

THE CONCEPT OF MAQASHID SYARIAH AS THE FOUNDATION OF CONTEMPORARY FIQH IJTIHAD

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ABSTRACT

Maqashid syariah is one of the fundamental concepts in Islamic legal thought that holds an important position in the development of ijtihaad, particularly in addressing various contemporary issues that are not explicitly found in classical sources of Islamic law. Social change, technological development, economic transformation, and the emergence of various new problems demand a legal approach capable of upholding the principles of syariah while also providing solutions to the needs of society. This article aims to analyze the concept of maqashid syariah as a foundation for contemporary fiqh ijtihaad and to explain its relevance in responding to changes in modern life. This research uses a library research method with a qualitative-descriptive approach. Data were obtained from various literature related to maqashid syariah, ushul fiqh, the thought of classical and contemporary scholars, and studies on the development of modern fiqh. The results of the study show that maqashid syariah provides a methodological framework for mujtahids to understand the objectives, benefits (maslahah), and wisdom behind the provisions of syariah. The protection of religion, life, intellect, lineage, and property forms the main foundation for safeguarding human welfare. In the contemporary context, the maqashid approach allows ijtihaad to be carried out in a more contextual manner without neglecting the basic principles of syariah. Therefore, maqashid syariah can serve as one of the important foundations in the development of contemporary fiqh that is responsive to changes of the times, oriented toward the public good, and remains normatively legitimate within the tradition of Islamic law.

Keywords: *Maqashid Syariah, Ijtihad, Contemporary Fiqh, Maslahah, Islamic Law*

INTRODUCTION

Islamic syariah is a system of values and law aimed at regulating human life comprehensively. The provisions of syariah do not only govern the relationship between humans and Allah SWT, but also govern relationships among human beings, with the environment, and with various aspects of social, economic, cultural, and communal life. In the course of Islamic history, the understanding of syariah gave rise to the discipline of fiqh, which developed through the process of interpretation, reasoning, and ijtihaad by scholars. Fiqh is essentially the result of human understanding of the sources of Islamic law using particular methods. Fiqh therefore possesses a dynamic character and allows for development in accordance with changes in circumstances, place, time, and the needs of society. Changes in human life in the contemporary era are occurring at an ever-increasing pace, in line with developments in science, technology, economics, and communication. These changes have given rise to various issues that were previously unknown or did not take the same form in classical society. The development of digital transactions, electronic commerce, financial technology, artificial intelligence, genetic engineering, reproductive technology, personal data protection, changing family patterns, environmental issues, and the development of the global economic system are among a number of phenomena that require a response from Islamic law. These issues show that the development of contemporary fiqh cannot simply be achieved by repeating existing legal formulations, but requires the ability to understand the principles and objectives contained within syariah. (R. S. Saputra et al., 2022)

In this context, maqashid syariah holds an important position as one of the approaches to understanding and developing Islamic law. Etymologically, maqashid is the plural form of maqshad, meaning purpose, intent, or objective. Meanwhile, syariah refers to the path or provisions established by Allah SWT for mankind. Maqashid syariah can thus be understood as the objectives intended to be realized through the provisions of syariah. This concept affirms that Islamic law does not only possess a normative dimension in the form of commands and prohibitions, but also has objectives related to human welfare. (Rohman, 2018)

The discussion of maqashid syariah has a long-standing root in the Islamic intellectual tradition. A number of ushul fiqh scholars have given attention to the objectives of syariah, among them al-Juwayni and al-Ghazali. Al-Ghazali developed the concept of maslahah by linking it to the protection of five basic human needs, namely religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), lineage (hifz al-nasl), and property (hifz al-mal). This idea was later developed more systematically by al-Syatibi through his study of the objectives of syariah. In subsequent developments, the concept of maqashid continued to receive attention from modern and contemporary Islamic legal thinkers who sought to develop the approach so that it could address the complexity of the issues faced by modern society. (R. Saputra & Hilabi, 2022)

Maqashid syariah offers the perspective that every legal provision has an objective to be achieved. That objective is essentially related to the realization of maslahah (benefit) and the prevention of harm. Understanding a given law, therefore, cannot be done merely by looking at its textual wording, but must also take into account the objective intended by that provision. This approach becomes important in the context of ijtihad because not every new issue has explicit provisions in the Qur'an and Hadith. When facing a new issue, a mujtahid needs to understand the general principles of syariah and relate them to the reality currently faced by society. (Z. Huda, 2025)

Ijtihad is one of the important mechanisms in the development of Islamic law. Through ijtihad, scholars strive to provide legal answers to various issues for which no direct provision is found in the primary sources. However, ijtihad cannot be carried out freely without methodology. Ijtihad requires mastery of the Qur'an, Hadith, ushul fiqh, fiqh maxims, the Arabic language, and the ability to understand social reality. In the contemporary context, the need to understand reality becomes increasingly important because the issues faced by society are increasingly complex and involve various disciplines of knowledge.

Maqashid syariah can function as a methodological foundation that connects text and reality. Through the maqashid approach, a mujtahid can consider the objective of the law, the degree of maslahah, the potential for harm, and the impact of a provision when applied in the life of society. Ijtihad, therefore, is not only oriented toward the formal search for legal provisions, but also considers how the law can achieve the objectives of syariah in different contexts. This approach allows Islamic law to remain relevant when confronted with changes in the forms of human life. (Muhaki & Aziz, 2024)

The relevance of maqashid syariah can be seen in various issues of contemporary fiqh. In the economic field, for example, the development of electronic commerce, digital payments, and various technology-based financial services has introduced forms of transaction different from past economic practices. The principle of hifz al-mal can be used

as one framework for considering the protection of property, fairness of transactions, transparency, and the potential losses to the parties involved. In the field of health, the principle of hifz al-nafs can form part of the consideration in addressing issues of medical technology and various forms of modern treatment. Meanwhile, in the field of information technology, protection of intellect, life, property, and honor can serve as a perspective in responding to issues of the misuse of technology and digital information.(Z. Huda, 2025)

The use of maqashid syariah in contemporary ijtiḥad also faces challenges. One of the main issues is the possibility that the concept of maslahah may be used subjectively. Something regarded as beneficial by one party is not necessarily of the same standing from the perspective of syariah. Maqashid, therefore, cannot be used as a reason to disregard the sources of law or the principles of syariah. The use of maqashid must still be carried out through an accountable methodology, taking into consideration the relationship between the text (nash), legal principles, social context, benefit, harm, and the consequences of applying the law.(Zumrotun, 2013)

In addition, the development of contemporary issues demands a multidisciplinary approach. A mujtahid is not only required to understand the treasury of classical fiqh, but also needs the ability to understand developments in economics, technology, health, the environment, and the social sciences. Collaboration between Islamic scholarship and contemporary science becomes important so that the product of ijtiḥad does not become detached from the reality it is meant to regulate. In this respect, maqashid syariah can become a framework for dialogue between the normative principles of Islam and the needs of modern society.

Based on the above discussion, a study of maqashid syariah as the foundation of contemporary fiqh ijtiḥad is important to undertake. This study relates not only to efforts to maintain the relevance of Islamic law, but also to how syariah can continue to provide direction for human life amid ongoing change. This article aims to analyze the concept of maqashid syariah, to explain the principles underlying its use in ijtiḥad, and to examine its relevance in the development of contemporary fiqh. The discussion of maqashid syariah is thus expected to provide an understanding that the development of contemporary fiqh requires a balance between fidelity to the sources of syariah and the ability to read the changing realities of human life.(Rayyan & Frijatuluah, 2026)

RESEARCH METHOD

This research employs a library research method with a qualitative-descriptive approach. This method was chosen because the research focuses on a conceptual study of maqashid syariah and its position as a foundation for ijtiḥad in the development of contemporary fiqh. Research data were obtained from various relevant literary sources, including works of ushul fiqh, writings by classical and contemporary scholars on maqashid syariah, academic books, scholarly journal articles, and prior research discussing ijtiḥad and the development of Islamic law. These sources were selected based on their relevance to the research focus, particularly literature discussing the concept of maslahah, the objectives of syariah, methods of ijtiḥad, and the response of Islamic law to contemporary issues.(Moleong, 2006)

Data collection was carried out through stages of identification, selection, classification, and documentation of literature related to the object of research. The

literature collected was then grouped according to thematic focus, namely the concept and basic principles of maqashid syariah, the relationship between maqashid and ijihad, and the relevance of maqashid in the development of contemporary fiqh. Data analysis was carried out descriptively and analytically by reading, understanding, comparing, and interpreting the various views found in the library sources. This approach was used to obtain a systematic understanding of how maqashid syariah has been developed within the tradition of ushul fiqh and how the principle can be used in responding to various changes and issues in modern society.(Fadli, 2021)

The analysis was conducted by relating the concept of maqashid syariah to the principles of ijihad and to the reality of contemporary issues. Every idea drawn from the literature was analyzed based on the relationship between the text (nash), the objectives of syariah, maslahah, mafsadah (harm), and the needs of society. The research also employed a conceptual approach to understand maqashid syariah as a methodological framework in the development of Islamic law. The results of the analysis were then systematically arranged to explain that the use of maqashid in ijihad must remain grounded in the sources of Islamic law and the methodology of ushul fiqh, while also taking into account developments in science, technology, economics, and social change. Through this method, the research is expected to produce a comprehensive understanding of the position of maqashid syariah as a foundation for ijihad capable of supporting the development of contemporary fiqh in a manner that is contextual, responsive, and consistently oriented toward the basic principles of syariah.

RESULTS AND DISCUSSION

The Concept and Basic Principles of Maqashid Syariah

Maqashid syariah is one of the fundamental concepts in the study of Islamic law relating to the objectives, purposes, and benefits (maslahah) intended to be realized through the entirety of syariah's provisions. Etymologically, the term maqashid is the plural of maqshad, meaning purpose or intent, while syariah refers to the path or provisions established by Allah SWT for mankind. Based on this understanding, maqashid syariah can be understood as the objectives that syariah seeks to achieve in regulating human life. This understanding shows that the provisions of Islamic law possess not only a normative dimension in the form of commands and prohibitions, but also contain objectives related to human welfare.(Tohari & Kholish, 2020)

The concept of maqashid syariah developed within the Islamic intellectual tradition through the thought of ushul fiqh scholars. Al-Juwayni was one of the scholars who gave attention to the objectives of syariah through his discussion of basic human needs. This thinking was later developed by al-Ghazali, who formulated the concept of maslahah in relation to the protection of five basic human needs. These five needs comprise the protection of religion (hifz al-din), the protection of life (hifz al-nafs), the protection of intellect (hifz al-'aql), the protection of lineage (hifz al-nasl), and the protection of property (hifz al-mal). These five elements subsequently became an important part of the discussion of maqashid syariah and are widely used as a basic framework in the study of Islamic law.

The thinking on maqashid later received a more systematic formulation through the work of al-Syatibi. He placed the objectives of syariah as a central element in understanding the whole of Islamic law. According to the maqashid approach, the provisions of syariah are

essentially directed toward realizing human welfare and preventing harm. This welfare relates not only to worldly life but also has a bearing on the life of the hereafter. Understanding a given legal provision therefore requires consideration of the objective intended to be realized behind that provision.

In the study of maqashid syariah, human welfare is generally classified into three levels, namely dharuriyyat, hajiyyat, and tahsiniyyat. Dharuriyyat are primary needs that must be safeguarded because they relate to the continuity of human life. If such needs are not met, serious harm may occur to human life and the social order. The protection of religion, life, intellect, lineage, and property falls within this category of basic needs. The second level is hajiyyat, namely needs required to provide ease and remove hardship in human life. Tahsiniyyat, meanwhile, are complementary needs related to the perfection of life through values of propriety, ethics, beauty, and good character. (Waid & Lestari, 2020)

The five main principles of maqashid syariah are closely related to various fields of life. Hifz al-din places the protection of religion as one of the primary objectives of syariah and encompasses efforts to preserve the continuity of religious life and human spiritual values. Hifz al-nafs emphasizes the importance of protecting human life and safety. This principle can form the basis of various provisions related to the protection of life, health, and human security. Furthermore, hifz al-'aql relates to the protection of the intellect as one of the principal human faculties. This principle is connected to education, the development of knowledge, and the prevention of anything that could damage the capacity for reasoning.

Hifz al-nasl, meanwhile, relates to the protection of lineage and the continuity of the family. This principle forms an important basis for various provisions of family law, including marriage, lineage, parental responsibility, and child protection. Hifz al-mal relates to the protection of property and ownership. This principle underlies various provisions of muamalah that govern transactions, ownership, the distribution of wealth, and the prohibition of harmful economic practices. (Imron & Hidayat, 2023)

This concept holds increasingly great relevance in contemporary life. Social change and the advancement of knowledge have given rise to various new issues that are not always explicitly found in classical fiqh literature. The development of digital technology, electronic transactions, artificial intelligence, health technology, the modern economy, and environmental issues require a legal approach capable of connecting the principles of syariah with new realities. In such conditions, maqashid syariah can serve as a framework for understanding the objective of the law and determining how its principles can be applied in different contexts.

Nevertheless, maqashid syariah cannot be understood as granting freedom to establish law based solely on considerations of maslahah. Its use still requires a strong methodological foundation and must have regard to the Qur'an, Hadith, ushul fiqh, fiqh maxims, and other principles of Islamic law. Maslahah must also be analyzed objectively, taking into consideration benefit, harm, the degree of need, and the consequences of applying a given provision. Maqashid syariah is a concept that connects the norms of syariah, the objectives of the law, and human welfare. Understanding maqashid allows Islamic law to be developed in a more contextual manner without detaching it from its normative roots. In the context of contemporary fiqh ijihad, this principle becomes important because it provides a methodological framework for mujtahids to respond to

changes in life while maintaining syariah's main orientation, namely the realization of welfare and the prevention of harm in human life.(Azhari & Hamdi, 2024)

Maqashid Syariah as the Foundation of Contemporary Fiqh Ijtihad

Ijtihad is one of the important instruments in the development of Islamic law. Conceptually, ijtihad is the earnest effort of an Islamic legal scholar to arrive at a legal ruling on a given issue based on accountable sources and methodology. Ijtihad is necessary because human life is constantly changing, while not every emerging issue has an explicit legal provision in the Qur'an and Hadith. Social change, the advancement of knowledge, technological progress, economic transformation, and the emergence of various new forms of social relationship have made the need for ijtihad increasingly complex. In this context, maqashid syariah holds an important position because it provides a perspective on the objectives to be achieved by the provisions of Islamic law.(Ramadhania, 2026)

Maqashid syariah provides the framework of thought that Islamic law is not only concerned with the formal shape of a provision, but also possesses an objective and wisdom related to human welfare. A mujtahid, in establishing a ruling on a contemporary issue, therefore needs to understand the relationship between text, legal principle, the objective of syariah, and social reality. This understanding is necessary so that the results of ijtihad not only conform to normative aspects but are also able to provide solutions to the issues genuinely faced by people.

The relationship between maqashid syariah and ijtihad can be seen in the need to understand the objective behind a given provision. When an issue already has a clear and explicit textual basis, maqashid functions to help understand the objective and context in which that provision is applied. Meanwhile, when a new issue arises for which no explicit provision exists, maqashid can help the mujtahid to find the relevant general principle to be used as a basis for analysis. Maqashid, therefore, is not a substitute for the Qur'an and Hadith, but rather a methodological instrument that assists in understanding and applying the values of syariah under various conditions.(Istiqomah, 2025)

Ijtihad based on maqashid requires a comprehensive understanding of reality. A mujtahid is not sufficiently equipped merely by mastering religious texts, but also needs to understand the character of the issue under study. For instance, the issue of digital transactions cannot be adequately analyzed without understanding the technological mechanism, the payment system, the legal relationship between the parties involved, and the potential risks that may arise. Once this reality is understood, principles of syariah such as fairness, mutual consent, transparency, the prohibition of causing harm, and the protection of property can be applied in conducting legal analysis. In the context of the contemporary economy, for example, the development of financial technology has given rise to various forms of transaction that differ from classical transaction models. The principle of hifz al-mal can be one consideration in determining the legal ruling on such practices. The protection of property means not only safeguarding physical ownership, but also encompasses protecting society from fraud, exploitation, ambiguity in transactions, and disproportionate loss. With the maqashid approach, the substance and consequences of a transaction can become part of the legal analysis.(Masyhadi, 2025)

The same approach can be applied to developments in information technology. The presence of social media, artificial intelligence, and digital systems has transformed

patterns of communication and information distribution. On the one hand, these developments provide ease in acquiring knowledge and communicating; on the other hand, they can give rise to issues such as the spread of disinformation, manipulation, fraud, privacy violations, and the misuse of data. In such conditions, the principles of *hifz al-'aql*, *hifz al-mal*, and the protection of human dignity can become part of the *maqashid* considerations in formulating a legal response. *Maqashid syariah* also pays attention to the consequences of a legal decision. *Ijtihad* is not sufficient if it merely considers whether an action has a legal basis; it must also take into account the impact of its application on individuals and society. Consideration of these legal consequences is important so that the resulting decision does not instead give rise to greater harm. The analysis of *maslahah* and *mafsadah* thus becomes one of the important elements in *ijtihad* based on *maqashid*. (Hasanah & Hasuna, 2026)

Nevertheless, the use of *maqashid* in *ijtihad* must be conducted carefully. The concept of *maslahah* cannot be determined merely on the basis of human desire or interest. *Maslahah* must have a basis consistent with the principles of *syariah* and must not conflict with provisions that have a strong legal foundation. For this reason, *ijtihad* based on *maqashid* requires mastery of the *Qur'an*, *Hadith*, *ushul fiqh*, *fiqh maxims*, as well as the ability to understand social reality and scientific developments. Contemporary *ijtihad* also requires a multidisciplinary approach. Health issues, for example, require dialogue between *fiqh* and medical science. Economic issues require an understanding of modern economic theory and practice, while technological issues require an understanding of digital systems and technological developments. This multidisciplinary approach can help the *mujtahid* obtain a more complete picture of the issue so that *maqashid* analysis can be carried out more accurately.

Thus, *maqashid syariah* can serve as an important foundation in contemporary *fiqh ijtihad* because it provides a framework connecting the sources of Islamic law with the changing realities of life. *Maqashid* helps ensure that the process of *ijtihad* takes into account not only the formal shape of the law, but also its objectives, benefits, and the impact of its application. Through an approach that remains grounded in the sources of *syariah* while understanding the development of society, *ijtihad* can produce *fiqh* that is responsive to change. (Ilhami & Efendi, 2024)

The Relevance of Maqashid Syariah in the Development of Contemporary Fiqh

The development of human life in the contemporary era is marked by rapid social change, advances in knowledge, technological development, economic transformation, and shifting patterns of social relationship. These conditions have given rise to various new issues that do not always take the same form as those discussed in classical *fiqh* literature. This change does not mean that the principles of *syariah* have lost their relevance, but rather points to the need for a methodological capacity to apply the values and objectives of *syariah* within an ever-developing context of life. It is in this context that *maqashid syariah* holds significant relevance in the development of contemporary *fiqh*, because it provides a framework for connecting Islam's normative principles with the realities of human life. (Utama, 2026)

Fiqh is essentially the product of human understanding of the sources of Islamic law. Because it is the product of human thought and interpretation, *fiqh* possesses a character

capable of developing in line with changes in circumstances and societal needs. This can be seen in the diversity of scholarly opinion on various matters of fiqh. Such differences indicate room for the use of legal reasoning methods to address differing conditions. Maqashid syariah then offers an additional perspective, namely that the process of developing fiqh must have regard to the objectives syariah seeks to realize, rather than merely preserving the legal form that arose from a particular societal context. (S. N. Huda & Saripudin, 2022)

The relevance of maqashid syariah can be seen in the field of economics and finance. Technological transformation has given rise to various forms of transaction such as electronic commerce, digital payments, technology-based financial services, and various forms of transaction that do not involve a direct meeting between seller and buyer. These forms of transaction differ from the muamalah practices widely discussed in classical literature. Nevertheless, the basic principles relating to fairness, mutual consent of the parties, clarity of contract, protection of property, and the prevention of loss remain relevant. In this regard, hifz al-mal can serve as one of the maqashid principles used to analyze various forms of contemporary transaction. Legal assessment can be directed at the substance of the transaction, the level of transparency, the protection of the parties involved, and the potential benefits and harms that may arise. (Syarifuddin, 2021)

Maqashid syariah is also relevant in responding to developments in information technology. The presence of the internet, social media, artificial intelligence, and various digital platforms has provided ease in communication and the dissemination of information. However, these developments have also given rise to issues such as the misuse of personal data, digital fraud, information manipulation, the spread of false news, privacy violations, and various other forms of technology misuse. Such issues require a fiqh approach that not only views technology as a new form, but also considers its impact on human life. The principle of hifz al-'aql can be used to consider the protection of the capacity for reasoning and the quality of information, while hifz al-mal can relate to protection from economic loss caused by digital crime.

In the field of health, maqashid syariah holds strong relevance through the principle of hifz al-nafs, or the protection of life. Advances in medical science have produced various methods of diagnosis, treatment, reproductive technology, organ transplantation, genetic engineering, and other medical procedures. Some of these issues are not directly found in classical fiqh literature because the nature of the technology differs from conditions in the past. Determining the legal ruling therefore requires an understanding of medical facts together with the ability to relate them to the principles of syariah. The protection of life, the prevention of harm, the need for treatment, and consideration of benefits and risks can become important elements in the process of analysis. (Muttaqin & Nur, 2019)

Beyond economics, technology, and health, maqashid syariah is also relevant to environmental issues. Environmental degradation can affect human health, economic resources, the continuity of life, and future generations. From the maqashid perspective, maslahah should not be limited merely to individual short-term interests, but must also take into account the interests of society and the continuity of life. The principles of protecting life, property, lineage, and the public good can serve as a basis for developing the study of environmental fiqh. Responsibility toward the environment can thus be understood as part of efforts to safeguard human welfare and prevent harm.

The relevance of maqashid can also be found in the development of family law. Changes in family structure, patterns of social relationship, issues of child protection, the rights and obligations of family members, and various modern family issues require a legal approach that takes into account the primary objective of forming a family in Islam. The principle of *hifz al-nasl* provides a foundation for considering the continuity of lineage, the protection of children, family responsibility, and the realization of family life that possesses *maslahah*. This approach can help the development of family fiqh so that it remains oriented toward the objectives of *syariah* while being able to respond to social reality. (Putra et al., 2026)

Despite its wide-ranging relevance, the use of maqashid *syariah* in the development of contemporary fiqh must be carried out methodologically. *Maslahah* cannot be determined solely on the basis of subjective considerations or the interests of a particular group. A given *maslahah* needs to be tested against the sources of Islamic law, the principles of *ushul fiqh*, the degree of need, benefit and harm, and the consequences that may result. Maqashid also must not be used as a reason to disregard provisions of *syariah* that have a clear legal basis. The maqashid approach must therefore be positioned as part of the methodology of *ijtihad*, not as an instrument for establishing law freely.

The development of contemporary fiqh based on maqashid also demands a multidisciplinary approach. Economic issues require an understanding of economic and financial mechanisms, health issues require medical knowledge, technological issues require an understanding of digital systems, while environmental issues require ecological insight. Dialogue between these fields of knowledge and *ushul fiqh* and maqashid *syariah* can produce a more comprehensive understanding of the issues faced by society. (Fatkhullah & Zen, 2025)

Maqashid *syariah* thus holds strategic relevance in the development of contemporary fiqh. Maqashid allows the process of *ijtihad* to take into account the relationship between text, legal objective, social reality, *maslahah*, and the impact of applying the law. This approach creates room for fiqh to respond to the developments of the times without losing its normative foundation. The relevance of maqashid lies not in an effort to change the principles of *syariah* to follow every change of the times, but in the ability to understand how the objectives of *syariah* can be properly realized under various conditions of human life. With this orientation, contemporary fiqh can continue to develop as a legal discipline that retains its normative roots while being capable of responding to the complexity of the issues facing modern society. (Mutholingah & Zamzami, 2018)

CONCLUSION

Maqashid al-Shari'ah is a fundamental concept in Islamic legal thought that is highly relevant to the development of contemporary fiqh *ijtihad*. Maqashid emphasises that the provisions of Shari'ah have the primary aim of realising public interest and preventing harm in human life. The five main principles of maqashid al-sharia—which encompass the protection of religion, life, reason, lineage and property—form a vital foundation for understanding the objectives of Islamic law. In contemporary thought, these principles can serve as a basis for analysing various new issues arising from social change, technological development, economic transformation, advances in medical science and environmental concerns. The maqashid al-shari'ah can serve as the basis for *ijtihad* as they assist the

mujtahid in connecting the sources of Islamic law with the realities of life. This approach enables fiqh to develop responsively without losing its normative orientation. However, the application of the maqashid must be carried out through a systematic methodology to ensure that the concept of public interest does not become a matter of subjective judgement. Consequently, the development of contemporary fiqh requires a balance between an understanding of the nash, a mastery of usul al-fiqh, an understanding of the maqashid, an understanding of reality, and an analysis of maslahat and mafsadat. This approach can make fiqh more relevant in addressing the challenges of modern life whilst remaining rooted in the fundamental principles of Islamic Sharia.

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