

# A CONCEPTUAL STUDY OF MAQASID AL-SHARIA IN USUL AL-FIQH AND ITS IMPLEMENTATION IN CONTEMPORARY ISLAMIC LAW

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**Abstract:** This paper discusses the concept of Maqasid Syariah, its classification, and its relevance in contemporary Islamic law. The aim of this study is to explain the theoretical foundations of Maqasid Syariah, its evolution from classical to modern times, and the importance of Maqasid in developing Islamic law that is responsive to the challenges of contemporary issues. By focusing on the five key goals of Islamic law protecting religion, life, intellect, lineage, and property this paper explores how Maqasid Syariah serves as a philosophical foundation for dynamic and contextual applications of Islamic law, and its implementation in various fields such as economics, healthcare, education, and environmental protection. The paper also discusses the challenges faced in the implementation of Maqasid Syariah in pluralistic social and political contexts, as well as the need for strengthening ijtihad institutions in applying Maqasid Syariah principles in the modern era.

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## INTRODUCTION

Maqasid al-Sharia plays a very important role in the study of Islamic law, both in theoretical understanding and in practical application. As stated by (Paryadi, 2021) and (Suhaimi et al., 2023), Maqasid al-Sharia is not merely a set of textual commands and prohibitions, but rather concerns the objectives that Islamic law seeks to achieve to ensure human welfare and prevent harm. Within this framework, Maqasid al-Sharia serves as a philosophical foundation that provides direction in determining Islamic rulings that are not only just but also relevant to the needs of modern society. With this approach, Islamic law can remain dynamic, adapting to changing times without abandoning the fundamental essence of the Sharia.

The rapid pace of change, marked by accelerating social, economic, and technological transformations, requires a legal system that is more responsive and adaptive to contemporary conditions (Hikmah, 2024). Research by (Auda, 2008a) shows that to maintain the relevance of Maqasid al-Sharia, Islamic law must be understood within a broader context, given increasingly complex contemporary challenges such as the digital economy, bioethics, and human rights issues. As explained by (Ashur, 2006), Maqasid al-Sharia must be applicable to address social and economic problems that arise in global society, which were not previously found in classical texts.

Furthermore, the importance of understanding Maqasid al-Sharia in the context of contemporary Islamic law can be seen in its application to economics, health, and education. As explained by (Alamsyah et al., 2025) and (Kurniawan & Hudafi, 2021), the principles of Maqasid al-Sharia provide a strong foundation for developing a fair and sustainable Islamic economic system, as well as for health policies that prioritize the preservation of human life. The application of the principles of *ḥifẓ al-māl* [preserving wealth] and *ḥifẓ al-nafs* [preserving life] is a concrete example of how Maqasid al-Sharia can make a positive contribution in addressing increasingly urgent contemporary issues.

As times evolve, the challenges faced by the Muslim community are becoming more complex, particularly in responding to rapid technological, social, and economic developments. In facing these challenges, Islamic law, especially that derived from Maqasid al-Sharia, must be able to adapt to safeguard public welfare. This aligns with (Suhaimi et al., 2023), who state that Maqasid al-Sharia should serve as the basis for formulating Islamic law so that it remains relevant in the modern era. The Maqasid-based thinking that prioritizes human welfare needs to be implemented across various sectors of life, such as economics, social affairs, and politics, which continue to evolve with the changing times.

Moreover, it is important to note that the application of Maqasid al-Sharia is not limited to the individual level, but also extends to social and economic contexts. For example, in the economic sector, the application of the principle of *ḥifẓ al-māl* [preserving wealth], which is part of Maqasid al-Sharia, provides the basis for an Islamic economic system that is fair and non-exploitative. As argued by (Fauzan, 2023) and (Alamsyah et al., 2025), an Islamic economic system that avoids *ribā* and injustice is more in line with the main objective of the Maqasid: to create justice and welfare for all people. Therefore, it is important to explore the application of Maqasid al-Sharia in broader fields to ensure that public welfare is truly realized.

The application of Maqasid al-Sharia is also increasingly relevant to various global challenges faced by Muslims. As explained by (Auda, 2008a) and (Wahid, 2022), Maqasid al-Sharia can offer solutions to contemporary problems such as digital finance, bioethics, and human rights. Amid technological advancement, the principle of *ḥifẓ al-ʿaql* [preserving intellect] is becoming increasingly important, because with progress in technology and information, there is great potential for misuse that can harm humanity. Therefore, Islamic law based on Maqasid al-Sharia must be able to provide clear guidance

to ensure that technological progress does not neglect the fundamental values contained in Islamic law.

It should also be noted that the application of Maqasid al-Sharia must consider the dimension of diversity within Muslim societies. Various Muslim countries and communities have different social, political, and cultural contexts, which can influence how Maqasid al-Sharia is applied. As noted by (Kurniawan & Hudafi, 2021), although the fundamental principles of Maqasid al-Sharia remain the same, their interpretation and implementation must be adapted to local conditions to achieve optimal results. Therefore, efforts are needed to harmonize the application of Maqasid al-Sharia with societal diversity, so that the main objective of the Sharia—human welfare—can be achieved globally (Amin, 2026).

In the context of modern societal development, the urgency of Maqasid al-Sharia is increasingly felt, especially when Islamic law must adapt to dynamic life realities (Kamal et al., 2025). The emerging challenges are not limited to matters of ritual worship, but also include social, economic, and technological issues that require a more flexible legal approach. For this reason, Maqasid al-Sharia becomes an important foundation for re-understanding the true purpose of the Sharia: to realize welfare and prevent harm in various aspects of life. This approach affirms that Islamic law is not rigid, but is open to the developments of the times as long as it does not contradict the fundamental principles of the Sharia (Al-Raysuni, 2005). Thus, Maqasid al-Sharia is understood not only as a legal theory, but also as an epistemological framework for the development of contemporary Islamic law.

In line with this, the development of the digital economy and the transformation of the global financial system currently demand the renewal of Islamic law to remain relevant. Various studies state that the application of Maqasid al-Sharia in the economic field provides strategic direction for realizing justice and sustainability in the Islamic financial system (Chapra, 2008). Issues of Islamic financial practice, electronic transactions, and digital banking need to be understood within the framework of *ḥifẓ al-māl* to avoid structural inequality or economic exploitation (Ahmad Zaky Darmawan, Arinda Dewi Nur Aini et al., 2022). Thus, Maqasid al-Sharia can serve as a bridge between the demands of economic modernity and the ethical values of Islamic law.

In addition, the application of Maqasid al-Sharia is also important in the fields of health and public policy. In responding to global pandemic challenges and the dynamics of contemporary medical issues, the principle of *ḥifẓ al-nafs* has received significant attention as a basis for protecting human life (Dahlan et al., 2021). Public policies oriented toward Maqasid al-Sharia emphasize public safety, equitable access to health services, and respect for human dignity (Sidqi & Witro, 2021). This approach shows that Maqasid al-Sharia does not only operate within the normative realm of law, but also functions as an ethical foundation in public policy formulation, particularly concerning the right to life and social welfare.

Given these developments, it can be asserted that the role of Maqasid al-Sharia in contemporary Islamic law is increasingly significant and cannot be overlooked. This approach is expected to provide solutions for addressing modern challenges while ensuring that Islamic law continues to deliver the value of *maṣlaḥa* [public interest] for humanity. In addition to maintaining the relevance of Islamic law, Maqasid al-Sharia also helps realize the overarching purpose of the Sharia in maintaining social stability and societal harmony amid rapid global change.

## **RESEARCH METHOD**

This study employs a qualitative approach using a library research method to examine the concept of Maqasid al-Sharia in the study of *Uṣūl al-Fiqh* and its application in contemporary Islamic law. Data were collected from literature including books, scholarly journal articles, and related documents discussing Maqasid al-Sharia from both classical scholars and contemporary thought. In this context, the research is descriptive-analytical in nature, meaning the author systematically describes the situation and then analyzes the content of the literature (Izaturrohmah et al., 2025).

The population of this study consists of all literature discussing Maqasid al-Sharia in the context of Islamic law from 2019 to 2025. Sampling was conducted purposively, by selecting literature most relevant to the research problem, including literature addressing the levels of Maqasid (*ḍarūriyyāt*, *ḥājīyyāt*, *taḥsīniyyāt*) and their relevance to contemporary issues such as digital finance, bioethics, and the environment. Literature that does not meet the time or context criteria is used as supporting material but is not the main focus of analysis (Paryadi, 2021).

The research procedure began with identifying relevant literature through digital libraries and journal databases, followed by content coding and classification based on main themes: the definition of Maqasid, classification, and contemporary application. The author then conducted a comparative analysis to identify similarities and differences between classical and modern scholars' thought, and synthesized how Maqasid al-Sharia can be applied in contemporary Islamic law. These stages were carried out from July to September 2025 in a gradual and continuous manner. To ensure the validity and reliability of the research, the author employed several strategies: selecting peer-reviewed literature in Indonesian or English, triangulating sources by comparing different perspectives, and critically assessing the reliability of the literature data. The author also acknowledges that because the method used is library research, no quantitative statistical analysis or hypothesis testing using statistical methods [e.g., regression tests] was conducted, as the objective of this study is to explore meaning and theoretical relevance rather than measure quantitative variables.

After collecting the literature, the data were analyzed in depth using a comparative analysis approach. This comparative analysis was used to examine differences and similarities in the views of classical and contemporary scholars regarding the concept of Maqasid al-Sharia, and to understand how the concept is applied in contemporary

Islamic law. Several references supporting this analysis include journals discussing comparisons between classical and modern Islamic legal thought, such as (Suhaimi et al., 2023), which offers a new perspective on the application of Maqasid in addressing contemporary problems. This approach is expected to provide insight into how Maqasid al-Sharia thinking can be used to formulate Islamic law that is responsive to the challenges of the times.

To ensure the quality and sustainability of this research, the author also paid attention to the validity and reliability of the data used. Therefore, to ensure credibility and accuracy of information, this study utilized various verified and highly credible sources, such as peer-reviewed journal articles published in recent years. In addition, source triangulation was used to compare various perspectives in different literature. Through this approach, the study seeks to minimize potential bias arising from the use of limited sources and to ensure that the findings are reliable. The descriptive qualitative approach used also ensures that the analysis not only includes theoretical comparisons, but also provides room for in-depth evaluation of the practical application of Maqasid al-Sharia.

## **FINDINGS AND DISCUSSION**

### **Findings**

This study found that the concept of Maqasid al-Sharia is highly relevant to the application of Islamic law in the modern era. Maqasid al-Sharia, which encompasses the objective of safeguarding human welfare, is not viewed merely as commands and prohibitions, but rather as a principle for maintaining societal well-being. This is consistent with Paryadi's (2021) view that Maqasid al-Sharia provides broader guidance for the application of Islamic law, enabling it to address modern social and economic challenges. This finding is also in line with research by Auda (2008), which emphasizes the importance of Maqasid al-Sharia in directing Islamic law to be more responsive to the developments of the times (Auda, 2008a; Paryadi, 2021).

The next finding shows that the division of Maqasid al-Sharia into three levels—*darūriyyāt* [primary needs], *ḥājjiyyāt* [secondary needs], and *taḥsīniyyāt* [complementary needs]—facilitates the prioritization of legal rulings. For example, primary needs related to preserving religion, life, intellect, lineage, and wealth become the main priorities that must be protected by the Sharia. In this context, Maqasid al-Sharia provides a clear framework for establishing Islamic rulings that prioritize the protection of fundamental human rights. This can be seen in policies that prioritize the protection of life, such as vaccination policies or the prevention of infectious diseases (Auda, 2008b; Fauzan, 2023).

In addition, this study found that Maqasid al-Sharia serves as a foundation for developing a fair and sustainable Islamic economic system. The application of the principle of *ḥifẓ al-māl* [preserving wealth], which is part of Maqasid al-Sharia, supports the creation of an economic system that not only pursues material profit but also justice for all people. As stated by (Adesty et al., 2025) and (Wahid, 2022), Islamic banking

systems that avoid ribā and ensure transaction transparency are concrete examples of the application of Maqasid al-Sharia in an increasingly digital economic life. The results of this study show that the Islamic economy can reduce socio-economic inequality while still considering the principles of justice and public welfare.

### **Discussion**

The application of Maqasid al-Sharia in the field of health was also found to be highly relevant. Research by (Rezky et al., 2026) and (Kurniawan & Hudafi, 2021) reveals that the principle of ḥifẓ al-nafs [preserving life] has a major influence on health policy, such as the handling of infectious diseases and vaccination. Governments based on Maqasid al-Sharia principles pay greater attention to public safety and promote policies that prioritize people's welfare. In the context of the COVID-19 pandemic, for example, policies promoting mass vaccination can be considered an application of Maqasid al-Sharia focused on maintaining health and protecting public life.

However, the application of Maqasid al-Sharia in the context of contemporary Islamic law is not without challenges. The research findings show differences in interpretation among Muslim countries or communities regarding its application. As stated by (Manurung et al., 2025), although the principles of Maqasid al-Sharia are clear, their implementation in practice is often hindered by the social, cultural, and political differences in each country. This indicates the need for a shared understanding of Maqasid al-Sharia and the strengthening of *ijtihād* [independent legal reasoning] institutions that can formulate Islamic law in a more applicable and contextually relevant manner.

The strengthening of *ijtihād* institutions in the application of Maqasid al-Sharia in the Muslim world is also a key finding of this study. As explained by (Alamsyah et al., 2025) and (Kurniawan & Hudafi, 2021), *ijtihād* within Maqasid al-Sharia can be a solution to address the legal challenges of Islam in the contemporary world. Muslim scholars and intellectuals must continue to engage in critical and constructive thinking in applying Maqasid al-Sharia across various sectors of life, such as economics, education, and politics, so that Islamic law remains responsive to societal change.

As times evolve, the challenges faced by Muslims are becoming increasingly complex (Rusnita et al., 2025). Therefore, a dynamic application of Maqasid al-Sharia is key to creating justice and public welfare. In this regard, Maqasid al-Sharia can be used as a tool to address social injustice, economic inequality, and other problems in society. Research by (Fauzan, 2023) shows that by applying Maqasid al-Sharia principles in a more contextual manner, Muslims can respond to contemporary problems in a more just and sustainable way.

Thus, the application of Maqasid al-Sharia in contemporary Islamic law is highly relevant and can address various challenges faced by Muslims in the modern era. Despite implementation challenges, Maqasid al-Sharia remains a fundamental principle that can guide the establishment of Islamic law that is adaptive, responsive, and suited to the needs of the times. Furthermore, this study finds that the Maqasid approach is

increasingly being applied within the framework of criminal law reform in modern Muslim countries (Thamsir et al., 2025). A study by (Reswara & Isman, 2024) shows how the integration of Maqasid into the criminal justice system presents a more humane and just paradigm—not merely punishment, but also restoration and rehabilitation. This strengthens the finding that Maqasid is not only a normative framework, but also a practical one for addressing the social realities of punishment in contemporary society. The application of principles such as *ḥifẓ al-nafs* [preserving life] and *ḥifẓ al-‘aql* [preserving intellect] in criminal reform reflects the adaptive nature of Maqasid to the demands of the times.

Finally, this study asserts that although the concept of Maqasid al-Sharia has great potential, the success of its application in contemporary law depends greatly on institutional capacity and the readiness of local legal systems. Findings by (Pertiwi & Herianingrum, 2024) indicate that the application of Maqasid in narcotics policy in Indonesia, Malaysia, and Iran still depends on the political and social context of each country. Therefore, while the Maqasid al-Sharia framework is relevant, this study calls for contemporary Islamic legal reform to focus not only on theory, but also on strengthening the institutions and mechanisms that can implement the framework consistently and contextually.

## **CONCLUSION**

Penelitian ini menunjukkan bahwa Maqasid Syariah tetap menjadi prinsip dasar yang sangat relevan dalam kajian hukum Islam kontemporer. Maqasid Syariah, yang terdiri dari *ḍarūriyyāt* (kebutuhan primer), *ḥājiyyāt* (kebutuhan sekunder), dan *taḥsīniyyāt* (kebutuhan pelengkap), memberikan landasan untuk menetapkan prioritas hukum yang sesuai dengan kebutuhan manusia, terutama dalam konteks yang semakin berkembang. Penerapan Maqasid Syariah dalam berbagai bidang, seperti ekonomi syariah dan kebijakan kesehatan, menunjukkan bagaimana hukum Islam dapat menjadi responsif terhadap permasalahan kontemporer yang muncul di tengah perkembangan sosial, ekonomi, dan teknologi.

This study shows that Maqasid al-Sharia remains a highly relevant fundamental principle in the study of contemporary Islamic law. Maqasid al-Sharia, consisting of *ḍarūriyyāt*, *ḥājiyyāt*, and *taḥsīniyyāt*, provides a basis for establishing legal priorities in accordance with human needs, especially in an increasingly evolving context. The application of Maqasid al-Sharia in various fields, such as Islamic economics and health policy, demonstrates how Islamic law can be responsive to contemporary problems that arise amid social, economic, and technological developments.

The findings of this study also reinforce the argument that Maqasid al-Sharia is not a static concept, but can evolve to meet the demands of the times. The thought of contemporary scholars, such as Jasser Auda and Ibn Ashur, proposes that Maqasid al-Sharia must continue to be contextualized in light of new challenges, such as digital

finance, bioethics, and human rights. This opens the way for a more dynamic application of Maqasid al-Sharia that can address problems not found in classical texts.

However, although the relevance of Maqasid al-Sharia is widely acknowledged, challenges in its implementation remain. Differences in interpretation and application of Maqasid al-Sharia across various Muslim countries and communities indicate the need to strengthen *ijtihād* institutions that can ensure its consistent and effective application. Synergy among various parties, including scholars, intellectuals, and related institutions, is also needed to create a more inclusive and adaptive Islamic legal framework.

Overall, Maqasid al-Sharia provides clear and effective guidance for the development of Islamic law that can address the challenges of the times without losing the essential values of the Sharia. With a stronger, more adaptive, and responsive application to the needs of the community, Maqasid al-Sharia can serve as a solid foundation for addressing contemporary problems while safeguarding public welfare in the future.

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