



**MAQĀSĪD AL-SHARĪĀ IN THE STUDY OF HADITH AND ITS  
IMPLICATION FOR THE RENEWAL OF ISLAMIC LAW:  
STUDY ON JASSER AUDA'S THOUGHT**

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**Abstract:** This article examines Jasser Auda's *maqāṣid* approach to studying hadith and its implications for the renewal of Islamic law. Generally speaking, one way to gain a closer understanding of the purpose of the hadīth is through contextualizing the Prophetic narrations (hadīth), primarily when the scripture cannot be understood textually. Using a descriptive-analytic and critical approach, this study showed that the conception of Auda's *maqāṣid* could solve the problem. First, Auda, in this terms, offers a way of reading the scripture based on the intent in applying Islamic law and how its implications when *maqāṣid* are a primary consideration in reading and applying the law. Second, the theoretical approach as a result of Auda's academic research is the validation of several *ijtihād* methodologies which will practically produce the Anthropocentric *Maqāṣid*, namely the *Maqāṣid* model considering the development of world governance thinking within the framework of nation-states on the one hand, and making human values such as freedom, equality, justice, democracy as a source of *maṣlaḥah* on the other. The logical consequence of this Anthropocentric *maqāṣid* idea necessitates drawing legal conclusions (*istinbath al-ahkam*) based on *maṣlaḥah*, no longer on the text.

Artikel ini bertujuan untuk mengkaji pendekatan maqāṣid Jasser Auda dalam kajian hadis dan implikasinya bagi pembaruan hukum Islam. Secara umum, untuk lebih memahami tujuan hadts, salah satu cara yang dapat ditempuh adalah melalui kontekstualisasi riwayat-riwayat Nabi (hadith), terutama ketika kitab suci tidak dapat dipahami secara tekstual. Dengan menggunakan pendekatan deskriptif-analitik dan kritis, penelitian ini menunjukkan bahwa konsepsi maqāṣid Auda dapat menjadi solusi dari permasalahan tersebut. Pertama, Auda dalam hal ini menawarkan cara membaca kitab suci berdasarkan niat dalam penerapan hukum Islam dan bagaimana implikasinya ketika *maqāṣid* menjadi pertimbangan utama dalam membaca dan menerapkan hukum. Kedua, Pendekatan teoritis sebagai hasil penelitian akademis Auda adalah validasi dari beberapa metodologi ijtihad yang secara praktis akan menghasilkan Maqāṣid Antroposentris, yaitu model Maqāṣid yang mempertimbangkan perkembangan pemikiran tata kelola dunia dalam kerangka negara-bangsa di satu sisi, dan menjadikan nilai-nilai kemanusiaan seperti kebebasan, kesetaraan, keadilan, demokrasi sebagai sumber *maṣlahah* di sisi lain. Konsekuensi logis dari pemikiran maqāṣid Antroposentris ini mengharuskan penarikan kesimpulan hukum (*istinbath al-ahkam*) berdasarkan *maṣlahah*, bukan lagi pada teks.

**Keywords:** *Maqāṣid; Hadīth; Islamic Law; Narration; Purpose; Anthropocentric.*

## INTRODUCTION

The hermeneutic method, which emphasizes awareness of text, context, and contextualization, has become part of the consciousness of classical interpreters.<sup>1</sup> The study of the texts, for example, has become the fundamental instrument of the interpreters and the jurist in interpreting Qur'an and Prophetic traditions (hadīth).<sup>2</sup> The *Ushūlīs*, for example, have discussed the linguistic theories (*al-qawā'id al-lughawiyah*) in detail, such as the term *haqīqah-majāz* (allegorical), *mantuq-mafhum* (explicit-implicit), *'am-khas*, *muthlaq-muqayyad*, *amr-nahy*, and so on.<sup>3</sup> Similarly, the awareness of context (*asbāb al-nuzūl / asbāb al-wurūd*) has also become an integral part of the study of *ulūm al-Qur'an* and *al-hadīth*, such as *makkī-madani*, *nāsikh-manshūkh* (abrogating- abrogated), *asbāb al-nuzūl*, *asbāb al-wurūd*, and so on.<sup>45</sup>

<sup>1</sup> MA Lin and Jaap van Brake, "On the Interpreter's Choices: Making Hermeneutic Relativity Explicit," *Dao* 17 (4) (December 2018): 455–78; A. Ghasemi, M. Taghinejad, A. Kabiri and M. Imani, "Ricoeur's Theory of Interpretation: A Method for Understanding Text (Course Text)," *World Applied Sciences Journal* 15 (11) (2011): 1623–29.

<sup>2</sup> Patrick Sookhdeo, "Issues of Interpreting the Koran and Hadith," *The Quarterly Journal* Vol. 5, no. No. 3: (Winter 2006): 57–59; Abdulrahman M.A. Albelahi, A. Ali, Faten Mohmed, and Metwally Ali, "The Theory of Interpretation in Solving Contemporary Legal Issues: With A Focus on the Instrument of Ijtihad," *MATEC Web of Conferences* 150 05056 (2018): 1-8.

<sup>3</sup> Abdullah Saeed and Ali Akbar, "Contextualist Approaches and the Interpretation of the Qur'an," *Religions* 12/527, no. 1–11 (2021): 1–7; Jawiah Dakir and Faisal Ahmad Shah, "A Contextual Approach in Understanding The Prophet's Hadith: An Analysis," *Journal of Applied Sciences Research* 8(7), no. 3176–3184 (2012): 3176; Muhamad Rozaimi Ramle and Miftachul Huda, "Between Text and Context: Understanding H. Adīth through Asbab al Wurud," *Religions* 13/92, no. 1–19 (2022): 5–6.

<sup>4</sup> Abu Ishaq As-Syathibi, *Al-Muwafaqat Fi Ushuli as Syariah Juz II* (Beirut: Daar al-Kutub al-'Ilmiyyah, 2002).49

<sup>5</sup> Muhammad Said Ghazali, "Al-Manhaj al-Istinbathi Bi Tahqiq al-Manath Wa Astarihi Fi Tanzil al-Ahkam," *Istinbath: Jurnal Hukum Dan Ekonomi Islam* Vol.9, No. 2, no. 415–441 (Desember 2020): 415.

Moreover, this aspect of “contextualization” is also inseparable from the attention of some scholars of the Qur’ān and the hadīth in the classical period.<sup>6</sup> Studies on the concept of *maṣlahah* (public interest) or *Maqāṣid al-Sharīa* can be included in this sphere. Classical Muslim scholars have provided a significant portion of this discourse, the books on the methodology of Islamic law (ushūl al-fiqh).<sup>7</sup> Nevertheless, in conventional Islamic studies, the tradition of making the text “the object of material” is less well known because of the assumption of mainstream Islamic studies that the sciences of the Qur’an are regarded as a mature and raw science.<sup>8</sup>

The study of the theoretical history of *Maqāṣid* is based on several reasons. First, one implication of the theological view of Muslims is that the Qur’ān is always relevant for every time and place in the development of a methodological interpretation significantly along with the acceleration of socio-cultural conditions and human civilization.<sup>9</sup> It is reasonable when Muslim scholars say that the Qur’ān needs to be interpreted following the demands of the contemporary era.<sup>10</sup> Second, Islam encounters some permanent problems, namely the limited number of texts (al-Qur’ān and al-Hadīth), while society’s various events and dynamics are constantly rolling out and creating more complicated and complex problems.<sup>11</sup> Strictly speaking, Muslims now face the challenges of highly complex contemporary dynamics.<sup>12</sup> The reality of Muslims today certainly makes us very sad since when Islam is mentioned, the mind will imagine backwardness, especially related to science and technology. It is almost inconceivable to hear or read the news that the latest scientific and technological discoveries come from the Islamic world on an international scale.<sup>13</sup> Unfortunately, the response often arising is apologetic, defensive, and counter-productive actions. As a result, most Muslims are increasingly confined to worrisome situations and conditions.

<sup>6</sup> M. Nova Burhanuddin dan Muhammad Amrullah, “Bedah Karya Agung Imam Al-Shatibi (Mendedah Yang Monumental Dalam al-Muwaafaqat),” in *Gerbong Pemikiran Islam, Mengenal Karya Monumental Ushul Fikih Sejak al-Syafi’i Hingga al-Syaukani* (Mesir: an-Nahdlah Press, 2015), 178.

<sup>7</sup> Abu Ishaq As-Syathibi, *Al-Muwafaqat Fi Ushuli as Syariah Juz II*.

<sup>8</sup> Nashr Hāmid AbūZayd, *Maḥmūd Al-Nash, Dirāsah Fi ‘Ulūm al-Qur’Ān* (Beirut: Markaz as-Saqāfiyal-‘Arābī, 1994).10.

<sup>9</sup> Muhammad Hifdil Islam, “Islam and Civilization (Analysis Study on the History of Civilization in Islam,” *Jurnal Al-Insyiroh: Jurnal Studi Keislaman* Vol. 5, no. No. 1 (March 2019): 22–39.

<sup>10</sup> Muhammad Syahrur, *The Qur’an, Morality, and Critical Reason: The Essential Muhammad Syahrur* (Leiden-Boston: Brill, 2009).540.

<sup>11</sup> Imam al-Haramain Al-Juwainī, *Al-Burhān Fi Ushūl al-Fiqh, Juz I* (Beirut: Dār al-Kutub al-‘Ilmiyah, 1997).

<sup>12</sup> Babayo Sule, Muhammad Aminu Yahaya and Rashid Ating, “Globalisation and the Muslim Ummah: Issues, Challenges, and the Ways Out,” *IJUM Journal of Religion and Civilisational Studies (IJECs)* 1/1 (2018): 7–29; M. M. Muhammed, O. Khuzaima, “21st Century Islam: Global Challenges of Islamic Representation and Knowledge Acquisition,” *International Journal of Humanities and Social Sciences* Vol:13, no. No:2: (2019): 177–80.

<sup>13</sup> Bernard Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle of East* (Oxford: Oxford University Press, 2002).151.

Third, the study of *maqāṣid*'s theorizing and generally diversifying only focuses on the book of *al-Muwāfaqāt* of al-Syātībī written in the eighth century. In contrast, the actualization of *maqāṣid* has experienced ups and downs over several centuries, even up to the present era.<sup>14</sup> For these considerations, the conception of Jasser Auda, a contemporary Muslim thinker from Egypt, about *Maqāṣid al-Sharī'ah*, particularly *al-maqāṣid* or the 'intents' of the Prophet, deserves to be considered and studied more deeply. The focus of this article is to explore further one aspect of Auda's thought, mainly related to the concept of *Maqāṣid* in the study of hadith texts.

However, the central questions to be answered in this study are: 1) How is the conception of Jasser Auda's thought of *Maqāṣid* in contextualizing the narrative of prophetic traditions as the primary source of Islamic law? 2) How is the methodological implication of the Prophetic narrative contextualization based on Jasser Auda's *Maqāṣid* in the contemporary of Islamic legal reform? This article intends to answer those questions using a descriptive-analytic and critical approach.

The focus of this research is a literature study that is descriptive-analytical and based on the study of *maqāṣid* and its implications for the interpretation of hadith. The approach method used in this research is doctrinal research (theoretical rational deductive) to examine the conception of Auda's thought of *maqāṣid* in contextualizing the narrative of the Prophetic traditions as the primary source of Islamic law. In addition, this research was conducted to discuss the methodological implications of the contextualization of Prophetic narrations based on Auda's *Maqāṣid* in the contemporary Islamic legal reform.

## **AL-QIRA'AH AL-MAQASIDIYYAH: A CONTEXTUAL READING OF HADITH**

Genealogically the design of *Maqāṣid* conception is not a new finding. *Maqāṣid al-Sharī'ah* is not the result of the achievements of contemporary scholars because, in the classical fundamentals of Islamic law (*ushūl al-fiqh*), the term of *maqāṣid* was found in books written by classical scholars of fundamentals (*ushūlīs*). However, it is still summarized and scattered in the discussion of analogy (*qiyās*). As in the time of the Companions, according to Salam Madkur in Duski Ibrahim, the *ijtihād* of the Companions are three forms among them: 1) interpreting the texts, 2) using the method of analogy, and 3) using 'unrestricted interest' (*al-masālih al-mursalah*) and juridical preference (*istihsān*).<sup>15</sup>

<sup>14</sup> Wael. B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Ushul al-Fiqh* (Cambridge: CUP, 1997). 231.

<sup>15</sup> Duski Ibrahim, *Membongkar Konsep Istiqra' Ma'nawi as-Syatibi* (Yogyakarta: Ar-Ruzz Media, 2008). 13.

The history of the ideas that attempt to read the scripture, both Qur'ān and hadīth, by concluding the purposes, or intents behind the text (*al-qirā'ah al-maqāṣidiyyah*), has begun since the ijtiḥād era of the Companions of the Prophet. One well-known and popular example, which many narrators have narrated, is the incident of afternoon prayer at Banī Quraydhah.<sup>16</sup>

Other historical events, which show a more severe consequence of taking a 'purpose-oriented' approach to the Prophetic instructions, involve the activities of the ijtiḥād of the Companions of Umar bin Khattab in various religious cases. The incidents referred to are, among others, Umar's rejection of distributing the newly-'conquered' land of Egypt and Iraq among the warring soldiers as some 'spoils of war'. In this case, it seems clear that Umar, the second caliph, along with his Companions who supported his opinion, had understood the specifics of the verses of 'spoils of war' in the broader context of the Islamic legal purpose of the general division of property. To borrow contemporary expressions, the intention is to reduce the 'class gap.'<sup>17</sup>

*Second*, it is an incident that shows the thinking and application of Islamic law based on *maqāṣid* by Umar, namely a moratorium on the (Islamic) punishment for theft during the famine of Madinah. He thought that applying the hand-cut punishment prescribed in the scripture. At the same time, people need basic supplies for survival, which goes against the universal principle of justice, which he considered more fundamental to follow.<sup>18</sup> *Third*, it is an incident when Umar decided to put the horses into the types of wealth included in the obligatory charity of zakah (*al-māl al-zakāwī*), despite the Prophet's explicit instruction to exclude them. Umar's rational argument was that horses at his time were becoming significantly more valuable than camels, which the Prophet included in zakah. In other words, the Caliph Umar understood and perceived the Prophetic intent or purpose of zakah in terms of the form of social assistance that is paid by the wealthy for the sake of the poor, regardless of the exact types of wealth that were mentioned in the prophetic tradition and understood via its literal implication.<sup>19</sup> Some of these case examples are presented to explain how the early conceptions of how the text was read based on its intent and purpose (*al-qirā'ah al-maqāṣidiyyah*) in the application of Islamic law and how its implications when *al-maqāṣid* are taken into the primary consideration in reading and simultaneously applying the law.

According to Auda, after the Companions' era, the theory and classifications of *maqāṣid* began to develop. However, *maqāṣid*, as Auda acknowledged, was not

<sup>16</sup> Jasser Auda, *Maqāshid Al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach* (London and Washington: The International Institute of Islamic Thought, 2008). 11.

<sup>17</sup> Auda. 11-12.

<sup>18</sup> Mohammad Biltaji, *Manhaj 'Umar Ibn al-Khaththāb Fī al-Tashrī* (Cairo: Dār al-Salām, 2002). 190.

<sup>19</sup> Yusūf Al-Qardhāwī, *Fiqh Al-Zakāh* (Egypt: al-Risālah, 1985). 299.



developed until the time of the later *usūlīs*; between the fifth to eighth Islamic century. For the early conceptions of *al-maqāṣid* between the third and fifth Islamic centuries, we can inventory names such as al-Tirmidzī al-Hakīm (d.296 AH/ 908 CE) with his book's title *al-Shalāh wa Maqāṣiduhā* (Prayers and their Purposes); Abū Zayd al-Balkhī (d.322AH/ 933 CE) with his work *al-Ibānah 'an 'Ilal al-Diyānah* (Revealing Purposes in Religious Practices); Al-Qaffāl al-Kabīr Syāsyī (d. 365 AH/ 975 CE) with his work's title *Mahāsin al-Sharāi'* (The beauties of the Laws); Ibn Bāwaih al-Qummī (d 381 AH / 991 CE) with his book *'Ilal al-Sharāi'* (The Reasons behind the Rulings of Shari'ah); And al-'Āmirī al-Faylasūf (d.381 AH/ 991 CE) with his book *al-I'lām bi-Manāqib al-Islām* (Awareness of the Traits of Islam). From this description, we can conclude that classifications of *maqāṣid* according to 'level of necessity' were not developed until the fifth century. Then, the whole theory reached its more mature stage in the eighth Islamic century.<sup>20</sup>

In contrast to the earliest conceptions of *maqāṣid* between the third and fifth centuries, with the literal and nominal method of reading and incapable of coping with the complexities of life and the evolving of civilization, the theory of 'unrestricted interest' (*al-maṣlahah al-mursalah*), after that century, has been developed as a method which includes what is not mentioned in the scripture. This theory filled a gap in the literal methodologies and gave birth to the theory of *maqāṣid* in the discipline and practice of Islamic law. The most influential religious jurists who made the most significant contributions to the *maqāṣid* theory between the fifth and eighth centuries can be mentioned such as Abū al-Ma'ālī al-Juwaynī (d. 478 AH/1085 CE) with his book *Al-Burhān fī Ushū al-Fiqh* (The Proof in the Fundamentals of Law) and *Giyāts al-Umam* (The Salvage of the Nation); Abū Hāmid al-Ghazālī (d. 505 AH/1111 CE) with his work *al-Mustashfā* (The Purified Source); 'Izz al-Dīn bin 'Abd al-Salām (d. 660 AH/ 1209 CE) with *Maqāṣid al-Shalāh* (Purposes of Prayers), *Maqāṣid al-sawm* (Purposes of Fasting), and *Qawā'id al-Ahkām fī Mashālih al-Anām* (Basic Rules Concerning People's Interests); Syihāb al-Dīn al-Qarāfī (d. 684 AH/ 1285 CE) with his *Al-Furūq* (The Differences); Ibn al-Qayyim (d. 784 AH/ 1347 CE) with his *I'lām al-Muwaqqi'in*; and Abū Ishāq al-Shāthibī (d. 780 AH/1388 CE) with his *Al-Muwāfaqāt fī Ushūl al-Sharī'ah* (Congruencies in the Fundamentals of the Revealed Law).<sup>21</sup>

*Maqāṣid*, in Jasser Auda's view, is one of the most critical intellectual and methodological means today for Islamic reform and renewal.<sup>22</sup> In contemporary

<sup>20</sup> Auda, *Maqāshid Al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach*. 14-17.

<sup>21</sup> Auda. 17-22.

<sup>22</sup> Jasser Auda, "A Maqasidi Approach to Contemporary Application of the Shariah," *Intellectual Discourse* Vol. 9, no. No. 2: (2011): 193-217; Zaprukhkan, "Maqashid Al-Shariah in The Contemporary Islamic Legal Discourse: Perspective of Jasser Auda," *Walisono: Jurnal Penelitian Sosial Keagamaan* Vol. 26, no. No.2: (2018): 445-72.

terms, Auda attempts to introduce the study of *maqāṣid* as an attempt to achieve 'human development and to realize 'human rights so that the achievement of *maqāṣid* is easier to measure and evaluate empirically through contemporary scientific standards. Therefore, in this context, Auda introduces the concept of *maqāṣid* as the principle of launching new ideas in Islamic law, especially the important notion of 'the difference between means and purpose.' Auda illustrates *Maqāṣid* as an essential strategy in reinterpreting the Qur'an and the Prophetic tradition.<sup>23</sup>

Another critical contribution that can be contributed by the contemporary reading of *maqāṣid* for the realization of the renewal of Islamic thought is in the realm of *ijtihād*, or the renewal of the theory of Islamic law. In this aspect, the contemporary reading of *maqāṣid* provides many contributions, including *maqāṣid* for the thematic interpretation of the Qur'ān and *hadīth*. This is what the author means to present 'the contemporary reading of the purposes' (*al-qirā'ah al-maqāṣidiyyah al-mu'āṣirah*) as the model of 'interpretation of the purpose of Qur'ān' (*tafsīr al-maqāṣidī*) and 'interpretation of the Prophetic intent' (*hadīth al-maqāṣidī*); An alternative model in the study of contemporary interpretations, both Qur'ān and *hadīth*.

### **MAQĀṢID AS THE BASIS OF CONTEMPORARY IJTIHAD**

According to Auda, among the most important contributions made by *al-Maqāṣid*, understanding for the realization of the renewal of Islamic thought is in the realm of *ijtihād* or the renewal of Islamic legal theory.

#### 1. Differentiating between *ta'arud* and *tanāquḍ*

In the treasures of the Islamic juridical theory, there are two different terms, namely the term of *ta'arud/ ikhtilāf* (opposition or disagreement) and the term of *tanāquḍ / ta'anuḍ* (contradictions) of several propositions (Qur'ānic verses or Prophetic narration). To what extent are the possible contradictions of the two terms of the various propositions? According to the ulama, in essence, the first term, *ta'arud*, is considered to be possible. While the second term, *tanāquḍ*, is considered impossible between the valid arguments unless the validity is not actual. Therefore, conflict or disagreement between evidence is defined as an 'apparent contradiction between evidence in the mind of the scholar' (*ta'arud fī thin al-mujtahid*). This is precisely the wrong perception of fiqh scholars.<sup>24</sup>

This kind of understanding illustrates that the two disputed evidence (*ta'arud/ikhtilāf*) should not be a contradiction (*tanāquḍ*) that can not be resolved. This can happen because it is caused by a lack of perception of a jurist to make him

<sup>23</sup> Auda, *Maqāṣid Al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach*. 22-23.

<sup>24</sup> Auda. 218.

feel that contradiction, where he, for example, lacks or does not even get complete information about the Prophetic narration that is considered contradictory. Another possibility is that the jurist has no knowledge, which includes the aspects of the narrator's context in terms of place (*al-makān*), time (*al-tawqīt*), situations, and conditions (*al-dhurūf*).

Meanwhile, the term *ta'arud* is defined as a clear logical conciliation of truth and falsehood shared in the same statement' (*taqāsum al-ṣidq wa al-kadzib*). The illustration of the possibility of contradictions is when there are two texts, or more, which are equally authentic, in which one leads to a specific law (such as forbid something), while the other leads to the opposite law (e.g., justifying the existence of something). The contradiction of this model is unlikely to occur in the shariah prologues, which are genuinely revealed, in both the Qur'ān and hadīth.<sup>25</sup> The possibility of a contradiction, if it feels, is only in the domain of the process of the history of hadīth caused by the negligence of the narrators, thus raising the perception of two contradictory pieces of evidence.

A case example explaining the contradiction of a narrator's negligence is a hadīth narrated by Imām Ahmad that two men met 'Āisyah ra, saying that: "Abū Hurairah narrated, according to Bukhārī, that the Prophet has said: 'Indeed such bad omens are in women, animals, and houses' (*innamā al-thiyarah fi al-mar'ati wa al-dawāb wa al-dār*). However, (also according to Bukhārī) 'Āisyah replied: "For the sake of bringing down the Qur'ān to Abī Qāsim, it is not like that of the Prophet, but the Prophet had said:" The people during the Days of Ignorance (*jāhiliyyah*) used to say that bad omens are in women, animals, and houses."<sup>26</sup>

This kind of contradiction, which includes two contradictory narrations in its legal significance, rarely occurs, and its effect on fiqh is limited. The majority of *ta'arud* cases are disputes between Prophetic narrations because of, apparently, a missing context, not because of the logically contradicting accounts of the same episode, in contrast to the other term, namely *ta'arud*. Most of these *ta'arud* cases have a significant influence on fiqh, known as "outward contradiction"; A contradiction is outwardly seen for our understanding as a contradiction, but he is not a contradiction on his side.

## 2. Toward Multi-Dimensionality: A Resolving 'Opposition.'

As is known that the scholars have tried to make a method formula to resolve the contradictions that exist between the evidence. The method is the possibilities of harmonization between the evidence are arranged based on its hierarchy as follows:

<sup>25</sup> Auda, 218.

<sup>26</sup> Auda, 219.



- a. Conciliation (*al-jam'u*): Attempts to consolidate contradictory narrations in the unity of thinking because of differences in the context of each narration. This method is based on a fundamental rule that states that “applying the script is better than ignoring it (*i'māl al-nash awlā min ihmālihā*).
- b. Abrogation (*al-naskh*): This method suggests that the later evidence, chronologically speaking, should ‘abrogate’ (*juridically annual*) the former evidence. This means that when verses disagree, the verse that is (narrated to be) revealed last is considered to be abrogating evidence (*al-nāsikh*) and others to be abrogated (*al-mansūkh*).
- c. Elimination (*al-tarjīh*) weighs the effort between evidence. This method suggests endorsing the narration that is “most authentic’ and dropping or eliminating other narrations. The eliminating hadīth is called *al-riwāyah al-rājihah*, which means the narration that is ‘heavier in the scale.’
- d. Waiting (*al-tawaqquf*), reluctance to give opinions. This method suggests that the scholar is not to decide until one of the above three methods is proved.
- e. Cancellation (*al-tasāquth*). This method suggests that the scholar ignores both narrations because of the uncertainty.
- f. Choice (*al-takhyīr*). This method allows the scholar to choose whatever is judged suitable for the situation.<sup>27</sup>

Scholars do not agree upon hierarchical sorting of solving methods as mentioned. Auda also recognizes this. Based on Auda’s inductive investigation of various cases of external contradiction, that *al-tawaqquf*, *al-tasāqut*, and *al-takhyīr* methods are rarely performed. While most scholars precede the theoretical method is the conciliation method (*al-jam'u*). Followers of the Hanafi school perform the method of abrogation. Auda’s further inductive investigations indicate that hadīth scholars sometimes use the *al-tarjīhi* method. While among the tendency of Islamic jurists is more toward the use of the *al-naskh* method. So, it can be said that the most widely used method is abrogation and elimination.

According to Auda, many scripts are abrogated without any compelling reason other than the failure of the jurists to understand how they can harmonize the narrations in a unified perceptual framework. Therefore, *al-naskh* and *al-tarjīh* reflect the general feature of binary thinking in fundamental methodology (*ushūl al-fiqh*). The conciliation method must use the multi-dimensional concept to overcome the above deficiencies.<sup>28</sup> One of the practical consequences of the cancellation of several narrations, both the Qur’ān and hadīth, in the name of abrogation and elimination is the amount of ‘rigidity’ and inflexibility in the Islamic law.

<sup>27</sup> Auda, 219–220.

<sup>28</sup> Auda, 221.

Furthermore, in order to make *al-maqāṣid* the basis of contemporary ijtihad, precisely *al-maqāṣid* combined with multi-dimensionality, according to Auda, could offer a rational and constructive solution for the dilemmas of opposing pieces of evidence.

Consider, for example, an attribute. If we restrict our view to one dimension, such as war and peace, order and forbiddance, standing and sitting, men and women, and so on, we will have no way to reconcile the evidence, and it will most likely cause *ta'arud al-adillah*. However, suppose we expand the one-dimensional space into two dimensions, the second of which is a *maqāṣid* to which both pieces of evidence contribute. In that case, we will be able to 'resolve' the opposition and interpret the pieces of evidence in a unified context. The following are some typical examples of applications from a combination of multi-dimensional methods and *maqāṣid* that represent some of the views, both traditionalist and modernist today:<sup>29</sup>

a. Purpose of magnanimity in the ritual of worship

For example, in the case of different ways of performing 'acts of worship' (*kaifiyah al-ibādāt*), many opposing narrations attributed to the Prophet with a good narration. In the nuances of interpretation by the method of abrogation (*al-naskh*), these different narrations often lead to heated debates and prolonged conflict within Muslim communities. This would have different implications, Auda said, if the opposing narrations were resolved through the perspective of *al-maqāṣid*. However, understanding these narrations within a *maqāṣid* of magnanimity (*taisīr*) entails that the Prophet did carry out these rituals in various ways, suggesting flexibility in such matters. With this purpose of magnanimity, the Muslims, who are human communities with different abilities and qualities, can perform their worship according to their circumstances. Examples of these acts of worship are the different ways of standing and moving during prayers, reciting 'God is Great' (*takbīr*) during 'Id prayers, details of pilgrimage, and so on.

b. Purpose of the Universality of Islam and Local Wisdom

Related to this case, there are several Prophetic narrations related to customs (*al-'urf*), which were also considered 'in opposition. The external contradictions between these narrations relating to customs (*al-'urf*) could be interpreted through the purpose (*maqāṣid*) of 'universality of the Islamic law' as Ibn 'Ashūr had suggested. In other words, these narrations should be understood as the Prophet's efforts to show his concern for the multicultural society. As an example of the contradictions between the two Prophetic narrations, both attributed to 'Āisyah ra, one of which forbids 'any women' from marriage without her guardian, while the

<sup>29</sup> Auda, 224–226.

other allows previously married women to make their own independent choices in marriage. It is also narrated that 'Aishah ra. Did not apply the conditions of marriage guardian in some cases. Hanafis explained, 'the Arabic custom goes that a woman who marries without her guardian's consent is shameless. For Auda, understanding these two narrations in the context of considering local wisdom (*al-'urf*) based on the Islamic law's universality is not only able to resolve the contradictions and provide flexibility in carrying out marriage ceremonies according to their customs in different places and times. This *maqāṣid* approach can help Muslims coexist, tolerate, and mutual understand cultural plurality by recognizing the legitimate marriage norms prevailing in their communities.

c. Purpose of gradual application of rulings

Several Prophetic narrations were categorized under cases of abrogation, even though they were, according to some jurists, cases of the principle of gradualism (*al-tadrij*) in applying the law. According to Auda, the gradual application of large-scale rulings is to soften the path of change brought by the law to society's deep-rooted habits. Thus, the external opposing narrations regarding the prohibition of liquor and usury, and the gradual execution of prayer and fasting, should also be understood in terms of the Prophetic intent of gradual application and implementation of change management to high ideals in any given society.

3. *Maqāṣid* for Thematic Interpretation of the Prophetic Tradition

In terms of Islamic reform, the thematic school of interpretation, as Auda expressed, attempts to pursue several steps towards interpreting the script (*nash*), which takes into account the *Maqāṣid*. Reading purposefulness (*al-qirā'ah al-maqāṣidiyyah*) presented as a model of interpretation of the 'intent' has an assumption that the method of reading Prophetic narrations about the themes, principles, and supreme values, is based on the perception that 'the Prophetic narration is a unified whole.<sup>30</sup> Moreover, in the term of thematic interpretation, there are attempts to interpret the Prophetic traditions based on the holistic approach of *Maqāṣid*, taking into consideration the life of the Prophet as a whole which is divided into themes containing principles and moral values. Thus, the validity of the hadīth can be questioned, for example, if its content is incompatible with fundamental principles and moral values. Similarly, suppose the jurists have failed to break an outward contradiction between two Prophetic linguistic traditions. In that case, one's validity will be based on 'the extent to which the narration fulfills and conforms to the principles of the Qur'an.<sup>31</sup>

<sup>30</sup> Hasan Al-Turābī, *Al-Tafsīr al-Tawhīdī*. I St Ed., Vol., 1 (London: Dār. Al-Sāqī, 2004), 20.

<sup>31</sup> John Makdisi, "A Reality Check on Istihsa>n as A Method of Islamic Legal Reasoning," *UCLA Journal of*

In the context of the interpretation of *Maqāṣid* in the renewal of Islamic thought, Auda added one more requirement for the validity of hadīth that has been applied for this. The requirement is 'a systematic coherence' from the conditions of authenticating the content (*matn*) of these narrations with the principles and values of Islam. Thus, a *Maqāṣid*-based approach could fill a crucial gap in the narration of hadīth, which is the gap of missing context. In all schools, most prophetic narrations are composed of one or two sentences or answer one or two questions without elaborating on the narration's historical, political, social, economic, or environmental context.<sup>32</sup> However, the context and its impact on how the narration is understood and applied are usually left to the speculation of the narrator or jurist. A 'holistic picture' helps overcome this lack of information by understanding the law's general purposes. In other words, *maqāṣid*, as a scientific effort that examines the purposes of the Prophet, can be utilized in contextualizing the narration of hadīth.

In addition to the above, Auda stated that al-*maqāṣid*, the 'intents' of the Prophet, could also be utilized in contextualizing narrations. About this, al-Qarāfī differentiated between the Prophet's actions 'as a conveyer of the divine message, a judge, and a leader and suggested that each of these intents has a different impact on the law.

## TOWARD ANTHROPOCENTRIC MAQĀṢID

As it is known that the paradigm of purposes (*maqāṣid*) has undergone many changes in terms of classification, depending on the dimensions viewed by a jurist or scholar, such as (1) level of necessity, which is the traditional classification; (2) scope of the rulings aiming to achieve purposes; (3) scope of people included in purposes; and (4) level of universality of the purposes.<sup>33</sup>

The traditional classifications of *maqāṣid* include three levels of necessity, which are necessities (*al-ḍarūriyyāt*), needs (*al-hajīyyāt*), and luxuries (*al-tahsinīyyāt*). Then the scholars divided the level of necessity into five famous necessities, namely: preservation of religion (*hifdz al-dīn*), preservation of soul (*hifdz al-nafs*), preservation of mind (*hifdz al-'aql*), preservation of offspring (*hifdz al-nasl*), and the preservation of wealth (*hifdz al-māl*).<sup>34</sup>

However, the paradigm of *maqāṣid* developed over time, especially in the twentieth century. Some Muslim scholars, the initiator of the contemporary theory of *maqāṣid*, have criticized the above traditional classifications of necessities for

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*Islamic and Near Eastern Law*, no. 99 (2003): 1.

<sup>32</sup> Auda, *Maqāṣid Al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach*, 23–26.

<sup>33</sup> Auda, 6.

<sup>34</sup> Abū Hāmid Al-Ghazālī, *Al-Mustashfā Fī 'Ilm al-Ushūl*, Ed. Mohammed Abdul Salam Abdul Shafi, 1st Ed. (Beirut: Dār al-Kutub al-'Ilmiyah, 1413), 172.

some reasons, including the following: (1) the scope of traditional classifications of *maqāṣid* are only concerned with individuals rather than families, societies, and human in general; (2) the scope of traditional *maqāṣid* is the fundamental Islamic law. However, they fall short of including specific purposes for single scripture/ rulings or groups of scripture that cover specific topics or 'chapters' of Islamic law; (3) the traditional *maqāṣid* classification did not include the most universal and fundamental values, such as justice and freedom, in its fundamental theory of necessities; (4) traditional *maqāṣid* were deduced from the tradition and Islamic legal heritage itself, rather than referring to the original Islamic scripts (Qur'ān and hadīth) for the basis of *maqāṣid*.<sup>35</sup>

In order to correct the deficiencies inherent in the traditional theory of *maqāṣid*, Auda said that the contemporary scholars had induced the concepts and classifications of *maqāṣid* from a new perspective. First, based on the considerations of the legal coverage covered by *maqāṣid*, contemporary scholars divided *maqāṣid* into three levels: (1) general *maqāṣid*: this *maqāṣid* is observed throughout the entire body of the Islamic law, such as the necessities and needs mentioned above and newly proposed *maqāṣid*, such as 'justice,' 'universality,' and 'facilitation'; (2) specific *maqāṣid*: this *maqāṣid* are considered in one particular chapter of Islamic law, such as the welfare of children in the chapters of the family law, preventing criminals in the chapters of the criminal law (*jināyāh*), and preventing monopoly in the chapters of transactions (*mu'āmalāh*); and (3) partial *maqāṣid*: this *maqāṣid* are the intents behind specific scripture or rulings, such as the intent of discovering the truth in seeking a certain number of witnesses in specific court cases, the intent of feeding the poor in banning Muslims from storing meat during festival days ('Ied), and so on.<sup>36</sup>

Second, in order to correct the deficiencies in classical *maqāṣid* classification that tend to be individualistic-oriented, contemporary scholars have expanded the concept of *maqāṣid*, covering a broader scope of people-the, communities, nations, or humanity in general. Ibn 'Āshūr, for example, has briefly placed *maqāṣid* concerning the 'nation' (ummah) at a higher level than *maqāṣid* related to individuals. Rashīd Ridhā, for a second example, included 'reform' and 'women's rights in his theory of *maqāṣid*. Yusūf al-Qardlāwī, for a third example, included 'human dignity' and 'human rights in his paradigm of *maqāṣid*. These extensions of the scope of *maqāṣid* have provided an opportunity for contemporary jurists to respond to global challenges and issues and help them to realize *maqāṣid* into practical plans for renewal and reform.<sup>37</sup> Thus, according to Auda, these contemporary theorists have

<sup>35</sup> Auda, *Maqāshid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach*, 6-7.

<sup>36</sup> Numan Jughaïm, *Thuruq Al-Kashf 'an Maqāshid al-Shāri'* (International Islamic University Malaysia: Dār al-Nafā'is, 2002), 172.

<sup>37</sup> Auda, *Maqāshid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach*, 7-8.



laid the fundamental basis of *maqāṣid* and its system of values associated with the center of the debates on citizenship, national integration, and civil rights for the Muslim minorities in non-Muslim-majority societies.

Third, in order to revise traditional *maqāṣid*, contemporary jurists have succeeded in introducing a new universal *maqāṣid* was directly deduced from original scripture rather than from the body of jurisprudence literature in the schools of Islamic law. This method significantly allowed the conception of *maqāṣid* to overcome the historicity of fiqh edicts. Moreover, the direct deductive method of the source of the Islamic teachings provides an opportunity to represent scripture in higher values and principles.<sup>38</sup>

Furthermore, Auda suggests 'human development' to be a prime expression of *maṣlahah* (public interest) in our time, which *maqāṣid al-sharī'ah* should aim to realize through the Islamic law. Thus, the realization of this *maqāṣid* could be empirically measured via UN 'human development targets,' according to current scientific standards. Similar to the area of human rights, the area of human development requires more research from a *maqāṣid* perspective. Nevertheless, the evolution of 'purposes of Islamic law' into human development gives 'human development targets' a first base in the Islamic world.<sup>39</sup> Therefore, to bridge the gap between the traditional Islamic law and the international law agreed by most UN members, then Jasser Auda - after decomposing traditional Islamic legal theory by comparing it with the theory of modern Islamic law and the Postmodern era and using a detailed framework of systems analysis proposed the need for a paradigm shift of the traditional *maqāṣid* theory to a new theory of *maqāṣid*. A shift from the traditional theory of *maqāṣid* composed by al-Shātībī to a contemporary theory of *maqāṣid*, taking into account the development of world governance thinkers in terms of nation-states.<sup>40</sup> Here is his suggestion in the following table:

**Figure 1.** Shift Paradigm Theory of the Traditional *Maqāṣid*  
 Towards the Contemporary *Maqāṣid*

No	Traditional Maqāṣid	Contemporary Maqāṣid
1.	Preservation of Offspring ( <i>hifdz al-nasl</i> )	Family-oriented theories; more concern for family institutions.
2.	Preservation of Mind ( <i>hifdz al-'aql</i> ),	Multiplying thinking and propagation of scientific research; traveling to seek knowledge; suppressing the herd mentality. Moreover, avoiding brain drain.

<sup>38</sup> Auda, 8.

<sup>39</sup> Sanuri, "The Shifting Paradigm of the Classical Theory of Maqashid Al-Shariah to the Modern Theory," *Conference Proceeding s: Annual Conference on Islamic Studies (AICIS XII)*, n.d., 506-507.

<sup>40</sup> Auda, *Maqāshid Al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach*, 21-26.

3.	Preservation of Honor and Preservation of human dignity; safeguarding and Preservation of Soul ( <i>hifdz 'ird</i> protecting human rights. <i>wa al-nafs</i> )
4.	Preservation of Religion Maintaining, protecting, and respecting the ( <i>hifdz al-dīn</i> ), freedom of faiths
5.	Preservation of Wealth ( <i>hifdz al-māl</i> ) Prioritizing social assistance; paying more attention to economic development; promoting human welfare; and eliminating the gap between the poor and the have.

The traditional classifications of *maqāṣid* include three levels of necessity, which are necessities (*al-ḍarūriyyāt*), needs (*al-hajiyyāt*), and luxuries (*al-tahsiniyyāt*).<sup>41</sup> Then the scholars divided the level of necessity into five famous necessities, namely: preservation of religion (*hifdz al-dīn*), preservation of soul (*hifdz al-nafs*), preservation of mind (*hifdz al-'aql*), preservation of offspring (*hifdz al-nasl*), and the preservation of wealth (*hifdz al-māl*).<sup>42</sup>

### CONSIDERING AUDA'S REASON FOR MAQĀṢID

As Auda explained, contemporary jurists developed the traditional *maqāṣid* terminology in contemporary's language, despite some jurist's rejection of the idea of 'contemporization' of *maqāṣid* terminology. The shifting paradigm from the traditional conception of *maqāṣid* to the contemporary conception of *maqāṣid* lies at the second press point. The traditional *maqāṣid* emphasizes protection and preservation, while the contemporary *maqāṣid* more takes account of development and rights.

To develop the concept of *maqāṣid* in this era, Jasser Auda proposed 'human development' to be a prime expression of his obsession and the main target of today's public interest; (*maṣlahah*) in our time, which *maqāṣid al-sharī'ah* should aim to realize through the Islamic law. Furthermore, the realization of this *maqāṣid* could be seen empirically in its development, tested, controlled, and validated through the human development index and human development targets proclaimed and designed by United Nations.

If so far, the classical scholars tend to base *maṣlahah* (public interest) on the 'Will of God' (*maqshūd al-Shāri'*) obtained through the text of the Qur'ān and hadīth, so the product is a *maṣlahah* that is not grounded and less realistic. Everything is always restored to the 'Will of God', whereas those who live and dabble with religious and social problems in the historical dimension are humans.<sup>43</sup>

<sup>41</sup> Ahmad Shazrin Mohamed Azmi, Noor Rosly Hanif, Siti Mashitoh Mahamood and Siti Nadiah Mohd Ali, "Synthesizing the Maqasid Al-Syariah for the Waqf Property Development," *IOP Conf. Series: Earth and Environmental Science*, 385 (2019): 3.

<sup>42</sup> Muhammad Said Ghazali, "Al-Manhaj al-Istinbathi Bi Tahqiq al-Manath Wa Astarihi Fi Tanzil al-Ahkam."

<sup>43</sup> Mushthafā Dīb Al-Bughā, *Ushūl Al-Tasyrī' al-Islāmī: Atsar al-Adillah al-Mukhtalif Fihā* (Beirut: Dār al-Qalam, 1993), 128.

According to the writer, basing *maṣlahah* on the 'Will of God' produced via scripture should be reviewed because it means did not give the space for human beings those who have burdened the law (*mukallaf*) to determine their law. In this context, the formulation of *maqāṣid al-sharī'ah* offered by Jasser Auda could be used as a foothold for the effort of landing the epistemology of *maṣlahah* from 'theocentric' conception to 'anthropocentric' conception by making human values such as freedom, equality, justice, democracy as the source of public interest.

According to the writer, this anthropocentric *maṣlahah* or *maqāṣid* has a very significant role in the objective of a legal settlement. Because everything ordered by God has to contain the benefit, something forbidden must contain the harm. All the laws and ordinances of life made by God for man essentially derive from two fundamental principles they are taking benefits (*jalb al-mashālih*) and avoiding mischiefs (*dar'u al-mafāsīd*). That is, all God's laws are made for the benefit of humanity in the world and the Hereafter (Al-Shāhibī, p. 30). The presence of the law of Allah (*al-ahkām al-sharī'ah*) should be used as a guide and reference by humankind in wading life, and there is no other purpose for human beings to achieve goodness in the world and the hereafter. Based on this, the jurists have agreed that *maṣlahah* is the core purpose of Islamic law (*maqāṣid al-sharī'ah*), resulting in a famous adage among *ushūlīs* that "where there is *maṣlahah* there is the law of God " (*ainamā kānat al-maṣlahah fa tsamma hukm Allāh*).<sup>44</sup>

The logical consequence of this anthropocentric idea of *Maqāṣid* necessitates legal conclusion based on *maṣlahah*, no longer in written scripture (*al-'ibrah bi al-maqāṣid la bi al-fādz*). This basic revolutionary rule (*qā'idah*) presupposes that which should be the attention of an Islamic jurist in deducing the law of the Qur'ān and hadīth rather than its scripture but from the *maqāṣid* aspect contained. The axis is the moral ethic of a verse and not the specific legislation or literal formulation. In order to know the *maqāṣid*, one must understand the context and possess the competence of worldview, which is not only the context of the personal-particular worldview but also the impersonal-universal context of worldview.

## CONCLUSION

After explaining and analyzing the critical points of Jasser Auda's thought through lengthy discussions, some substantive conclusions are as follows:

One way to gain a closer understanding of the purpose of the hadith is through contextualizing the Prophetic narrations (hadīth), primarily when the scripture cannot be understood textually. The conception of Auda's *maqāṣid* could solve the problem. First, Auda, in this terms, offers a way of reading the scripture

<sup>44</sup> Yusūf Al-Qardhāwī, *Al-Ijtihād al-Mu'āshir* (Cairo: Dār al-Tawzī' wa al-Nashr al-Islāmiyyah, 1994), 127-132.

based on the intent in applying Islamic law and how its implications when *maqāṣid* are a primary consideration in reading and applying the law. In this aspect, a contemporary reading of *maqāṣid* contributes more, including *maqāṣid* for thematic interpretation of the hadīth. The holistic approach in the thematic interpretation of hadīth based on the *Maqāṣid* approach potentially opens opportunities for the disclosure of the principles and moral values embodied by hadīth. Auda added one more requirement for the validity of hadīth that has been applied. The requirement is 'a systematic coherence' from the conditions of authenticating the content (*matn*) of these narrations with the principles and values of Islam. Thus, a *maqāṣid*-based approach could fill a crucial gap in the narration of hadīth, which is the gap of missing context. Second, *maqāṣid* combined with multi-dimensionality, according to Auda, can provide a rational and constructive solution to dilemmas considered to be contradictory.

The methodological implications of contextualization of the prophetic tradition based on *maqāṣid* in the renewal of contemporary Islamic legal are the occurrence of the "Contemporaryization concept of *maqāṣid*" through the transformation of paradigm and theory of *maqāṣid* from the traditional theory of *maqāṣid* to the contemporary theory of *maqāṣid*. The traditional *maqāṣid* emphasizes the protection and preservation, while Auda's contemporary *maqāṣid* more takes into account the development and rights. Academic objectivity as a result of Auda's academic research is the validation of several methodologies of *ijtihād*, which would produce the type of Anthropocentric *maqāṣid*. The logical consequence of this anthropocentric idea of *Maqāṣid* necessitates legal conclusion based on *maṣlahah*, no longer in written scripture (*al-'ibrah bi al-maqāṣid la bi al-alfādz*).

## REFERENCES

- Abū Zayd, Nashr Hāmid. *Maḥnūm Al-Nash, Dirāsah Fī 'Ulūm al-Qur'Ān*. Beirut: Markaz as-Saqāfī al-'Arābī, 1994.
- A. Ghasemi, M. Taghinejad, A. Kabiri and M. Imani. "Ricoeur's Theory of Interpretation: A Method for Understanding Text (Course Text)." *World Applied Sciences Journal* 15 (11) (2011): 1623–29.
- Abdulrahman M.A.Albelahi, A. Ali, Faten Mohmed, and Metwally Ali. "The Theory of Interpretation in Solving Contemporary Legal Issues: With A Focus on the Instrument of Ijtihad." *MATEC Web of Conferences* 150 05056 (2018): 1-8.
- As-Syathibi, Abu Ishaq. *Al-Muwafaqat Fi Ushuli as Syariah Juz II*. Beirut: Daar al-Kutub al-'Ilmiyyah, 2002.

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Al-Bughā, Mushthafā Dib. *Ushūl Al-Tasyrī' al-Islāmī: Atsar al-Adillah al-Mukhtalif Fīhā*. Beirut: Dār al-Qalam, 1993.

Al-Ghazālī, Abū Hāmid. *Al-Mustashfā Fī 'Ilm al-Ushūl*, Ed. Mohammed Abdul Salam Abdul Shafi, 1st Ed. Beirut: Dār al-Kutub al-'Ilmiyah, 1413.

Al-Juwainī, Imam al-Haramain. *Al-Burhān Fī Ushūl al-Fiqh*, Juz I. Beirut: Dār al-Kutub al-'Ilmiyah, 1997.

Al-Qardhāwī, Yusūf. *Al-Ijtihād al-Mu'āshir*. Cairo: Dār al-Tawzī' wa al-Nashr al-Islāmiyyah, 1994.

\_\_\_\_\_. *Fiqh Al-Zakāh*. Egypt: al-Risālah, 1985.

Al-Turābī, Hasan. *Al-Tafsīr al-Tawhīdī . I St Ed., Vol., 1*. London: Dār. Al-Sāqī, 2004.

Amrullah, M. Nova Burhanuddin dan Muhammad. "Bedah Karya Agung Imam Al-Shatibi (Mendedah Yang Monumental Dalam al-Muwaafaqat)." In *Gerbong Pemikiran Islam, Mengenal Karya Monumental Ushul Fikih Sejak al-Syafi'i Hingga al-Syaukani*, 178. Mesir: an-Nahdlah Press, 2015.

Auda, Jasser. *Maqāshid Al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach*. London and Washington: The International Institute of Islamic Thought, 2008.

Auda, Jasser. "A Maqasidi Approach to Contemporary Application of the Shariah." *Intellectual Discourse* Vol. 9, no. No. 2: (2011): 193–217.

Biltaji, Mohammad. *Manhaj 'Umar Ibn al-Khaththāb Fī al-Tashrī*. Cairo: Dār al-Salām, 2002.

Dakir, Jawiah and Faisal Ahmad Shah. "A Contextual Approach in Understanding The Prophet's Hadith: An Analysis." *Journal of Applied Sciences Research* 8(7), no. 3176–3184 (2012): 3176.

Ghazali, Muhammad Said. "Al-Manhaj al-Istinbathi Bi Tahqiq al-Manath Wa Astarihi Fi Tanzil al-Ahkam." *Istinbath: Jurnal Hukum Dan Ekonomi Islam* Vol.9, No. 2, no. 415–441 (Desember 2020): 415.

Hallaq, Wael. B. *A History of Islamic Legal Theories: An Introduction to Sunni Ushul al-Fiqh*. Cambridge: CUP, 1997.

Ibrahim, Duski. *Membongkar Konsep Istiqra' Ma'nawi as-Syatibi*. Yogyakarta: Ar-Ruzz Media, 2008.

Islam, Muhammad Hifdil. "Islam and Civilization (Analysis Study on the History of Civilization in Islam)." *Jurnal Al-Insiyroh: Jurnal Studi Keislaman* Vol. 5, no. No. 1 (March 2019): 22–39.



- Jughaim, Numan. *Thuruq Al-Kashf 'an Maqāshid al-Shāri.* International Islamic University Malaysia: Dār al-Nafā'is, 2002.
- Lewis, Bernard. *What Went Wrong? The Clash Between Islam and Modernity in the Middle East.* Oxford: Oxford University Press, 2002.
- M. M. Muhammed, O. Khuzaima. "21st Century Islam: Global Challenges of Islamic Representation and Knowledge Acquisition." *International Journal of Humanities and Social Sciences* Vol:13, no. No:2: (2019): 177-80.
- MA Lin and Jaap van Brake. "On the Interpreter's Choices: Making Hermeneutic Relativity Explicit." *Dao* 17 (4) (December 2018): 455-78.
- Makdisi, John. "A Reality Check on Istihāsān as A Method of Islamic Legal Reasoning." *UCLA Journal of Islamic and Near Eastern Law*, no. 99 (2003).
- Ramle, Muhamad Rozaimi and Miftachul Huda. "Between Text and Context: Understanding H. Adīth through Asbab al Wurud." *Religions* 13/92, no. 1-19 (2022): 5-6.
- Sookhdeo, Patrick. "Issues of Interpreting the Koran and Hadith." *The Quarterly Journal* Vol. 5, no. No. 3: (Winter 2006): 57-59.
- Saeed, Abdullah and Ali Akbar. "Contextualist Approaches and the Interpretation of the Qur'an." *Religions* 12/527, no. 1-11 (2021): 1-7.
- Sanuri. "The Shifting Paradigm of the Classical Theory of Maqashid Al-Shariah to the Modern Theory." *Conference Proceedings: Annual Conference on Islamic Studies (AICIS XII)*, n.d., 506-507.
- Sule, Babayo., Muhammad Aminu Yahaya and Rashid Ating. "Globalisation and the Muslim Ummah: Issues, Challenges, and the Ways Out." *IIUM Journal of Religion and Civilisational Studies (IJECS)* 1/1 (2018): 7-29.
- Syahrur, Muhammad. *The Qur'an, Morality, and Critical Reason: The Essential Muhammad Syahrur.* Leiden-Boston: Brill, 2009.
- Zaprulkhan. "Maqashid Al-Shariah in The Contemporary Islamic Legal Discourse: Perspective of Jasser Auda." *Walisono: Jurnal Penelitian Sosial Keagamaan* Vol. 26, no. No.2: (2018): 445-72.