Tracing the Genealogy of Maqāṣid al-Sharī’ah Concept: A Historical Approach

Amir Tajrid
Fakultas Syariah dan Hukum Universitas Islam Negeri Walisongo Semarang – Indonesia
amir@walisongo.ac.id

Abstract
This paper aims to explore the emergence, continuity and shifting of the meaning of maqāṣid al-sharī’ah. Initially, maqāṣid al-sharī’ah entered into the study of uṣūl al-fiqh and later became an independent scientific discipline. Historically, the journey of maqāṣid al-sharī’ah has four periods, namely, the pre-codification era, the first development era, the second development era, and the maturation era as a scientific discipline. This paper is qualitative with a descriptive-analytic method, namely exploring the concept of maqāṣid al-sharī’ah in various literature. The findings in this paper are, first, the history of the emergence and development of maqāṣid al-sharī’ah is closely related to the enforcement of Islamic law. Second, the continuity of maqāṣid al-sharī’ah is an ideological concept because it is based on the prevailing paradigm.

Keywords: maqāṣid al-sharī’ah; historical tracking; maṣlahah; uṣūl al-fiqh

Tulisan ini bertujuan untuk mengeksplorasi kemunculan, ketersambungan, dan pergeseran makna maqāṣid al-sharī’ah. Awalnya, maqāṣid al-sharī’ah masuk ke dalam studi uṣūl al-fiqh dan kemudian menjadi disiplin ilmu mandiri. Secara historis, perjalanan maqāṣid al-Sharī’ah dapat dikelompokkan menjadi empat periode, yaitu, era pra-kodifikasi, era perkembangan pertama, era perkembangan kedua, dan era pematangan sebagai disiplin ilmu. Tulisan ini bersifat kualitatif dengan metode deskriptif analitik yaitu menelusuri konsep maqāṣid al-sharī’ah dalam berbagai literatur. Adapun temuan dalam tulisan ini yaitu, pertama, sejarah kemunculan dan perkembangan maqāṣid al-sharī’ah erat kaitannya dengan penetapan hukum Islam. Kedua, bentuk rantai maqāṣid al-sharī’ah merupakan konsep ideologis karena berpapajak pada paradigma yang berlaku.

Kata Kunci: maqāṣid al-sharī’ah; pelacakan sejarah; maṣlahah; uṣūl al-fiqh
Introduction

The study of maqāṣid al-shari‘ah (maqāṣid) is currently the concern of Islamic jurists. Among the main problems in the study, the forum is the chain of birth and its development into separate disciplines, such as fiqh, uṣūl al-fiqh, tafsīr, kalām, and others. This question raises the pros and cons of Islamic jurists, especially those dedicated to the study of maqāṣid al-shari‘ah. The pros and cons above can be mapped into three types: the emergence of the term maqāṣid, its relation to ‘ilm al-fiqh, and terms of its development.¹

Maqāṣid has existed since even the prophetic era and is developing until now.² It has grown significantly in the period of šaḥīḥah, tābi‘īn, tābi‘ al-tābi‘īn, and continues to be matured by Islamic jurists until today.³ This era gave birth to maqāṣid figures who represented his era. There is a chain of thought between one another. In such a context and over time, maqāṣid thinking becomes very dynamic. The discourse, both from the maqāṣid bearers as an independent scientific discipline and the opponents so that maqāṣid remains a part of uṣūl al-fiqh science.⁴

Historical facts scattered in the works written by scholars in the field of Islamic law are a way to find the continuity of the concept of maqāṣid al-shari‘ah. Through this tracing, it is known that maqāṣid has existed long before Imam al-Ḥaramayn, who is considered to be the foundation of the concept of maqāṣid. This concept was then developed more comprehensively by the scholars afterwards.

The phenomenon of the continuity of the maqāṣid concept above encourages researchers to conduct more in-depth research. New thinking is not born without context. He was born with the influence of pre-existing ideas and

¹ Muhammad al-Ṭāhir Ibn ‘Ashūr, Maqāṣid al-Shari‘ah al-Islāmiyyah (Qatar: Wizārah al-Aqwāf wa al-Shu‘ūn al-Islāmiyyah, 2004), vol. II;179.
² Iffatin Nur, Ali Abdul Wakhid, and Lestari Handayani, ‘A Genealogical Analysis on the Concept and Development of Maqāṣid Syar‘ah’, Al-‘Adalah: Jurnal Syariah dan Hukum Islam 17, no. 1 (30 November 2020): 1-30, https://doi.org/10.24042/adalah.v17i1.6211; Amin Farih, ‘Reinterpretasi Maslahah Sebagai Metode Istinbāt Hukum Islam Abū ʿIṣḥāq Ibrāhīm Al-Shāṭibi’, Al-Ahkam 25, no. 1 (25 April 2015): 43, https://doi.org/10.21580/ahkam.2015.1.25.193.
³ Nūr al-Dīn Mukhtar Al-Khādimī, Al-Maqāṣid fi al-Madhhab al-Mālikī (Riyād: Maktūbah al-Rushd, 2003), 37.
⁴ ‘Ashūr, Maqāṣid al-Shari‘ah al-Islāmiyyah, vols II; 185.
then made changes from the previous concept. Therefore, this study aims to clarify the genealogy (sanad) concept of *maqāṣid* in terms of its continuity and change.

This research is in the form of library research that relies on print and internet resources.\(^5\) Primary data were collected from works related to *maqāṣid al-shari‘ah*, which were produced from classical to modern eras. Meanwhile, secondary data were collected from works related to *maqāṣid al-shari‘ah*, which were used to strengthen this theme. The approach uses a historical approach. It is used to understand the dynamics of emergence, development and changes in the meaning of *maqāṣid al-shari‘ah*. To analyze the data, the writer used analytic descriptive.\(^6\)

### History of the Emergence and Development of *Maqāṣid*

1. The Emergence of the *Maqāṣid*

*Maqāṣid* appears simultaneously with the existence of Islamic law. It was at the same time as the revelation that was sent to the Prophet. Its presence is scattered in the texts and contained in regulations and directives with different degrees of clarity and designation. However, there was no urgent need to present *maqāṣids* in writing and bookkeeping form at that time. More than that, it is represented in a particular field of study and discipline, complete with its ontology, epistemology, and axiology foundation. Of course, at that time, *maqāṣid* was only limited to information, data, and judgments that the scholars had in mind. They present the *maqāṣid* in understanding, *ijtihād*, and decisions which he has established.\(^7\)

There are three *maqāṣid* arguments as follows. First, the Prophet sent as a blessing and goodness for all humanity (QS. 21: 107). Second, the Koran as a guide to the path of truth (*aqwām al-manāhīj*), the glory of life in the world and the hereafter (*afḍal aḥwāl al-ma‘āsh wa al-ma‘ād*), and the goodness of life (*aḥsan al-khawātim wa al-mawāzin*) (QS. 17: 9). Third, the existence of the

\(^5\) Mestika Zed, *Metode Penelitian Kepustakaan* (Jakarta: Yayasan Obor Indonesia, 2008), 3.

\(^6\) Nyoman Kutha Ratna, *Metodologi Penelitian: Kajian Budaya dan Ilmu Sosial Humaniora Pada Umumnya* (Yogyakarta: Pustaka Pelajar, 2010), 336.

\(^7\) Allāl Al-Fāsī, *Maqāṣid al-Shari‘ah al-Islāmiyyah wa Makārimuhā* (Maktabah al-Waḥdah al-‘Arabiyyah al-Dār al-Baydā‘, 1963), 3.
Koran and ḥadīths. The main purpose of both is to provide goodness and benefit to humans in the world and the hereafter (QS. 8: 24).

2. The Development of the Maqāṣid

Maqāṣid al-sharī’ah began to develop during the ṣaḥābah, tābi‘īn, and the era after that. The development of maqāṣids in each generation has different characteristics from one another. An explanation of the story and the various attributes of this maqāṣid is presented below.

a. Maqāṣid in the ṣaḥābah era

Maqāṣid in this era can be seen from the method used by the companions. They use an analogy (qiyās), reasoning (ra’y), ratio-legis (’illah), custom (’urf), benefits (maṣlaḥah), and legal determination based on both. Aḥmad bin Ḥanbāl categorized the use of ra’y and qiyās as forms of maqāṣid al-sharī’ah. He stated:

وهما من باب فهم مراد الشارع

"Both -qiyās and ra’y- are means of knowing God’s will"

b. Maqāṣid in the tābi‘īn era

The tābi‘īn era is a continuation of the ṣaḥābah period. The tābi‘īn are in direct contact with the ṣaḥābahs. They live by ṣaḥābahs, receive ḥadīth, decrees, fatwas, ijtihād, methods of legal istinbāṭ, and legal reasons (ta’lilāt) namely maqāṣidī and istiṣlāḥi from ṣaḥābahs. These methods are to guard and explain various legal problems.

The determination of maqāṣid in the tābi‘īn era uses three methods. First, the tābi‘īn determine something according to the knowledge of the ṣaḥābahs. Second, they refer to texts, maṣlaḥah, and qiyās. Al-Khaṭīf emphasized that the tābi‘īn in answering a problem which has no evidence in the texts, use the method of maṣlaḥah, qiyās, and other forms. Al-Khaṭīf stated:

نظروا فيما كانوا يراعونه من مصالح

8 Ibn Taymiyah, Majmū’ al-Fatāwā (Mamlakah Sa’ūdiyyah al-‘Arabiyah, n.d.), vols. XIX; 286.
8 Shah Walīyullāh Al-Dihlawi, Ḥujjatullāh al-Bāligah, (Beirut: Mu’assasah al-Risālah, 1984), vols. I; 412–13; Muḥammad Abū Zahrah, Tārīkh al-Madhāhib al-Islāmiyah fi al-Siyāsah wa al-‘Aqā’ id wa Tārīkh al-Madhāhib al-Fiqhīyyah (Kairo: Dār al-Fikr al-‘Arabi, 1989), 256.
10 Al-Shaykh Al-Khaṭīf, ’Al-Ijtihād fi al-Shari‘ah al-Islāmiyah’, in Majallāt al-Ijtihād fi Shari‘ah al-Islāmiyah wa Buḥūth Ukhra (Riyad, n.d.), 221.
”They practice to maintaining benefit”

Third, the characteristics of maqāṣid in this era are divided into two schools, the Iraqi school and the Ḥijāz school.

On the other hand, the tābi‘īn faced a different problem from that of their friends. Regional expansion and differences, and cultural acculturation cause these differences. Moreover, many new issues arise, but there is no legal answer in the text. This situation demands that the tābi‘īn perform ijtihād to find legal solutions from the readers. In doing ijtihād, the tābi‘īn use their power of reason wisely and rid themselves of all worldly interests. They realize that Islamic law is not a game but for the sake of the realization of the good of the people.¹¹

Maqāṣid in the era of the imām mujtahid (kubār al-a‘immah)

Ibrahīm al-Nakā‘ī (d. 95 H), a teacher of Abū Ḥanīfah, was one of the mujtahid priests who used reasoning (asḥāb al-ra‘y). He used qiyās and ta‘līl. In this regard, al-Nakā‘ī stated:

إن أحكام ألله تعالى لها غايات هي حكم ومصالح راجعة إلينا

"Indeed, the law of Allah SWT has many objectives in the form of ḥikmah and goodness for us".

The priests of the fiqh madhhab also use maqāṣid in their ijtihād. The method of ijtihād is known as al-naẓariyah al-maqāṣidī and al-ijtihād al-maṣlaḥī. Of course, with different levels of importance and use of maqāṣid. It depends on the method and the reality they come across.¹³

1) Abū Ḥanīfah

The full name Abū Ḥanīfah, as described by Muḥammad 'Ali al-Sāyis, is Nu‘mān bin Thābit bin Zuṭā’ bin Mahīn bin Tha‘labah. A person of Persian descent. He was born in 80 H and died in 150 H.¹⁴ In his method of ijtihād, Abū Ḥanīfah did not use qiyās. This rejection of qiyās is based on four reasons, first, because of darūrat. Second, the existence of the famous athar. Third, there is a general argument that must be prioritized. Fourth, there are

¹¹ ‘Āshūr, Maqāṣid al-Shari‘ah al-Islāmiyyah, vols II; 180–188.
¹² Al-‘Ubaydi, Ibn Rushd wa ‘Ulūm al-Shari‘Ah, I (Beirūt: Dār al-Fikr al-'Arabi, 1991), 102.
¹³ Jamāl al-Dīn ‘Aṭīyyah, Al-Tanzīr al-Fiqhī, I (Maṭba‘ah al-Madinah, 1987), 60.
¹⁴ Muḥammad 'Ali al-Sāyis, Tārīkh al-Fiqh al-Islāmī, ed. Muḥammad al-Fātih bin Waliyyudin Al-Farfur, I (Damaskus: Dar al-Farfur, 2002), 207.
Amir Tajrid

stronger qiyās (istiḥsān).\textsuperscript{15} Fuqahā’ in the Ḥanafi school constitutes most scholars who provide ‘illah (legal reasons) in almost all legal matters. They include the discussion of ‘illah and issues relating to maqāṣid in the study of fiqh and its parts.\textsuperscript{16}

2) Mālik bin Anas
His full name is Mālik bin Anas bin Mālik bin Abī ʿĀmir al-ʿAṣbaḥī. He was born in Medina in 93 H and studied with the scholars there. ‘Abd al-Raḥmān bin Hurmuz was his first teacher in Medina for quite a long time.\textsuperscript{17} Mālik bin Anas built his madhhab (uṣūl al-madhhab) on twenty arguments, namely, the text of the Koran, ṣāhir al-naṣṣ (general meaning), mafhūm mukhālafah, mafhūm muwāfaqah, al-tanbīh (commemoration of the Koran), al-Sunnah, ijmā’ (consensus), qiyās, 'amal ahl al-Madīnah, qawl al-ṣahābī, istiḥsān, sād al-dhārī’ah, murū’at al-khilāf, istiḥbāb, al-maṣāliḥ al-mursalah (istiṣlāḥ), and shar’ man qablanā. Of the twenty principles of Madhhab, five basics have a significant influence and have substantial differences with other schools of thought. The five are 'amal ahl al-Madīnah, al-maṣāliḥ al-mursalah (istiṣlāḥ), qawl al-ṣahābī, al-Sunnah, and istiḥsān.\textsuperscript{18}

3) Al-Shāfi’ī
His full name is Abū ʿAbdullāh Muḥammad bin Idrīs bin 'Abbās bin ʿUthmān bin Shāfi’ī al-Hāṣimi al-Muṭṭalibī. He was from the Bani Muṭṭalib bin 'Abdi Manāf. He met the Holy Prophet at 'Abdi Manāf. He was born in Guzzah (Gaza), the region of Sham, in 150 H. Regarding the basics of his madhhab (uṣūl al-madhhab), in al-Umm, he stated that the source of law is the Koran and al-Sunnah. If not found in both, then with qiyās. If you find the ḥadīth of the Holy Prophet and his sanad is correct (ṣaḥīh), then that is the legal answer (al-muntahā). For him, ijmā’ is stronger than ḥadīth aḥad

\textsuperscript{15} Al-Sāyis, 213–14.
\textsuperscript{16} Ika Yunia Fauzia Fauzia and Abdul Kadir Riyadi, Prinsip-Prinsip Ekonomi Islam: Perspektif Maqāṣid as-Syarī’ah, (Jakarta: Prenadamedia Group, 2015), 56.
\textsuperscript{17} He has the laqab Abū Dāwud and a ḥāfiz and qāri’ Madīnah. He met Abū Hurayrah and took ḥadīth from him. He is very knowledgeable about the history of the origins of Arabia (ansāb al-ʿArab), reliable, and broad knowledge. He died and was buried in Alexandria in 117 H. See for more details in Khayr al-Dīn Al-Zurkuli, Al-ʿA’Lam, (Beirūt: Dar al-'Ilm li al-Malayin, n.d.), vols. III; 340.
\textsuperscript{18} Al-Sāyis, Tārīkh al-Fiqh al-Islāmī, 226–28.
(khabar al-munfarid). Ḥadīth practice is based on the explicit meaning (ẓāhir) of it. If the meaning of Ḥadīth is unclear or contains multiple interpretations (iḥtimāl), then the meaning closest to the explicit meaning takes precedence. If several Ḥadīths are of the same degree, then the truest sanad is the main one. Whereas Ḥadīth munqatī has no value at all except Ḥadīth munqaṭī Ibn al-Musayyab.  

The explanation above provides an understanding that in addition to the Koran and al-Sunnah, ījmāʾ and qiyyās are sources of law used by al-Shāfiʿī. He did not mention al-maṣalih al-mursalah as the source of direction, thus proving that al-Shāfiʿī rejected him. However, he still includes the dimension of benefit in every legal decision. For example, when he spoke of ʿillah as one of the pillars of qiyyās. This dimension of benefit (maṣlaḥah) is seen in his old opinion (qawl qadīm) and new opinion (qawl jadid).

Al-Shāfiʿī does not use Ḥadīth mursal except Ḥadīth mursal Ibn al-Musayyab whose validity has been agreed. He was the first to give Ḥadīth mursal a disability rating. This statement contradicts the opinion of Sufyān al-Thawrī, Mālik bin Anas, and the followers of the Ḥanafi school of thought. Al-Shāfiʿī also did not use qawl al-ṣaḥābī. The reason is, qawl al-ṣaḥābī may arise from wrong ijtihād results. He also did not give the same assessment to Ḥadīth who was left by ṣaḥābah, other than ṣaḥābah, or residents of an area because they were considered disabled.

Apart from rejecting Ḥadīth mursal and qawl al-ṣaḥābī, Al-Shāfiʿī also rejects istiḥsān as evidence. He denied and left the istiḥsān which were widely used by the Mālikī and Ḥanafi schools. He said: من استحسن فقد شرع (whoever uses istiḥsān, he plays the

---

19 Al-Sāyis, 233–38.
20 Al-Sāyis, 238.
Specifically, al-Shāfi‘ī wrote a rebuttal to the istiḥsān entitled *Ibtāl al-Istiḥsān.*

About *qiyyās,* he does not apply it unless the *‘illah* is clear (*munṣabīḥ*). He also refused to make collisions with *‘amal ahl al-Madinah*. This refusal he wrote in detail in the book of *al-Umm*.

In this book, there are differences of opinion between al-Shāfi‘ī and other scholars on several *fiqh* issues.

4) Aḥmad bin Ḥanbal

His full name is Abū ‘Abdillāh Aḥmad bin Ḥanbal bin Hilāl bin Asad al-Shaybānī al-Marwazī al-Baghdādī. Ibn al-Qayyim, in *I’tāl al-Muwaqqīt*‘īn, asserts that the fatwa of Aḥmad bin Ḥanbal is constructed in several ways as follows.

a) Religious texts (*al-nuṣūṣ*) include Koran and ḥadīth marfū’

b) The *ṣaḥābah* fatwa. If one fatwa is found from a *ṣaḥābah* and there is no rejection from another *ṣaḥābah*, then one cannot turn to that other *ṣaḥābah* fatwa. Such *ṣaḥābah* fatwas cannot be said to be *ijmā‘*. *Ṣaḥābah* fatwas must be preceded by action (*‘amal*), ra‘y (reasoning), and *qiyyās* (analogy).

c) When there is a difference of opinion among the *ṣaḥābahs*, one must choose the closest statement to the Koran and al-Sunnah and must not be out of his thought.

d) Using the methods of *al-maṣāliḥ al-mursalah* (*istiṣlah*) and ḥadīth *da‘īf*, when there are no arguments against them.

e) *Qiyyās* is only used in a forced state (*darūrāt*), i.e. when ḥadīth, qawl *ṣaḥābī,* al-*maṣāliḥ al-mursalah* (*istiṣlah*), and ḥadīth *da‘īf* are not found.

---

21 ‘Abd al-Wahhāb Khallāf, *Maṣādir al-Tashrī‘ī* fī Mā lā Naṣṣa Fīh (Kuwait: Dār al-Qalam li al-Nashr wa al-Tawzī‘, 1994), 89; Maskur Rosyid, *Implementasi Konsep Maslahat Al-Ṭūfī dalam Fatwa MUI* (2005-2010), 1st ed. (Magelang: Ngudi Ilmu, 2013), 4.

22 Muḥammad Yusuf Mūsā, *Ṭārīkh al-Fiqh al-Islāmi* (Kairo: Dār al-Kutub al-Ḥadīthah, 1958), 259; Al-Sāyis, *Ṭārīkh al-Fiqh al-Islāmi*, 238.

23 Al-Sāyis, *Ṭārīkh al-Fiqh al-Islāmi*, 239.

24 ‘Abd al-Ḥayy Ibn al-‘Imād Al-Ḥanbalī, *Shadharāt al-Dhahab fī Akhbār Man Dhahab* (Kairo: Maktabah al-Qudi, n.d.), vols. VII; 277–88.

25 Al-Sāyis, *Ṭārīkh al-Fiqh al-Islāmi*, 242.

26 Ibn al-Qayyim Al-Jawziyyah, *I‘lām Al-Muwaqqīt‘īn ‘an Rabb Al-‘Ālamīn*, ed. Muḥammad Muḥyiddin ‘Abdul Majīd (Beirūt: Dār al-Fikr, n.d.), 32.
Tracing the Concept of *Maqāṣid al-sharī'ah*

1. The term *maqāṣid al-sharī'ah* in the era of the Prophet

The era of *risālah* ended when the Prophet died. In that era, *maqāṣid* appeared at the same time as the law. The Holy Prophet, in this case, conveyed and established legal status. *Maqāṣid* is a consideration and a basis for doing charity and exploring the law. *Maqāṣid* exists in every word, deed, and stipulation of the Prophet, and the strengthening of practice by *ṣaḥābah*.27

In this era, *maqāṣid* is depicted in the sunnah. This existence is evident from several ‘*illa, ḥikmah, and sirr* associated with specific laws. For example, the prohibition of keeping sacrificial meat for more than three days as food supplies for the Bedouins (*al-ahrabī*) needs it. Then the Prophet allowed it when they did not need it anymore. Another example is the reason (*‘illa*) obligation to ask permission (*al-isti’dhān*) to enter someone else’s house to maintain dignity and avoid disclosing household secrets prohibited from being seen by others.28

2. Expressions of *maqāṣid al-sharī’ah* in the *saḥābah* era

The expression of the *maqāṣid* in this era is more evident than in the previous period. This clarity is because the situation and conditions are different from the time of the *risālah*. In this era, the need to reveal and explain new problems and events due to the expansion of Islamic territory is urgent. The facts prove that *ṣaḥābahs* have carried out the maintenance of *maqāṣid* in some legal decisions. They put forward the principle of ease (*al-taysīr*), lightness (*al-takhfīf*), softness (*al-rifq*), avoiding stiffness (*al-tayṣīr, al-tashaddūd, al-ta’annūt, al-takhalluf*), avoiding excess in giving excessive burdens (*al-mubālaghah, al-takalluf*), and so on. The actions of these friends are by the meaning of the ḥadīth, which prohibits providing undue burdens. *Tanaṭṭu’* and *ta’ammuq* have the same purpose, namely rigid and harsh in words and deeds. Meanwhile, *takalluf* means giving a responsibility beyond one’s ability. These three words (*tanaṭṭu’, ta’ammuq, and takalluf*) are terms related to the *maqāṣid* used at that time.

3. Several terms refer to the meaning of *maqāṣid*

27 Ṣāḥib, *Maqāṣid al-Sharī’ah al-Islāmiyyah*, 185–88.
28 Muḥammad Muṣṭafā Shalabi, *Ta‘līl al-ʿAḥkām* (Beirut: Dār al-Nahdah al-ʿArabiyah, 1981), 23–24; Muḥammad Shārīf Al-Rahamūnī, *Al-Rukhās al-Fiqhiyyah min al-Qur’ān wa al-Sunnah al-Nabawīyyah* (Tunis: Matbā’ah al-ʿArabiyyah, 1986), 344–45; Al-Dihlawi, *Hujjatullāh al-Bālīgah*, vols I; 30.
Before describing the genealogy of the *maqāṣid al-shari‘ah* concept, the author first explains the terms used by scholars in expressing the sense of *maqāṣid al-shari‘ah*. Classical scholars used different words when describing the nature of *maqāṣid*. The use of these other terms and phrases has a different level of relevance to the designation, name and meaning of *maqāṣid al-shari‘ah*. Their primary attention is focused on the method of presenting *maqāṣid al-shari‘ah* and its application in performing *ijtihād*. They do not try to codify (*tadwīn*), define (*ta’rīf*), depiction (*tamthīl*), basic argumentation (*ta’ṣīl*), etc.

The following descriptions are terms often used by scholars, classical and modern. They use these terms to describe the purpose of the lawmaker (*al-Shāri‘i*), the purpose of revelation (*maqṣūd al-wahy*), the benefit of humanity (*maṣāliḥ al-khalq*). Besides that, they are also used to shape the content, theory, and development of this discipline. Some of these terms are as follows.

a. **الحكم المقصودة بالشريعة** (*hikmah intended by shari‘ah*).\(^{29}\)

b. **المصلحة** (*al-maṣlaḥah, benefit*).\(^{30}\)

c. **نفي الضرر, رفع الضرر, وقطع الضرر** (negating, eliminating and canceling the danger).\(^{31}\)

d. **دفع المشقة ورفع المشققة** (rejects and removes difficulties).\(^{32}\)

e. **رفع الحرج والضيق وتقرير النسيب والتخفيف** (eliminates difficulties and constraints while establishing convenience and lightness).\(^{33}\)

f. **العلل الجزئية للأحكام الفقهية** (‘illal which is particular for the rule of law).\(^{34}\)

---

\(^{29}\) Abū al-Wālid Muḥammad Ibn Rushd, *Faṣl al-Maqqāl wa Taqrīru ma Bayn al-Shari‘ah wa al-Hikmah Min al-Ittiṣāl* (Beirūt: Dār al-Mashriq, 1982), vol. IV; 49; Maskur Rosyid, ‘Membincang Kembali Hubungan Syariah dan Filsafat’, *Istiga* 2, no. 1 (2019): 53–54.

\(^{30}\) Al-Jawzīyyah, *I‘lām al-Muwaqqi‘in ‘an Rabb al-‘Ālamīn*, vol. III; 14.

\(^{31}\) Abū al-Wālid Muḥammad Ibn Rushd, *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣād* (Beirūt: Dār al-Fikr, n.d.), vols, II; 335.

\(^{32}\) Abū Bakr Ibn Al-‘Arabī, *Aḥkām al-Qur‘ān* (Beirūt: Dār Al-Kutub Al-‘Ilmiyyah, 2003), vols I; 200; Rushd, *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣād*, vols I; 143.

\(^{33}\) Al-Rahmānī, *Al-Ruḥṣāṣ al-Fiqūhiyyah min al-Qur‘ān wa al-Sunnah al-Nabawīyyah*, 120–21.

\(^{34}\) Initially, the use of the word ‘illat’ referred to the meaning of hikmah and maṣlaḥah. However, on the next journey, when it is in the hands of uṣūliyyūn, it leads to understanding the nature / state that is real / clear and measurable. The truth is that the word ‘illat is used in two senses which have a real connection.
4. *Maqāṣid al-Shari'ah* in the terminology of the scholars

Initially, none of the scholars defined *maqāṣid al-Shari'ah*. The definition of *maqāṣid al-Shari'ah* only emerged when contemporary scholars gave it meaning. Terms like *المعاني* (meaning), *الحكم* (decree), *الغاية* (purpose), *الأسرار* (secrets), *الغايات* (purposes), *الشرع* (sharia), *المصلحة* (interests) and *المصالح* (interests) are keywords in several definitions. The following are *maqāṣid* terms put forward by scholars.

a. Muḥammad Tāhir Ibn ʻĀshūr (1366 H), defines *maqāṣid* as several meanings and pearls of *ḥikmah* described by the lawmaker [al-Shārī'] in the whole or most of the laws that are enacted. These meanings and *ḥikmah* do not refer to a particular type of sharia law. Included in this category are some characteristics and general objectives of sharia, as well as many meanings that cannot be abandoned in the application of shara’ [al-tashrī’] law. Likewise, many meanings and pearls of *ḥikmah* are also not explained in their entirety in *fiqh*, but several meanings and pearls of *ḥikmah* are explained in most laws.38

---

35 Shalabī, *Ta’līl al-Ḥakām*, 158.
36 Al-Raysūnī, *Naṣāriyyāt al-Maqāṣid ʻInd al-Imām al-Shāṭibī* ( Rabāṭ al-Magrib: Dār al-Amān, 2003), 14.
37 Al-Raysūnī, 15.
38 The terminology of Ibn ʻAsyur has been quoted by a number of other maqāṣid thinkers such as: al-Khādīmi, Muḥammad al-Ḥabīb Ibn al-Khawjah, and Abdūl Aziz Ibn ʻAbd al-ʻRaḥmān Ibn ʻAli Ibn Rabī’ah Nūr al-Dīn Mukhtar Al-
b. 'Allāl al-Fāsī states that *maqāṣid al-Shārī‘ah* is the aim and secret of the law that has been laid by the lawmaker [al-Shārī‘].

c. Raysûnî defines *maqāṣid al-sharī‘ah* with the objectives that al-Shārī‘ has laid out to be investigated for the benefit of humankind.

d. Muḥammad bin Sa‘ad al-Yūbī defines it with several meanings, ḥikmah, and the like that are guarded by al-Shārī‘ in enacting laws, both general and specific, which aim for the benefit of humans.

e. Al-Khādimī defined *maqāṣid* with several meanings described in shara‘ law and the meanings that resulted from it. Sometimes, several meanings are in the form of ḥikmah: juz‘ī (particular), and in the form of benefit, kullī (general). A number of these meanings have the same goal, namely ensuring obedience to Allah SWT and realizing the benefit of humankind in this world and the hereafter.

Al-Khādimī emphasized that there are several types of benefit, namely maṣlaḥah fardīyyah and maṣlaḥah āmmah, maṣlaḥah which are qaṭ’ī-yaqīnī and ḍannī-ḥtimālī, and so on.

### Continuity of the Concept of Maqāṣid al-Sharī‘ah

The theory of Continuity and Change states that existing concepts influence the emergence of a concept. In this context, Karl Mannheim (Hungary, 1893-1947), as quoted by Muḥyar Fanani, stated that new thoughts, concepts and theories can be ideological or utopian when linked to pre-existing thoughts, concepts and theories. When new thoughts, concepts and theories are based on the prevailing paradigm, that thought is called ideology, so that new thinking is
ideological. This section will present a chain of concepts of maqāṣid al-shari‘ah based on a specific period based on the description above.

1. Pre-codification (prophetic era until early III century H)

   The pre-codification era includes the era of risālah, šaḥābah, tābi‘īn, and the a‘immāt al-madhāhib. Traces of maqāṣid al-shari‘ah have appeared in this era, along with the existence of shari‘ah and its instructions. However, in this era, maqāṣid al-shari‘ah is categorized as scientific facts rooted in the Prophet (s), the šaḥābahs, and the scholars. Maqāṣid al-shari‘ah is scattered among his fatwas, sources of reference, works, and thoughts. This is because the word maqāṣid is intertwined with the word syari‘ah.44

   The existence of maqāṣid al-shari‘ah in this era has not shown the perfect format and structure to be called a concept or theory. It is only a marker of the birth of general maqāṣid thoughts. It does not have a basis and rules and is still free from bookkeeping, division and argumentation. This condition becomes the basic assumption that the development of maqāṣid in the next period depends on the continuity of scientific work, the continuity of ijtihād, and the establishment of law (tashrī‘). This is the most tangible result of scientific work in the current era of fiqh.

   The existence of maqāṣid, which is only limited to information, data, and legal rulings for the ulama, resulted in two important facts. First, maqāṣid until the end of the 3rd century H has not been of particular concern and has not become a separate scientific topic. The maqāṣid understood by the scholars is still shrouded in their studies of ḥikmah, ʿillah, munāsabah, and ma‘nā. Therefore, maqāṣid can only be found in a number of the methods of reasoning they use, such as qiyyās, istiḥsān, and considerations of benefit. Second, the terms maqāṣid and maqāṣidīyyūn, which are based on concepts or theories and experts in the field of maqāṣid have not been found. Meanwhile, in that era, the terms tafsīr-mufassirūn, fiqh-fuqahā’, usūl-usāliyyūn, which were based on a concept or theory from experts in these fields, already existed.

2. The era of the first development (early 3rd to 5th century AH): The emergence of the maqāṣid theory

---

44 ʿAṭiyyah, Al-Tanẓīr al-Fiqhī, 69.
The development of *maqāṣids* during this era was not clearly defined as it is known today. However, scholars in this era have expressed the early theories of *maqāṣid al-sharī'ah*. Among them are:

a. Al-Ḥākim al-Tirmīḏī Abū ’ Abdillāh Muḥammad bin ’ Ali (d. 296 H/908 M). Al-Ḥākim al-Tirmidhi was not a jurist (*faqīh*) and *uṣūlī*, but he was better known as a Sufi and a philosopher. However, he first used the term *maqāṣid* and made it the title of his work. Among these books are: al-Ṣalāh wa *Maqāṣiduhā*, al-Ḥajj wa *Asrāruh*, al-Ilāl, ‘Ilāl al-Sharī’ah, and ‘Ilāl al-‘Ubūdiyah.\(^{45}\)

b. Abū Zayd al-Balkhī (d. 322 H/933 M) was the first character to reveal the *maqāṣid mu’āmalah*, al-’Ibānah ’an Ilāl al-Diyānah (Explanation of the Purposes Behind Worship Practices). He examines the *maqāṣid* behind the Islamic juridical laws. He also wrote a remarkable book about benefit with the title *Maṣāliḥ al-Abdān wa al-Anfūs* (Some Benefits of Body and Spirit). He explained that Islamic practices and laws contribute to health, both physically and mentally.\(^{46}\)

c. Abū Manṣūr al-Maṭūridī (d. 333 H) who is better known as the kalam scholar. He was the founder of the al-Maṭūridiyah school, which the Ḥanafi school of thought followed. He is one of the *imām ahl al-sunnah* who has several works in the field of *uṣūl al-fiqh*. Among his works that talk about *maqāṣid* is *Ma’khadh al-Sharī’ah*.\(^{47}\)

d. Abū Bakr al-Qaffāl al-Shāshī (d. 365 H) is one of the central figures of classical *uṣūl al-fiqh*. He is a follower of al-Shāfi‘ī and one of the writers of al-Risālah. Among his works related to *maqāṣid al-sharī’ah* is *Maḥāsin al-Sharī’ah* (The beauties of the Shari’ah). According to him, one cannot possibly bring out the beauties in Islamic law except by exposing ḥikmah and objectives.\(^{48}\) In the book, he wrote an introduction (about 20 pages) and continued with the division of chapters as in traditional *fiqh* books. He mentions each law briefly and elaborates on the *maqāṣid al-

---

\(^{45}\) Al-Raysūnī, *Naẓariyyāt al-Maqāṣid ‘Ind al-Imām al-Shāṭibī*, 27–28.

\(^{46}\) Jasser Awdah, *Membumikan Hukum Islam Melalui Maqāṣid As-Syari’ah* (Bandung: Pustaka Mizan, 2015), 46.

\(^{47}\) Al-Raysūnī, *Naẓariyyāt al-Maqāṣid ‘Ind al-Imām al-Shāṭibī*, 28–29.

\(^{48}\) Ibn al-Qayyim Al-Jawziyyah, *Miḥtāḥ Dār al-Sa‘ādah wa Manshūr Wilāyāt al-’Ilm wa al-’Irādah* (Beirut: Dār al-Kutub al-’Ilmiyyah, n.d.), 42.
shari’ah and the ḥikmah behind them. This work marked an essential step in the development of the theory of maqāṣid al-shari’ah.\(^4^9\)

e. Abū Bakr al-Abharī (d. 375 H) is a character who combines fiqh with uṣūl al-fiqh. The two fields he compiled simultaneously. Al-Khāṭib al-Bagdādī emphasized that al-Abharī has several works that review the Mālikī school of thought by providing support for the arguments used and rejecting all opposing views.\(^5^0\) Among the works of al-Abharī are Kitāb al-Uṣūl, Ijmā’ Ahl al-Madīnah, and Mas’alāt al-Jawāb wa al-Dalā’il wa al-’Ila’. The last book has an essential meaning in topics related to the study of maqāṣid al-shari’ah.\(^5^1\)

f. Al-Baqillāni (d.403 H), he was nicknamed Syaykh al-Sunnah wa Lisān al-Ummah (al-Sunnah teacher and mouthpiece of the ummah). He is categorized as Mujaddid al-Mi’ah al-Rābi’ah (reformer of the 4th century H). If al-Shāfi’ī was the first compiler of the science of Uṣūl al-fiqh, then al-Baqillāni was the first to expand the scope of the study material of uṣūl al-fiqh science. He incorporated the elements of kalam science into it, namely the study of tahṣīn wa taqīb (good and bad).\(^5^2\) Evidence that shows that al-Baqillāni made a significant contribution to the development of the study of uṣūl al-fiqh is through his work entitled Al-Taqrīb wa al-Irshād fi Tartīb Ṭuruq al-ijtihād. This book he then summarized himself into two, namely Al-Irshād al-Mutawassīt and Al-Irshād al-Ṣagīr.\(^5^3\)

3. The second development era (5th century to 8th century AH): The emergence of Islamic legal philosophy

‘Abd al-Rahmān bin Bayyah stated that the fifth century was the century where Islamic legal philosophy emerged. In this century, literal and nominal methods are considered incapable of answering the complexity of problems faced by the ummah. The development of the theory of al-maṣlaḥah al-mursalah

\(^4^9\) Awdah, Membumikan Hukum Islam Melalui Maqāṣid As-Syari’ah, 47.
\(^5^0\) Al-Qādi ‘Iyād, Tartīb al-Madārik wa Taqrīb al-Masālik li Ma’rifāt ‘Alām Madhhab Mālik (Wizārat al-Awqāf al-Maghrabiyyah, n.d.), vols. VII; 183–92.
\(^5^1\) ‘Iyād, 185.
\(^5^2\) Al-Rayṣūnī, Nazariyyāt al-Maqāṣid ‘Ind al-Imām al-Shāṭibī, 31.
\(^5^3\) ‘Iyād, Tartīb al-Madārik wa Taqrīb al-Masālik li Ma’rifāt ‘Alām Madhhab Mālik, 69–70.
was carried out to cover the shortcomings of the qiyās method and to encourage the emergence of the maqāṣid al-shari'ah theory.

Al-Burhān fī Uṣūl al-Fiqh by al-Juwaynī is the first work of uṣūl al-fiqh which introduces the theory of al-ḍarūriyyah (emergency level; al-kulliyyah al-khamsah). This theory is similar to Abraham Maslow’s theory of levels of need. According to al-Juwaynī, there are five levels of emergency, namely, first, relating to ḍarūrat (necessity), such as qiṣāṣ. It was second, related to al-ḥājāt al-‘āmmah (public interest), such as leasing contracts and third, related to al-taḥlīli bi al-mukarramāt wa al-takhallī al-naqā’īdihā (moral behavior), such as cleanliness or purity and fourth, related to al-mandūbāt (suggestions). Fifth, related to mašāliḥ al-ḍarūriyyah (something that is not included for a specific reason). According to him, the purpose of establishing Islamic law is for al-‘iṣmah, namely the maintenance of faith, soul, mind, family and property.54

Abū Ḥāmid al-Ghazzālī (d. 505 H/1111 M), in the book Al-Mustaṣfā, further developed the maqāṣid theory. He called it al-kulliyyat al-ḍarūriyyat wa al-istiṣlāh.55 He arranged the levels of emergency (tartīb al-ḍarūriyyāt), namely religion, soul, mind, descent, and property. He was the first to use the term al-ḥifẓ (guardianship). He refuses to give legitimacy to any maqāṣid or mašāliḥ, and even he calls it pseudo benefit (al-mašāliḥ al-Mawhūmah).56 According to him, maqāṣid has been tested by texts and maqāṣid is not something that gets the legitimacy of the texts.57

Apart from these two figures, several maqāṣid thinkers emerged from the mainstream. They try to get out of existing study patterns and avoid repeating studies. They are not mastering of uṣūl (uṣūliyyūn) in the strict sense. They are both uṣūl experts and jurists (al-uṣūliyyūn al-fuqahā’). It is just that their study of maqāṣid is still fleeting in the middle of discussion around the issue of fiqh or uṣūl al-fiqh. Maqāṣid thinkers of this category are; 'Izz al-Dīn bin Ṭālām (d. 660

54 Al-Juwaynī, Al-Burhān fī Uṣūl al-Fiqh, ed. 'Abd al-‘Aẓīm Al-Dīb (al-Manshurah: al-Wafā’, 1998), vols. II; 621–22, 747; Saim in his writing’s states that maqāṣid al-shari’ah includes seven things, namely religion, soul, mind, descent, property, honor, and state. Saim Kayadibi, ‘The State as an Essential Value (Ḍarūriyyāt) of the Maqāṣid al-Shari‘ah’, Ahkam : Jurnal Ilmu Syariah 19, no. 1 (9 July 2019), https://doi.org/10.15408/ajis.v19i1.6256.
55 Abū Ḥāmid Muḥammad Ibn Muḥammad Al-Ghazzālī, Al-Mustaṣfā min ʿIlm al-Uṣūl (Beirut: Dār al-Fikr, n.d.), vols I; 139.
56 Al-Ghazzālī, vols I; 172.
57 Jasser Awdah, Maqāṣid Dalilun li al-Mubtadi (London: al-Ma’had al-ʿĀlamī li al-Fikr al-Islāmī, 2011), 45–46.
Tracking the Genealogy of *Maqāṣid*…

H./1261 H.), Shihāb al-Dīn al-Qarāfī (d. 684 H. / 1285 AD), Ibn Taymiyah, Ibn al-Qayim al-Jawziyah (d. 751 H/1350 M).58

After ‘Izz al-Dīn bin ‘Abd al-Salām, there were figures who were regarded as pioneers in the study of *maqāṣid al-shari‘ah*. They try to make it a separate and independent scientific discipline from the science of *uṣūl al-fiqh* with its definition, discussion framework and target of study. Al-Shāṭibī (d. 790 H/1388 M), a thinker from Andalusia (Spain) is one of the pioneers of the *maqāṣid al-shari‘ah*.59 In the book of *Al-Muwāfaqāt*, he has written a particular chapter on *maqāṣid* comprehensively. In this context, he deserves to be called the figure who initiated the science of *maqāṣid al-shari‘ah*. He has laid the foundation for this study by categorizing the *maqāṣid* into two parts; *maqāṣid al-shāri‘* and *maqāṣid al-mukallaf*. Al-Jayyid stated that such a study had never existed before. This study should be a separate work outside the book *Al-Muwāfaqāt*. Al-Shāṭibī’s scientific work in the field of *maqāṣid* can be likened to the scientific work done by al-Shāfi‘ī in the field of *uṣūl al-fiqh*.60

4. Era of maturation (16th century H until now): *Maqāṣid al-shari‘ah* as independent science61

After al-Shāṭibī, scientific discourse regarding *maqāṣid al-shari‘ah* as an independent scientific discipline had experienced a vacuum. Until the end of the XX century AD, the scientific discourse was raised again. Two reformers emerged, namely Muḥammad Ṭāhir ibn ʿĀshūr (d. 1393 H/1973 M), a thinker from Tūnis and Muḥammad Allāl al-Fāsy (d. 1394 H/1974 M), a thinker from Morocco (Magribī).62 The two of them continued the mega project of al-Shāṭibī. Both of them not only poured their ideas into a particular book about *maqāṣid al-shari‘ah* but also into other books. 'Allāl al-Fāsy expresses his ideas in *Maqāṣid*

---

58 Abū ‘Abdullāh Muḥammad Al-Maqrī, *Al-Qawāid*, ed. Ahmad bin ‘Abdullāh bin Ḥāmid (Makkah: Ma‘had al-Buḥūth wa Iḥyā’ al-Turāth al-Islāmī Jāmi‘ah Ummu al-Qurā, n.d.), vols I; 53; Al-Khādimī, *Al-Maqāṣid fī al-Madhhab al-Mālikī*, 29.

59 Al-Khādimī, *Al-Maqāṣid fī al-Madhhab al-Mālikī*, 29; Alfa Syahriar and Zahrotun Nafisah, ‘Comparison of Maqāsid Al-Shari‘ah Asy-Syathibi and Ibn ‘Ashur Perspective of Usul Al-Fiqh Four Mazhab’, *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 3, no. 2 (30 April 2020): 185, https://doi.org/10.30659/jua.v3i2.7630.

60 ‘Umar Al-Jayyidī, *Al-Tashrī‘ al-Islāmī Usūlūh wa Maqāṣiduh* (Manshūrat ‘Ukāz: Maṭbah al-Najāh al-Baydā‘, 1987), 30.

61 Mahsun Mahsun, ‘Rekonstruksi Pemikiran Hukum Islam Melalui Integrasi Metode Klasik dengan Metode Saintifik Modern’, *Al-Ahkam* 25, no. 1 (25 April 2015): 1, https://doi.org/10.21580/ahkam.2015.1.25.191.

62 Al-Khādimī, *Al-Maqāṣid fī al-Madhhab al-Mālikī*, 30.
al-Islāmiyah wa Makārimuhā, Dīfā’ an al-Sharī‘ah, and al-Naqd al-Dhātī. Meanwhile, Ibn ‘Āshur poured his ideas into Maqāṣid al-Sharī‘ah al-Islāmiyah, Tafsīr al-Tahrīr wa al-Tanwīr, Uṣūl al-Nizām al-Ijtīmā‘ī, Alaysa al-Ṣubḥ bi Qarīb, and Kashf al-Mugḥṭī.

After these two figures, the study of maqāṣid al-sharī‘ah was increasingly prevalent in various Islamic worlds. Nūr al-Dīn Mukhtār al-Khādīmī from Tunis and Ahmad al-Raisūnī from Morocco are two crucial figures after Ibu ʻĀshur and ‘Allāl al-Fāsì.63 Through both ideas and ideas, currently, the study of maqāṣid al-sharī‘ah continues to move dynamically. Al-Khādīmī is a professor of maqāṣid at the University of Zaitūnah al-Ma‘mūr-Tunis. He is also active as a speaker in national and international forums in the field of maqāṣid al-sharī‘ah studies. He was the successor to Ibn ‘Āshur’s idea who tried to make maqāṣid an independent scientific discipline. He proved his seriousness by writing books in the field of maqāṣid al-sharī‘ah. Meanwhile, Raysūnī is a maqāṣid thinker and senior lecturer at Mohammad V Rabat University, Morocco. Like al-Khādīmī, he also poured the ideas of maqāṣid al-sharī‘ah into several books.64

---

63 Ahmad Al-Raysūnī, Al-Fikr al-Maqāṣidī: Qawā’iduh wa Fawā’iduh (Beirut: Dār al-Ḥādī, 2003), 123.
64 Usman Betawi, ‘Maqashid Al-Syariah Sebagai Dasar Hukum Islam dalam Pandangan Al-Syatibi dan Jasser Audha’, Jurnal Hukum Responsif 6, no. 6 (2019): 32–43.
Conclusion

This study found that the journey of the *maqāṣid al-sharī‘ah* was divided into four eras through historical tracing. First, the pre-codification era that occurred in the prophetic era until the early 3rd century H. In this first era, the names of *maqāṣid* figures did not explicitly display. Second, the era of the first development, namely at the beginning of the 3rd century H. to the V H. other. Third, the second development era, namely in the V H. to VIII H. century. The emergence of Islamic legal philosophy marked this era. Fourth, the era of maturation, namely the XIV H century until now. This era is the era of the independence of *maqāṣid al-sharī‘ah*.

The *maqāṣid* concept of figures representing their era was initially only in the form of terms that contained the meaning and substance of the *maqāṣid*, such as the word *tanaṭṭu‘*, *ta’ammuq*, *takalluf*, *maqṣūd al-Shāri‘*, *aghrāḍ*, *asrār*, *maṣāliḥ*, *mafāsid*, *samāḥah*, and others. After that, the *maqāṣid* conception is described in terms of meaning, as suggested by Ibn ‘Āshūr, ‘Allāl al-Fāsī, Raysūnī, Muḥammad bin Sa‘ad al-Yūbī, and others. The concept of *maqāṣid* was later upgraded to a new discipline. Its main characteristic is by providing a foundation ontology, epistemology, and axiology.[a]

---

**BIBLIOGRAPHY**

Al-‘Arabi, Abū Bakr Ibn. *Aḥkām al-Qur’ān*. Beirūt: Dār Al-Kutub Al-‘Ilmiyyah, 2003.

‘Āshūr, Muḥammad al-Ṭāhir Ibn. *Maqāṣid al-Sharī‘ah al-Islāmiyyah*. Qatar: Wizārah al-Awqāf wa al-Shu‘ūn al-Islāmiyyah, 2004.

‘Aṭiyyah, Jamāl al-Dīn. *Al-Tanẓīr al-Fiqhī*. Maṭba‘ah al-Madīnah, 1987.

Awdah, Jasser. *Maqāṣid Dalīlun li al-Mubtadī*. London: al-Ma’had al-‘Ālamī li al-Fikr al-Islāmī, 2011.

———. *Membumikan Hukum Islam Melalui Maqāṣid As-Syarī‘ah*. Bandung: Pustaka Mizan, 2015.

Betawi, Usman. ‘Maqashid Al-Syariah Sebagai Dasar Hukum Islam aalam Pandangan Al-Syatibi dan Jasser Audha’. *Jurnal Hukum Responsif* 6, no. 6 (2019): 32–43.

Al-Dīhlawi, Shah Waliyyullāh. *Ḥujjatullāh al-Bāligah*. Beirūt: Mu’assasah
al-Risālah, 1984.

Farih, Amin. ‘Reinterpretasi Maṣlaḥah Sebagai Metode Istinbāṭ Hukum Islam: Studi Pemikiran Hukum Islam Abū Ishāq Ibrāhīm Al-Shāṭibī’. *Al-Ahkam* 25, no. 1 (25 April 2015): 43. https://doi.org/10.21580/ahkam.2015.1.25.193.

Al-Fāsī, Allāl. *Maqāṣīd al-Shari‘ah al-Islāmiyyah wa Makārimuhā*. Maktabah al-Waḥdah al-‘Arabiyyah al-Dār al-Baydā’, 1963.

Fauzia, Ika Yunia Fauzia, and Abdul Kadir Riyadi. *Prinsip-Prinsip Ekonomi Islam: Perspektif Maqāṣid as-Syarī‘ah*. Jakarta: Prenadamedia Group, 2015.

Al-Ghazzālī, Abū Ḥāmid Muḥammad Ibn Muḥammad. *Al-Mustasfā min ‘Ilm al-Uṣūl*. Beirut: Dār al-Fikr, n.d.

Al-Ḥanbalī, ‘Abd al-Ḥayy Ibn al-‘Imād. *Shadharāt al-Dhahab fī Akhba‘r Man Dhahab*. Kairo: Maktabah al-Qudsi, n.d.

‘Īyāḍ, Al-Qāḍī. *Tartīb al-Madārik wa Taqrīb al-Masālik li Ma‘rifāt ‘Alām Madhhab Mālik*. Wizārat al-Awqāf al-Maghribiya, n.d.

Al-Jawziyyah, Ibn al-Qayyim. *I‘lām al-Muwaqqi‘in ‘an Rabb al-‘Ālamīn*. Manshūrāt ‘Ukāz: Maṭba‘ah al-Najāḥ al-Baydā’, 1987.

Al-Jayyid, ‘Umar. *Al-Tashrī‘ al-Islāmi Uṣūluh wa Maqāṣiduh*. Manshūrāt ‘Ukāz: Maṭba‘ah al-Najāḥ al-Baydā’, 1987.

Al-Juwaynī, Imām al-Ḥaramayn. *Al-Burhān fī Uṣūl al-Fiqh*. Edited by ‘Abd al-‘Aẓīm al-Dirb. al-Manshurah: al-Wafā’, 1998.

Kayadibi, Saim. ‘The State as an Essential Value (Ḍarūriyyāt) of the Maqāṣid Al-Sharī‘Ah’. *Ahkam: Jurnal Ilmu Syariah* 19, no. 1 (9 July 2019). https://doi.org/10.15408/ajis.v19i1.6256.

Al-Khādicti, Nūr al-Dīn Mūkhtar. *‘Ilm al-Maqāṣid al-Shar’īyyah*. Riyad: Maktabah al-Ubayyikān, 2001.

———. *Al-Maqāṣid al-Shar’īyyah wa Ẓilatuḥā bi al-Adillah al-Shar’īyyah wa al-Muṣṭalahlāt al-Uṣūliyyah*. Riyad: Dār Isybilia, 2003.

Al-Khafīf, Al-Shaykh. ‘Al-Ijtihād fī al-Shar’ī‘ah al-Islāmiyyah’. In *Majallāt al-
Tracking the Genealogy of *Maqāṣid*…

*Ijtihād fi Sharī’ah al-Islāmiyyah wa Buḥūth Ukhrā*. Riyad, n.d.

Khallāf, ’Abd al-Wahhāb. *Maṣādir al-Tashrī’ fi mā lā Naṣṣa fih*. Kuwait: Dār al-Qalam Li al-Nashr wa al-Tawzī’, 1994.

Al-Khaywahj, Muḥammad al-Ḥabīb Ibn. *Bayn ‘Ilmāy Usūl al-Fiqh - Maqāṣid al-Islāmiyyah*. Qatar: Wizārat al-Aqwāf wa Al-Shu‘ūn al-Islāmiyyah, n.d.

Mahsun, Mahsun. ‘Rekonstruksi Pemikiran Hukum Islam Melalui Integrasi Metode Klasik dengan Metode Saintifik Modern’. *Al-Ahkam* 25, no. 1 (25 April 2015): 1. https://doi.org/10.21580/ahkam.2015.1.25.191.

Al-Maqrī, Abū ‘Abdullāh Muḥammad. *Al-Qawāid*. Edited by Aḥmad bin ’Abdullāh bin Ḥāmid. Makka: Maḥad al-Buḥūth wa Iḥyā’ al-Turāth al-Islāmī Jāmi’ah Ummu al-Qurā, n.d.

Mūsā, Muḥammad Yūsuf. *Tārīkh al-Fiqh al-Islāmī*. Kairo: Dār al-Kutub al-Ḥadīthah, 1958.

Nur, Iffatin, Ali Abdul Wakhid, and Lestari Handayani. ‘A Genealogical Analysis on the Concept and Development of *Maqāṣid* Syarī’ah’. *Al-‘Adalah: Jurnal Syariah dan Hukum Islam* 17, no. 1 (30 November 2020): 1–30. https://doi.org/10.24042/adalah.v17i1.6211.

Rabī’ah, ’Alī Ibn. ‘Ilm Maqāṣid al-Shārī’Ah. Riyāḍ: al-Mamlakah al-‘Arabiyyah al-Su‘ūdiyyah, 2002.

Al-Raḥamūnī, Muḥammad Shārīf. *Al-Rukḥāṣ al-Fiqhīyyah min al-Qur’ān wa al-Sunnah al-Nabawīyyah*. Tunis: Maṭba’ah al-‘Arabiyyah, 1986.

Ratna, Nyoman Kutha. *Metodologi Penelitian: Kajian Budaya dan Ilmu Sosial Humaniora Pada Umumnya*. Yogyakarta: Pustaka Pelajar, 2010.

Al-Raysūnī, Aḥmad. *Al-Fikr al-Maqaṣidī: Qawā’idh wa Fawā’idh*. Beirut: Dār al-Hādī, 2003.

———. *Naẓariyyāt al-Maqaṣid ‘Ind al-Imām al-Shāṭibī*. Rabāṭ al-Magrīb: Dār al-Amān, 2003.

Rosyid, Maskur. *Implementasi Konsep Maslahat Al-Ṭūfī dalam Fatwa MUI (2005-2010)*. 1st ed. Magelang: Ngudi Ilmu, 2013.

———. ‘Membincang Kembali Hubungan Syariah dan Filsafat’. *Istigha 2*, no. 1 (2019): 53–54.

Rushd, Abū al-Wālid Muḥammad Ibn. *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣīd*. Beirut: Dār al-Fikr, n.d.
— — —. Faṣl al-Maqāl wa Taqrīr ma Bayn al-Sharī‘ah wa al-Ḥikmah min al-İttīṣāl. Beirut: Dār al-Mashriq, 1982.

Al-Sāyis, Muḥammad ‘Alī. Tārīkh al-Fiḥ al-Islāmī. Edited by Muḥammad al-Fātiḥ bin Walīyyudin Al-Farfur. Damaskus: Dar al-Farfur, 2002.

Shalabī, Muḥammad Muṣṭafā. Ta‘līl al-Aḥkām. Beirut: Dār al-Nahḍah al-‘Arabiyyah, 1981.

Al-Shāṭibī, Abū Ishāq Ibrāhīm bin Mūsā Bin Muḥammad. Al-Muwāfaqāt fī Uṣūl al-Sharī‘ah. Beirut: Dār al-Ma‘rifah, 1975.

Syahriar, Alfa, and Zahrotun Nafisah. ‘Comparison of Maqāsid Al-Sharī‘ah Asy-Syathibi and Ibn ‘Ashur Perspective of Usul Al-Fiqh Four Mazhāb’. Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam 3, no. 2 (30 April 2020): 185. https://doi.org/10.30659/jua.v3i2.7630.

Taymiyah, Ibn. Majmū’ al-Fatāwā. Mamlakah Sa‘ūdiyyah al-‘Arabiyyah, n.d.

Al-‘Ubaydī. Ibn Rushd wa ‘Ulūm al-Sharī’ah. Beirut: Dār al-Fikr al-‘Arabi, 1991.

Al-Yūbī, Muḥammad Sa‘ad. Maqāsid al-Sharī‘ah al-Islāmiyyah wa ‘Alāqatuḥā bi al-Adillah al-Shar‘iyyah. Riyad: Dār al-Hijrah, 2002.

Zahrah, Muḥammad Abū. Tārīkh al-Madhāhib al-Islāmiyyah fī al-Siyāsah wa al-‘Aqā‘id wa Tārīkh al-Madhāhib al-Fiqhiyyah. Kairo: Dār al-Fikr al-‘Arabi, 1989.

Zed, Mestika. Metode Penelitian Kepustakaan. Jakarta: Yayasan Obor Indonesia, 2008.

Al-Zurkuli, Khayr al-Dīn. Al-A‘lām. Beirut: Dar al-‘Ilm li al-Malayin, n.d.