



The Relevance of Maqashid Al-Syari'ah in The Context of Modern Society

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Abstract. This article discusses the concept of Maqashid al-Syariah in the context of understanding and developing Islamic law. Maqashid al-Syariah refers to the aim of implementing Islamic law and has become the basis for the science of ushul fiqh. This article reviews the history of Islamic legal thought before and after the concept of Maqashid al-Syariah emerged. The importance of understanding Maqashid al-Syariah in understanding and developing Islamic law is emphasized, with an emphasis on social changes that influence ijihad, or the formation and development of Islamic law. The concept of Maqashid al-Syariah is closely related to the five basic elements of human life: religion, soul, heredity, reason, and property. This article describes the three levels of Maqashid, namely daruriyaat, hajiyaat, and tahsiniyaat, as well as divisions based on worldly and ukhrawi orientation. Understanding and using Maqashid al-Syariah in ijihad is key in dealing with various social problems and phenomena developing in modern society. This article outlines how this concept can help Islamic law to remain relevant and adapt to changing times.

Keywords: Maqashid, Al-Shari'ah, Modern Society

1 Introduction

The understanding of sharia is influenced by the thoughts and reasoning of Muslims, both in realizing the meaning of the rules of the Qur'an which are clearly stated and in a similar form (analysis of new rules with the rules of the Qur'an). The nature and impact of the process of understanding Allah's law, literally a person's attempt to control his thinking, is regulated by the concept of Islamic law.

Sharia rules have been interpreted many times throughout time, resulting in a variety of new ideas. Among the most famous concepts of Maqashid al-Syariah is the concept of Imam Al-Syatibi which means the aim of implementing Islamic law. This concept has become a standard in the science of ushul fiqh since the release of Maqashid al-Syariah, Imam al-Syatibi's main work, in the book al-Muwafaqat.

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In the reasoning of the texts before Imam al-Syatibi, two theories dominate the theory of general pronunciation (umum al-lafz), which is adhered to by the majority of 'ulama, and the theory of specificity of causes (khushush al-sabab), which is adhered to by some 'ulama.

According to many 'ulama, the general pronunciation redaction is a guideline, not a specific cause (al-ibrah bi general al-lafaz, la bi khushhush al-sabab). This rule says that if a text uses a general editorial, it must be used, regardless of whether the text was written in response to a specific event.

The rule set by some minority scholars is that the specificity of the cause is what is used as the rule, not the generality of the pronunciation of al-ibrah bi khushhush al-Shabab or al-lafdz as a whole. This means that what needs to be remembered is the cause of nuzul or cause of wurud of a verse if it was revealed in response to a certain reasoning or if the verse has a history of cause of nuzul or cause of wurud.

Ijtihad, which in ushul fiqh is referred to as the formation or development of Islamic law, is closely related to social changes that occur in society. In general, ijthid is an effort to think optimally by exploring Islamic law from its sources to find solutions to legal problems that arise in society.

On the one hand, it is a form of ijthid effort and on the other hand, it requires social change towards interaction. ijthid, influenced directly or indirectly by social changes due to advances in science and technology, among other things, while understanding that such social changes must be guided by laws, to meet the needs and interests of humanity. The author limits the use of the idea of benefit in Maqashid al-Syari'ah.

2 Understanding

Maqashid al-Shari'ah consists of two words, Maqashid and Syari'ah, in the meaning of lughawi (Language). Maqashid is the plural form of the word Maqashid, which means intention or purpose in the meaning of language

المواضع تحدر الي الماء

which means the path to the water source. It might also be called the path to the ultimate source of life.

Fathi al-Draini said regarding the meaning of this term that the law is made for the benefit, not for the law itself. On the other hand, Abu Zahra said that the main aim of Islamic law in this case is benefit. Apart from that, Wael B. Hallaq, Maqasid al-Syari'ah is an attempt to show the relationship between the content of Allah's law and the ideals of human law. This opinion does not seem excessive.

By considering the meaning of shari'ah in the language above, we can say that there is a relationship between the content of shari'ah and water in the sense of the relationship between means and ends. There should be a very important goal. Water is what a person needs, and Sharia is the way or way. In this linguistic sense, linking shari'ah

with water seems to show how important shari'ah is to achieve what it contains. Since water is so important in life, this symbol is very appropriate. In surah al-Anbiyah:30, Allah says that this element is very important.

وجعلنا من الماء كل شيء حي

"And we made everything from water."

According to the author, 'ulama understand shari'ah in the sense of the term by referring to the objectives of shari'ah in general. Shari'ah is a collection of laws given by Allah to humans to help them achieve happiness both in this world and in the after-life, as shown by the limitations put forward by Siat and Sayis. As a result, the contents of Maqashid al-Syari'ah are indirectly included in the contents of the shari'ah in question.

The general aim of conveying shari'ah by shari'ah (lawmakers) is called Maqashid al-Syari'ah.

3 Discussion

In ushul fiqh, ijtiḥad is a term used to describe the formation or development of law, which is closely related to social changes that occur in society. can be said to be an effort to think optimally by studying Islamic law from its origins to find solutions to Islamic legal problems that arise in modern society.

There is a reciprocal relationship between efforts at ijtiḥad and the need for social change. Ijtiḥad efforts are based on the fact that social change must be regulated by law to meet the needs and interests of modern humanity. The need for social change is influenced by advances in science and technology directly or indirectly. Ijtiḥad, according to Al-Tiwana, can be divided into three parts:

1. Ijtiḥad in the explanation and interpretation of the text;
2. Qias towards agreed regulations;
3. The use of ra'yu is based on ijtiḥad.

Primary law in the sociology of law must play a very important dual role:

1. Law is used as a tool of social control over changes that occur in modern society;
2. Law can be used as a tool of social construction, To achieve human interests is the ultimate goal of the law itself.

Thus, the regulation of several social problems is carried out only with texts in primary form and then these social problems become the domain of ijtiḥad. Here, we can see how Islamic law moves to anticipate changes and progress in society. This does not mean that religious aspects do not exist in social problems. Every action carried out by humans is considered as worship of Allah in the Islamic religion. Whether it is a problem that cannot undergo change or development or a problem that can undergo

change or development, the division above is intended to resolve it. There are various *ijtihad* approaches and considerations used.

From the perspective of Islamic legal thought (*ushul al-fiqh*), *ushul 'ulama* includes various ways of making legal decisions, such as *qiyas*, *ihstislah*, *istishab*, and *urf*.

Maqashid al-Shari'ah is the basis of this method in real life. This is the plural form of the word *maqsid*, which means demand, intention, or purpose.

3.1 Early Period of Sharia

In the beginning, *shari'ah* was *al-nusus al-muqaddasah* from the Koran and *mutawatir sunnah*, which could not be influenced by human thinking. In this form, the *shari'ah* is called *al-tariqah al-mustaqimah*. In this sense, *aqidah*, *amaliyyah* and *khuhqiyah* are components of *sharia*. In the 18th surah, Allah says that:

ثم جعلناك على شريعة من الامر فاتبعها

"Then we made you above a *shari'ah* (regulation) of religious matters, so follow that *shari'ah*."

As previously mentioned, stated in the verse *Al-Shura* verse 13, the word *shari'ah* can be associated with religion, namely: "And it has prescribed for you regarding what religion He has entrusted to Noah and what we have revealed to you what we have given to Abraham, Moses, and Jesus, namely: uphold your religion and do not be divided about it."

In this verse, the word religion means obeying Allah, obeying and believing in His messengers, His books, on the day of torment, and obeying whatever makes someone a Muslim.

In current developments, the meaning of *sharia* has been reduced, for example, *aqidah*, is not included in the meaning of *sharia*. For example, according to Mahmud Syaltout, *sharia* is the rules created by Allah that are learned by humans to regulate their relationships with Allah, humans, other Muslims, nature, and all aspects of life.

Sharia is the law given by Allah to His servants to be implemented in their faith and for their benefit both in this world and in the afterlife, as stated by Ali al-Sayis.

3.2 Division of Maqashid al-Shari'ah

In the meaning of *Maqashid al-Syari'ah*, there are four components:

1. The main purpose of *Sharia* is to help and benefit humans both in this world and in the afterlife
2. *Sharia* is seen as something that needs to be understood;
3. *Sharia* is considered a *taklif* law that needs to be taken into account;
4. The ultimate goal of *Sharia* is to protect individuals with Islamic law.

The first aspect concerns the content and nature of Maqashid al-Syari'ah. The second aspect concerns the linguistic aspect so that the Shari'a can be understood to obtain the benefits it contains. The third aspect concerns the implementation of sharia provisions to produce benefits. This also relates to human abilities. The final part relates to human obedience as amukallaf to Allah's law and under it. In other words, the main element of shari'ah is an attempt to free people from the restraints of passion.

To support the first aspect as the main aspect, the first aspect is supported by the second, third, and fourth aspects. However, before developing the first aspect as the main aspect, al-Syatabi explains the last three aspects, which according to him are related and detailed to the first aspect.

Carrying out taklif or legal force against someone is almost similar to the third aspect, showing the first aspect as the main element. To perform taklif, a person must understand the pronunciation and meaning aspects. By understanding and applying this taklif, as the fourth part, people can maintain Allah's law and avoid lust.

In this case, human happiness in the world and in the future is the main goal of the Shari'a. As a result of the division of Maqashid al-Shari'ah, the first aspect, which is considered the main aspect, becomes the focus of analysis. Because the first aspect is related to the reality of implementing Allah's law. The original reality or purpose of implementing Sharia is to create when its foundations can be created and preserved. The five main elements are religion, soul, lineage, wisdom, and property. There are three levels of maqashid, or sharia goals, to realize and maintain these five basic elements, namely:

1. Maqashid al-daruriyaat;
2. Maqashid al-hajiyaat;
3. Maqashid al-Tahsiniyat.

Human life in this world and the afterlife can be destroyed if they do not understand the aspects of Dariyaat. The hajiyaat aspect does not eliminate the existence of these five core components; on the other hand, people like Mukallaf find it difficult to identify them if they ignore them. However, imperfectly maintaining the five basic elements occurs when the tahsiniyat element is ignored. For example, in maintaining religious elements, there are aspects of duariyaat and hajiyaat, such as offering prayers as one of them, the obligation to face the Qibla as one of the hajiyaat, and covering one's private parts as one of the tahsiniyat.

In further analysis, the three levels of maqashid above cannot be separated to achieve perfect maintenance of the five basic elements. Dauriyaat is the basis of hajiyaat and tahsiniyat, tahsiniyat is a completion of the hajiyaat level while hajiyaat level is a refinement of the level of Dauriyaat.

According to Imam al-Ghazali, the three main human needs are dharury, hajy, and tahsiny. The first is to fulfill basic needs, which consist of five main needs: hifdz ad-

din (maintaining religion), hifdz an-nafs (maintaining the soul), hifdz an-nasli (maintaining offspring), hifdz al-aqli (maintaining reason), hifdz al-mal (safeguarding wealth).

a. Hifdz ad-din(maintaining religion) becomes haq attadayyun (religious rights), namely the right to worship and practice religious teachings. This right is intended not only to maintain the sanctity of religion, but also to build places of worship and to create healthy patterns of relationships in religious practice, both between other religions and with people of different religions, different religions. Thus, indirectly, this right is used to create a situation conducive to the expression of diversity.

b. Hifdz an-nafs(protecting the soul) becomes haq alhayat (right to life). The right to life must aim to improve the quality of human life as a whole, not just a part.

c. Hifdz an-nasli(maintaining descendants), namely hifz al-nasab (maintaining one's lineage). The preservation of the seed is part of God's blessings to his servants. Because genealogy is the basis for protecting humans from danger, confusion, and forgery. According to Islamic rules, the genealogy of children is carried out by the father. A sign that a father in Islam is responsible for providing clothing, food, and shelter for his children, or in a general sense a father must protect, care for, and be a role model for his children.

d. Hifdz al-aqli(maintaining reason), namely haq al-ta'lim (right to education). Respecting reason does not only mean maintaining the ability to reason so as not to get drunk or crazy. The focus of intellectual property protection is to protect the intellectual rights of everyone in society, including preventing theft of intellectual works, creations, and works of art. Intellectual rights protection falls into the category of common sense protection, which ensures that intellectual works are protected.

e. Hifdz al-mal(maintaining assets), namely haq al-amal (right to work). Efforts to protect assets from interference from other parties should not be considered as the sole reason. This right can also be interpreted as a person's right to obtain property legally by working; in a broad sense, it allows one person to open up job opportunities for others. Therefore, everyone has the right to enjoy a good quality of life.

The explanation above shows that the use of the right of dharury is more than just an effort to defend oneself. More than that, it was a repressive measure intended to improve humanity's religious, economic, social, intellectual, and cultural pursuits.

Second, hajy (secondary needs) are human needs to make life easier, and broader, and replace the burden and fatigue caused by life. The explanation is a vertical ritual in several ushul fiqh studies. As mentioned previously, this interpretation must be adapted to social needs. Various life challenges, such as economic, social, political, and other challenges, require religious texts. Therefore, Maqasid al-Syari'ah always has a connection with the reality of society. This research must be aimed at solving current societal problems and cases.

Third, tahsiny (tertiary needs) are the need for order in life, standards, and self-esteem. This image shows how important physical beauty is to humans. This description

often concerns the acquisition of clothing, vehicles, and food supplements in the study of ushul fiqh. Although this research is not wrong, the above understanding is baseless when compared to the real situation. Meeting hunger and other needs can be grouped into the following categories: drought, famine, deforestation, floods, landslides, global warnings, etc.

4 Conclusion

The grouping is done by maqashid daruriyaat, tahsiniyaat and hajiyaat. The author believes that this shows how important it is to maintain the five main components of human life. In addition, this classification shows that these five elements still exist. It also shows how the laws created by God have evolved and changed for the good of humanity.

In connection with the understanding and development of Islamic law, the classification of maqasid can be divided into two main groups, namely secular and secular. Dividing maqasid into these groups contains worldly and ukhrawi purposes, and does not aim to create a clear distance between these two orientations of Islamic legal content. because these two components are inseparable in Islamic law.

According to the author, daruriyaat, hajiyaat, and tahsiniyaat, as well as their division based on worldly and ukhrawi orientation, are very important. These two dividers indicate the content and level of priority of the law-making process. With this division, we can determine clear boundaries between areas of law where ijthid is not permitted.

Therefore, ijthid can be made by understanding Maqasid al-Syariah, especially to deal with various new problems that are not discussed in the text. As a result, Islamic law will remain alive to deal with various social phenomena that change and develop in modern society.

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