

Beyond Legalism in Maqasid Al-Shariah: Integrating Theology, Philosophy, and Law for Contemporary Global Governance

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Abstract: This study responds to the lack of an integrated epistemological framework in Maqasid al-Shariah scholarship, where theological, philosophical, and legal dimensions are frequently treated as discrete and self-contained domains. Prevailing approaches tend to prioritize legal formalism or adopt fragmented disciplinary perspectives, thereby constraining the capacity of maqasid to address contemporary global concerns such as human rights, social justice, and ethical governance in a systematic manner. The article seeks to reconstruct Maqasid al-Shariah through an interdisciplinary epistemological framework that coherently integrates theology, philosophy, and law. Methodologically, the study employs qualitative conceptual analysis grounded in a maqasid-oriented epistemology, complemented by a critical-comparative examination of selected classical scholars (al-Ghazali, al-Shatibi, and Ibn Rushd) alongside representative contemporary maqasid discourses. The analysis is guided by clearly articulated conceptual criteria, including modes of theological legitimation, the role of philosophical rationality in ethical justification, and the degree to which maqasid is confined to juridical instrumentalization. The findings indicate that the persistent separation of these disciplines generates three analytically identifiable structural limitations: theological rigidity, philosophical marginalization, and legal reductionism. These categories are derived inductively from recurring patterns of reasoning and argumentation observed across the examined texts, rather than from a priori normative assumptions. Collectively, these limitations inhibit maqasid from operating as a dynamic, context-responsive, and globally relevant normative framework. This study contributes to maqasid scholarship by proposing a reconstructed model in which theology furnishes normative legitimacy, philosophy secures rational universality, and law operationalizes ethical principles within institutional and regulatory contexts. By clarifying both the epistemological foundations and the analytical basis of maqasid, the proposed model advances Maqasid al-Shariah as a comprehensive paradigm capable of engaging complex global ethical challenges beyond the confines of traditional legalism.

Abstrak: Penelitian ini berangkat dari belum adanya kerangka epistemologis yang terintegrasi dalam kajian *Maqasid al-Shariah*, di mana dimensi teologis, filosofis, dan yuridis masih sering diperlakukan sebagai ranah yang terpisah dan berdiri sendiri. Pendekatan yang berkembang selama ini cenderung mengutamakan formalisme hukum atau mengadopsi perspektif disipliner yang terfragmentasi, sehingga membatasi kemampuan *maqasid* dalam merespons isu-isu global kontemporer, seperti hak asasi manusia, keadilan sosial, dan tata kelola yang beretika, secara sistematis. Artikel ini bertujuan merekonstruksi *Maqasid al-Shariah* melalui kerangka epistemologis interdisipliner yang mengintegrasikan secara koheren aspek teologi, filsafat, dan hukum. Secara metodologis, penelitian ini menggunakan analisis konseptual kualitatif yang berlandaskan epistemologi *maqasid*, disertai kajian kritis-komparatif terhadap pemikiran ulama klasik, yaitu al-Ghazali, al-Shatibi, dan Ibn Rushd, serta berbagai diskursus *maqasid* kontemporer yang representatif. Analisis dilakukan berdasarkan kriteria konseptual yang jelas, meliputi bentuk

legitimasi teologis, peran rasionalitas filosofis dalam justifikasi etika, serta sejauh mana *maqasid* dibatasi pada instrumentalisasi hukum semata. Hasil penelitian menunjukkan bahwa pemisahan yang terus berlangsung di antara ketiga disiplin tersebut melahirkan tiga keterbatasan struktural yang dapat diidentifikasi secara analitis, yaitu rigiditas teologis, marginalisasi filsafat, dan reduksionisme hukum. Ketiga kategori tersebut diperoleh secara induktif dari pola-pola argumentasi dan penalaran yang berulang dalam berbagai teks yang dikaji, bukan berdasarkan asumsi normatif yang telah ditetapkan sebelumnya. Secara keseluruhan, keterbatasan tersebut menghambat *maqasid* untuk berfungsi sebagai kerangka normatif yang dinamis, responsif terhadap konteks, dan relevan dalam menjawab tantangan global. Penelitian ini memberikan kontribusi terhadap pengembangan kajian *Maqasid al-Shariah* dengan menawarkan model rekonstruksi yang menempatkan teologi sebagai sumber legitimasi normatif, filsafat sebagai landasan universalitas rasional, dan hukum sebagai instrumen operasionalisasi prinsip-prinsip etika dalam konteks kelembagaan dan regulasi. Melalui penegasan kembali landasan epistemologis dan basis analitis *maqasid*, model yang ditawarkan memperkuat posisi *Maqasid al-Shariah* sebagai paradigma komprehensif yang mampu merespons berbagai tantangan etika global yang kompleks melampaui batas-batas legalisme tradisional.

Keywords: *Maqasid al-Syariah, Social Justice, Human Rights.*

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Introduction

Over the past few decades, *Maqasid al-Shariah* has received increasing attention in global academic discourse, particularly in relation to governance, human rights, and ethical frameworks. However, despite its growing popularity, *maqasid* studies remain methodologically fragmented and theoretically underdeveloped at the epistemological level. *Maqasid al-Shariah* has become a central topic within Islamic legal, theological, and philosophical discourses; yet scholarly approaches to this concept often remain compartmentalized, resulting in a persistent divide between theological, philosophical, and legal perspectives (Satiadharmanto & Safira, 2024). This lack of interdisciplinary integration poses serious challenges to a comprehensive understanding of *maqasid* (Indriani & Nugraheni, 2021). In practice, the objectives of *Shariah* are frequently interpreted in a partial manner, with legalistic approaches dominating at the expense of theological and philosophical dimensions (Abdullah, 2012). Moreover, the challenges of modernization such as social justice, global ethics, and human rights further complicate efforts to contextualize *maqasid*. These conditions underscore the urgency of developing a more inclusive and contextually relevant framework for understanding *Maqasid al-Shariah*.

A review of the literature indicates that major theories of *Maqasid al-Shariah*, as articulated by classical scholars such as al-Ghazali, al-Shatibi, and Ibn Rushd, are rarely integrated into a coherent epistemological synthesis (Musolli, 2018). Legalistic perspectives, particularly those associated with al-Ghazali, tend to emphasize the protection of essential needs while offering limited philosophical and theological elaboration (Huriani et al., 2022). In contrast, Ibn Rushd's rationalist approach is often perceived as being in tension with theological conservatism (Soleh, 2016). This body of literature reveals a significant gap in the development of a synthetic framework capable of integrating these dimensions into a holistic and context-sensitive *maqasid* approach.

The primary objective of this study is to present a comprehensive analysis of *Maqasid al-Shariah* through the integration of theological, philosophical, and Islamic legal perspectives. This research seeks to bridge the disciplinary gaps identified in existing scholarship by proposing an integrative framework capable of addressing contemporary global challenges (Adnin, 2024). In

doing so, the study aims to contribute to a deeper understanding of maqasid as an instrument for harmonizing faith, rationality, and legal practice.

This research is particularly significant given that Maqasid al-Shariah constitutes the core of Islamic law, yet its multidimensional character is often overlooked. By reinforcing the importance of integrating theological, philosophical, and legal perspectives, this study argues that only through an interdisciplinary and contextual approach can maqasid function as a practical normative solution to the social, political, and economic challenges faced by Muslim societies in the modern era.

Method

This study focuses on the examination of Maqasid al-Shariah from theological, philosophical, and Islamic legal perspectives. The object of analysis encompasses maqasid-related concepts, theories, and normative practices with the aim of identifying both the challenges and the prospects of interdisciplinary integration. The phenomenon under investigation concerns the persistent misalignment between textual and contextual approaches to maqasid, particularly in addressing contemporary issues such as social justice, human rights, and global ethics (Tabrani, 2018). Accordingly, this research seeks to identify the structural obstacles to such integration and to propose solutions grounded in an interdisciplinary analytical framework.

This research adopts a library-based qualitative methodology, emphasizing systematic collection and critical analysis of relevant textual sources (Fadli, 2021). The selection of sources follows explicit criteria to ensure analytical rigor and validity. Primary sources are limited to authoritative classical works that have exercised sustained influence on the theoretical formation of Maqasid al-Shariah, namely *al-Mustasfa* by al-Ghazali, *al-Muwafaqat* by al-Shatibi, and selected juridical-philosophical writings of Ibn Rushd. These texts were chosen due to their foundational role in articulating legal, contextual, and rational dimensions of maqasid within classical Islamic thought. Secondary sources consist of peer-reviewed journal articles, academic monographs, and edited volumes published within the last two decades that explicitly engage maqasid in relation to modern ethical, legal, and social concerns. This criterion ensures both historical depth and contemporary relevance.

The theoretical framework of the study is grounded in Maqasid al-Shariah theory as developed by al-Ghazali, al-Shatibi, Ibn Rushd, and Ibn Ashur. Al-Ghazali's formulation in *al-Mustasfa* is employed to represent the normative-legal foundation of maqasid through the identification of the five essential necessities (*al-daruriyyat al-khams*) (Zuhdi, 2013). Al-Shatibi's contribution in *al-Muwafaqat* is utilized to highlight the contextual and purposive dimension of maqasid, particularly its responsiveness to social change (Nurwahidah et al., 2024). Ibn Rushd's rationalist approach is incorporated to examine the philosophical justification of Islamic law and ethical reasoning (Nurzeha & Soleh, 2022). Ibn Ashur's theory is included to represent the modern reformist expansion of maqasid, emphasizing universality, human dignity, and social justice (Amrulloh & Zaman, 2024). The selection of these figures is based on their complementary epistemological positions, which together enable a comprehensive analysis of theology, philosophy, and law within maqasid discourse.

The research process proceeds through several analytical stages. The first stage involves critical reading and thematic mapping of primary and secondary sources relevant to Maqasid al-Shariah. The second stage applies descriptive-analytical techniques to examine how maqasid theories are articulated and operationalized across theological, philosophical, and legal contexts (Tan, 2021). A comparative approach is subsequently employed to identify convergences and divergences between classical and contemporary scholars in their conceptualization of maqasid (Sugiyono, 2018).

To enhance analytical precision, the study employs qualitative content analysis as its principal analytical technique. This method involves systematic coding, categorization, and interpretation of maqasid-related concepts identified in the selected texts (Ahmad, 2018). Through this process, recurrent epistemological patterns, underlying assumptions, and conceptual tensions are identified and evaluated. The use of content analysis not only strengthens methodological transparency but also facilitates the formulation of analytically grounded recommendations for integrating theological, philosophical, and legal perspectives within a comprehensive Maqasid al-Shariah framework.

Results and Discussion

Gaps in the Understanding of Maqasid al-Shariah

One of the main challenges in understanding Maqasid al-Shariah is the fragmentation between theological, philosophical, and legal approaches. This fragmentation creates a deep conceptual divide, as each discipline tends to focus on specific aspects without meaningful integration. Theology often emphasizes spiritual dimensions and religious obligations, philosophy highlights rationality and universal ethics, while law concentrates on the implementation of legal rules (Yanto, 2021). This imbalance results in a partial understanding of maqasid that fails to account for the interconnection among these dimensions.

Within theology, the primary focus lies on fulfilling religious obligations as an expression of obedience to God. This perspective tends to preserve a conservative approach that prioritizes the protection of spiritual values, such as the preservation of religion (*hifz al-din*). However, limited engagement with rational and philosophical dimensions often renders theological interpretations of maqasid insufficient in responding to contemporary needs (Pertiwi & Herianingrum, 2024). By contrast, Islamic philosophy—championed by figures such as Ibn Rushd—seeks to connect maqasid with universal ethics, social justice, and freedom (Mukminin et al., 2024). While philosophy offers a more adaptive outlook, it is frequently perceived as conflicting with more literal theological positions.

Islamic law, often associated with the perspectives of al-Ghazali and al-Shatibi, places greater emphasis on the legalistic dimension of maqasid. Its focus on fundamental necessities such as life, intellect, and property makes this approach particularly influential in legal contexts (Abdurrahman, 2020). Nevertheless, this legalistic orientation often becomes confined to textual rules without sufficient consideration of broader social, political, and philosophical contexts. As a result, maqasid may lose its flexibility in responding to modern challenges such as social justice and human rights.

This fragmentation produces serious consequences for a holistic understanding of maqasid. Partial interpretations within individual disciplines hinder the synthesis necessary for a comprehensive maqasid framework. Moreover, the absence of an interdisciplinary approach obstructs efforts to adapt maqasid to contemporary developments. Excessively textual legal approaches often overlook the philosophical potential to render maqasid more dynamic and relevant (Mukhlisi, 2017).

In the modern context, these gaps underscore the need for a framework that integrates theology, philosophy, and law. An interdisciplinary approach would help bridge divergent perspectives, enabling maqasid to function optimally in addressing contemporary challenges. Such integration would not only enhance the relevance of maqasid but also strengthen its role as a guide for promoting justice, harmony, and societal well-being.

Modernization Challenges in the Context of Maqasid al-Shariah

As the core of Islamic law, Maqasid al-Shariah faces significant challenges in responding to rapidly evolving contemporary issues. Concerns such as social justice, human rights, and global

ethics demand that maqasid be adapted to modern contexts (Nurhikmah, 2024). However, approaches still dominated by textual interpretation present obstacles to developing maqasid that are responsive to changing times (Ferdiansyah, 2018). Consequently, contextualizing maqasid in ways that address global societal needs without compromising the essence of Shariah is imperative.

In the realm of social justice, maqasid encounters challenges in addressing economic inequality, discrimination, and gender injustice (Putra & Sumbulah, 2020). Islamic law grounded in maqasid should ideally bridge these gaps by offering inclusive principles of justice (Musnandar, 2022). For instance, the concept of *maslahah* (public interest) can serve as a foundation for designing social policies oriented toward collective welfare. Yet without sufficient philosophical and contextual engagement, maqasid often fails to provide concrete solutions to complex social justice issues (Mawardi, 2018).

Similar challenges arise in the domain of human rights. Certain traditional interpretations of maqasid are frequently perceived as misaligned with universal human rights values such as freedom of expression, gender equality, and minority protection (Tohari & Kholish, 2020). In fact, maqasid holds significant potential to support these principles. Concepts such as the protection of life (*hifz al-nafs*) and intellect (*hifz al-'aql*) may be interpreted as foundations for safeguarding fundamental individual rights (A'yun, 2022). Nevertheless, resistance to rational and modern approaches continues to impede maqasid from fully supporting human rights agendas.

In the sphere of global ethics, maqasid is challenged to address issues such as climate change, technological advancement, and globalization. Maqasid principles that emphasize sustainability (*tahsiniyyat*) and facilitation (*hajjiyyat*) can be applied to these concerns. For example, maqasid may inform Shariah-based policies promoting environmental sustainability or ethical technological regulation (Ismail, 2024). However, effective implementation requires an interdisciplinary approach that integrates legal, philosophical, and theological dimensions.

Overall, modernization challenges demand a more adaptive and context-sensitive maqasid approach. Legalistic interpretations alone are insufficient to address the complexity of global issues. Therefore, maqasid must be contextualized through the integration of theology, philosophy, and law in order to serve as a relevant guide for navigating modern challenges. Such integration not only strengthens maqasid's position in global discourse but also enhances its effectiveness as an instrument for promoting justice, welfare, and harmony in the modern world.

Holistic Framework for Maqasid al-Shariah

Developing a holistic framework for Maqasid al-Shariah represents a strategic step toward addressing modern challenges in a relevant manner (Muhajir, 2023). This framework must integrate three core perspectives— theology, philosophy, and law—so that maqasid may be understood and applied comprehensively. Each perspective offers distinct contributions, and their synthesis can strengthen maqasid as a guiding framework for justice, welfare, and harmony in the contemporary era.

Islamic theology provides the spiritual foundation of maqasid, emphasizing that maqasid represents a manifestation of divine will aimed at protecting and enhancing human well-being (Musa, 2021). In modern contexts, theological approaches can reaffirm universal maqasid values such as compassion, justice, and public welfare (Yusup, 2024). Theology also helps mitigate resistance to maqasid reform by grounding it in the Qur'an and Sunnah (Alkatiri, 2024). Nevertheless, without integration with other perspectives, theological approaches risk falling into conservatism that hinders innovation.

Philosophy offers a rational framework enabling maqasid to address global issues (Saiban & Munir, 2022). This dimension facilitates the interpretation of maqasid in relation to global ethics, human rights, and environmental sustainability. Through philosophical reasoning, maqasid can be understood as universal principles transcending rigid legal textualism. For

instance, masalah can inform public policy development aimed at social justice and collective welfare (PAHUTAR et al., 2024). However, rationality must remain aligned with the spiritual values at the core of maqasid.

Islamic law provides practical mechanisms for implementing maqasid in everyday life. Legal approaches translate maqasid into enforceable rules and policies (Sugitanata et al., 2023). In this regard, Islamic law must become more responsive to contemporary challenges such as social inequality, environmental crises, and digital technologies (Azka & Jenuri, 2024). Legal frameworks should be expanded to incorporate philosophical and theological dimensions to ensure the adaptability and relevance of Shariah norms.

An integrative maqasid model must be grounded in collaboration among disciplinary perspectives (Latifah & Abdullah, 2023). This framework can be initiated through dialogue among theologians, philosophers, and legal scholars to harmonize their understandings of maqasid. Within this model, theology provides spiritual grounding, philosophy offers rational justification, and law functions as the operational mechanism. These perspectives must complement one another to generate a holistic and contextually relevant maqasid framework.

To implement this framework, interdisciplinary efforts in research, education, and advocacy are essential. Research should focus on further exploring the integration of these perspectives across social and political contexts (Sholikha et al., 2023). Islamic education must incorporate theological, philosophical, and legal dimensions into curricula so that future generations develop a holistic understanding of maqasid (Celine & Zaini, 2024). Advocacy can then promote maqasid as a practical solution to global issues such as social justice, human rights, and sustainability (Firdaus, 2022). This holistic framework not only enhances the contemporary relevance of Maqasid al-Shariah but also reinforces its function as a universal guide for fostering a just, harmonious, and sustainable human civilization.

Conclusion

This study has highlighted the critical need for an integrated approach to understanding and applying *Maqasid al-Shariah* in response to contemporary challenges. The findings demonstrate that the persistent fragmentation among theological, philosophical, and legal perspectives has constrained a holistic comprehension of maqasid, thereby limiting its effectiveness in addressing issues such as social justice, human rights, and global ethics. In the absence of an explicitly integrated epistemological framework, the transformative potential of maqasid as a comprehensive guide for modern Islamic thought remains underutilized.

By systematically integrating theology, philosophy, and law, this study proposes a holistic framework that bridges disciplinary divides in maqasid scholarship. Within this framework, theology provides normative and spiritual legitimacy, philosophy ensures rational coherence and contextual adaptability, and law operationalizes maqasid into actionable normative and institutional guidance. This structured synthesis enables maqasid to move beyond fragmented or sectoral interpretations and to respond more effectively to the complex realities of contemporary societies.

The distinctive contribution of this study lies in its epistemological reconstruction of maqasid, rather than merely its functional expansion. While existing contemporary maqasid theories—such as systems-oriented approaches and contextual-ethical reinterpretations—have significantly advanced the applicability of maqasid in modern contexts, they often presuppose rather than explicitly theorize the epistemological relationship between theology, philosophy, and law. In contrast, this study makes that relationship the central object of analysis, demonstrating how each discipline fulfills a distinct yet interdependent epistemic function within maqasid reasoning. As such, the proposed framework does not replace existing maqasid models but provides a

foundational epistemological architecture within which those models can be more coherently situated.

Furthermore, this framework underscores the importance of sustained interdisciplinary dialogue in ensuring the continued relevance of *Maqasid al-Shariah*. By advocating collaboration among theologians, philosophers, and legal scholars, the study positions maqasid as a dynamic and evolving normative paradigm rather than a fixed legal doctrine. This approach strengthens maqasid's capacity to engage with rapidly changing global conditions while maintaining fidelity to its normative and spiritual foundations. In conclusion, the integration of theological, philosophical, and legal dimensions within *Maqasid al-Shariah* is essential for unlocking its full potential as a framework for justice, harmony, and universal well-being. This study provides a conceptual foundation for future research and practical applications aimed at realizing the transformative promise of maqasid within both Islamic and global contexts.

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