the economic field, the dynamics of the development of Islamic law are very visible in the rapidly growing Islamic finance industry. Islamic banks, Islamic capital markets, and Islamic fintech have become tangible evidence of the adaptation of Islamic law to the modern economic system. DSN MUI actively issues fatwas on contemporary contracts such as *Murabahah*, *Musyarakah Mutanaqishah*, and *Sukuk*. However, major challenges arise when facing fast-paced financial technology innovations, such as cryptocurrencies and *Peer-to-peer lending*. The MUI's fatwa banning cryptocurrencies in 2021, for example, drew criticism for not being considered to be built on solid legal reasoning and not considering the potential benefits of blockchain technology to increase transparency and transaction efficiency (Faizi, 2023). Furthermore, the gap between fatwa and practice in the field is a serious problem. Many business actors and ordinary people are actually looking for alternative fatwas from abroad or practicing *Self-fatwa* through the internet, which of course weakens the authority of the national fatwa institution.

In the field of technology, the challenges faced by Islamic law are even more severe. The development of artificial intelligence (AI), genetic engineering, and digital technology has exceeded the capacity of traditional fiqh methodologies. New questions arise:

who is criminally responsible if an AI-controlled autonomous car hits a pedestrian? What is the legal status of cloning humans or transgenic animals for consumption? Who is responsible for harmful hoax content on social media? Muntazar and Bin Soberi (2026) assert that fatwas on cutting-edge technology are still at least a decade behind innovation, creating a dangerous legal vacuum. This condition is exacerbated by the lack of fiqh experts who master in-depth technology, so fatwas are often normative and less operational. Ja'far and his colleagues (2026) added that in "onlife" conditions where online and offline realities merge, digital platform algorithms actually shape Islamic discourse uncontrollably, often prioritizing conservative and extreme content and threatening religious moderation.

In the social field, contemporary issues such as gender equality, non-traditional families, and religious pluralism are serious tests for the development of Islamic law. Textual interpretations of verses about women's leadership, inheritance, and polygamy often clash with the demands of substantive justice in modern society. In Indonesia, the MUI's fatwa on polygamy that requires objective justice and the fatwa on the prohibition of interfaith marriage show adaptation efforts, but still reap pros and cons. Ahmad and colleagues (2025) show that principles such as *'adl* (justice), *mizān* (balance), and *karāmah* (human dignity) can be a universal ethical framework to bridge postmodernism's critique of the hegemony of power in law. However, the challenge of harmonization across Muslim countries remains heavy, as the differences in implementation between Indonesia, Iran, Saudi Arabia, and Turkey are very striking (Mohsin, 2025).

The results of the analysis show that the main structural weaknesses in the development of contemporary Islamic law are methodological lag, lack of harmonization between jurisdictions, and the lack of a cadre of scholars who master the latest science and technology. The solutions offered include the establishment of a special fatwa institution involving technology experts, the use of artificial intelligence as an aid for ijtiḥād (assistive ijtiḥād), and the development of an alternative digital platform that is epistemically sovereign (Postgraduate UIN Salatiga, 2025). With these steps, Islamic law can move from a reactive position to be proactive in dealing with the disruptions of the times, while still maintaining the essence of justice and the benefit of the people. The future development of Islamic law must be based on close multidisciplinary collaboration between scholars, scientists, and practitioners, as well as the courage to fundamentally reform the ijtiḥād methodology.



IV. CONCLUSION

Maqashid Syariah has a strategic role as a foundation in the development of contemporary Islamic law. This approach allows for a more adaptive, contextual, and benefit-oriented reconstruction of Islamic law. However, its application requires a strict methodological framework so as not to get caught up in subjectivity. Therefore, the integration between maqashid, ushul fiqh, and interdisciplinary approaches is the main key in answering the challenges of Islamic law in the modern era.

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