SCIENTIFIC APPROACH AS THE BASIS FOR THE FORMATION OF MAQĀṢID AL-SHARĪ'AH CONCEPT AND PRINCIPLES: A COMPARATIVE STUDY

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ABSTRACT

Maqāṣid al-sharī'ah is acknowledged as one of essential foundations in determining shariah rulings. However, some contemporary *fatwās* continue to be issued that disregard maqāṣid al-sharī'ah, while some groups have also misunderstood it leading to misapplication. This paper will analyze the methodology employed by classical Islamic scholars in establishing the concept and principles of maqāṣid al-sharī'ah. The analysis will compare the methods of determining maqāṣid al-sharī'ah by Muslim scholars with current scientific research methods. This study utilizes the qualitative methodology by examining classical and modern scholarly writings. The collected data is analyzed thematically based on an inductive approach. Findings of this study demonstrate that formulating maqāṣid al-sharī'ah concept and principles involves analyzing textual injunctions. The *istiqrā'* inductive reasoning applied by Muslim scholars bears similarities with thematic analysis in modern qualitative research. Hence, maqāṣid al-sharī'ah represents the implicit objectives unifying diverse shariah rules. It holds greater epistemic certainty compared to individual scriptural proofs, being supported by multiple textual evidences across various domains of rulings. As the *mafhūm* (implicit meaning) of the Sharī'ah corpus, *maqāṣid* guides *ijtihād* without compromising fundamental sharī'ah tenets. Proper application of maqāṣid al-sharī'ah facilitates determining contemporary rulings that fulfill the objectives of sharī'ah itself. This paper advocates grounding *ijtihād* and *fatwās* in maqāṣid al-sharī'ah through holistic textual analysis. This enables addressing new challenges through appropriate sharī'ah rulings while avoiding rigid legalism or unfettered rationalism.

Introduction

The maqāṣid al-sharī'ah (higher objectives of Islamic law) have become increasingly prominent in contemporary Islamic legal theory as an essential foundation for *ijtihād* (independent legal reasoning) and determining shariah-compliant rulings on new issues. However, in recent times, some scholars have issued *fatwās* (non-binding legal opinions) that appear to overlook maqāṣid al-sharī'ah (objectives of Islamic law) and do not acknowledge the underlying *maṣlaḥah* (benefit) associated with the ruling.

For example, Sheikh Ali Jum'ah issued an opinion on the permissibility of *ribā* (interest) in conventional banking. His reasoning was that the fiat money used today cannot take the same ruling as gold and silver. This is because classical jurists had affirmed that even though currencies other than gold and silver (*fulūs*) were in widespread use, they were not considered to have the same ruling as gold and silver. Therefore, transactions using paper money do not take the ruling of gold and silver which prohibits excess in exchanges and debts according to Sharī'ah. Such a *fatwā* appears to disregard the maqāṣid al-sharī'ah, particularly the objective of preserving wealth (*ḥifz al-māl*) and promoting economic justice. If we examine the function of fiat money today, it has effectively replaced gold and silver as the primary medium of exchange and store of value in contemporary societies (Kamali, 2008). By not considering fiat money as a valid currency from a Sharī'ah perspective, the *fatwā* fails to account for the significant role it plays in modern economies and the potential consequences of treating it differently from gold and silver.

Moreover, if contemporary fiat money is not recognized as a legitimate currency by the Sharī'ah, it would have far-reaching implications for the fulfillment of religious obligations and the promotion of social welfare. For instance, *zakāt* (obligatory alms) and other financial duties would be deemed invalid when paid using fiat money. This would jeopardize public interest, especially the well-being of the poor who rely on *zakāt* as a means of support. Since only a small amount of *zakāt* on gold and silver would be collected, the objective of ensuring the equitable distribution of wealth and alleviating poverty would be undermined. In contrast, when classical jurists made rulings on currencies other than gold and silver, gold and silver still dominated society, and public interest was preserved. The economic landscape has since evolved, and fiat money has become the backbone of modern financial systems. Therefore, the *fatwā* that does not consider fiat currency as a valid medium of exchange like gold and silver clearly contravenes the maqāṣid al-sharī'ah by failing to adapt to changing circumstances and prioritize the overall welfare of society.

Additionally, contemporary Muslim jurists differ on the scope and legal authority accorded to the maqāṣid al-sharī'ah in deriving rulings. Scholars like al-Shayban (2013) do not accept maqāṣid al-sharī'ah as a direct, primary basis for deducing law independently of the textual sources. Rather, they view it only as a secondary guiding framework for juristic deduction, not an immediate proof in itself. This position arises from the established jurisprudential principle that *ijtihād* has a structured methodology with clear preliminary steps. These include properly analyzing the textual proofs by understanding the lexicon and grammar, contextualizing revelation, classifying texts (as general/specific, unqualified/qualified etc.), evaluating abrogation and so forth. Based on this procedural view, direct use of maqāṣid al-sharī'ah should only come after exhausting the textual analysis. The role of maqāṣid al-sharī'ah is then limited to clarifying ambiguous texts, preferring one form of analogical reasoning (*qiyās*) over others, evaluating outcomes to protect maqāṣid al-sharī'ah, and weighing between conflicting interests (*maṣāliḥ*) (Al-Shayban, 2013).

On the other hand, contemporary scholars like al-Raysuni (1999) and (Auda, 2021) grant maqāṣid al-sharī'ah greater legal authority. They allow it to directly deduce rulings even in the absence of clear textual evidence, while still adhering to the scriptural guidelines and principles established through the detailed proofs. Proponents of this position cite precedents from the juristic practice of eminent classical scholars like al-Ghazali and al-Shatibi who validated rulings based on maqāṣid, not just literalist reading of textual evidence. Resolving this disagreement requires deeper analysis of the relationship between maqāṣid and revelatory sources within the jurisprudential methodology (*uṣūl al-fiqh*).

Furthermore, some liberal modernists have also used maqāṣid al-sharī'ah to circumvent the traditional corpus of sharī'ah rules which they deem excessively rigid and literalist. Their premise is that the conventional jurisprudential methodology (*uṣūl al-fiqh*) and strict conditions for exercising *ijtihād* obstruct progress by distancing Islamic law from the ever-changing realities of modern life. For this

stream of thought, direct use of maqāṣid al-sharī'ah in legal theorizing is the most suitable option to replace classical *uṣūl al-fiqh*. However, critics point out this group generally lacks substantive grounding in the classical Islamic textual sources, selectively reinterpreting the concept of *maṣlaḥah* (benefit) and theory of maqāṣid al-sharī'ah according to modernist philosophy and epistemology which fundamentally differs from the worldview and principles of Islamic epistemology rooted in revelation. A balanced and textually grounded approach is required (Rachid, 2021).

In conclusion, the concept and principles of maqāṣid al-sharī'ah are undoubtedly essential, but contemporary discourse reveals disagreements regarding their scope of application as well as instances of distortion by both rigid formalists and overly liberal modernists. Further academic research and discussion can help formulate a balanced position on the authoritative status of maqāṣid al-sharī'ah within Islamic jurisprudence.

Consequently, the purpose of this academic paper is to comprehensively analyze the structured jurisprudential methodology utilized in extracting and validating the higher objectives of Islamic law (maqāṣid al-sharī'ah), in order to elucidate their authoritative status and indispensable importance as a source for deciding shariah-compliant rulings on contemporary challenges. A clear examination of the textual derivation process and scholarly conventions governing maqāṣid al-sharī'ah is crucial to prevent neglect or distortion, as has been witnessed in some instances of modern *fatwās* that appear to bypass maqasid considerations, or liberal reinterpretations that bend maqasid to justify altering traditional Sharī'ah injunctions.

The paper will investigate the academic framework of inductively extracting maqāṣid al-sharī'ah from the corpus of scriptural texts, along with scholarly principles of assessing their theological validity and legal authority. This includes probing tools such as textual implication (*ishārah*), conjunctional indication (*dalālah al-naṣ*), juristic preference (*tarjīḥ*) and other jurisprudential mechanisms developed and refined by eminent classical *uṣūl* scholars for consolidating the higher objectives. Elucidating the rigorous academic methodology will safeguard maqāṣid al-sharī'ah from misapplication by those lacking expertise, including modernists who selectively bypass the Sharī'ah through distortion of maqāṣid al-sharī'ah under questionable premises of *maṣlaḥah* (benefit) contrary to established conventions, and literalists who ignore *maqāṣid* while adhering rigidly to isolated texts. The aim is to gain a clear understanding of the position and role of maqāṣid al-sharī'ah in the process of *ijtihād* (independent legal reasoning) and to dispel any doubts or uncertainties surrounding its application.

Literature Review

Maqāṣid al-sharī'ah, or the higher objectives of Islamic law, encompass safeguarding religion, life, intellect, lineage, and property, among other essential values and principles. These essential interests allow deriving rulings on unprecedented matters based on the spirit and purpose of the Sharī'ah itself. For instance, mass vaccination protects life, wealth and intellect which are necessities according to the maqāṣid. Although the vaccine ingredients may contain impure substances, the harm of not taking the vaccine during a pandemic outweighs any doubts over its permissibility (Muhammad Nazir et al., 2020; Zulkarnain et al., 2021). Hence, Muslim jurists permit taking such vaccines to prevent greater harm (*akhaffu al-ḍararaini*), which aligns with the maqāṣid al-sharī'ah.

This flexibility facilitates Islam's applicability through the ages as it maintains its principles while enabling progress. Rigid adherence to limited scriptural texts without considering their higher objectives can constrain Muslim development. Conversely, utilizing *maqāṣid* allows deriving rulings through a rigorous methodology grounded in the holistic teachings of Islam itself. This fulfills the Divine intent to make Islam a blessing for humanity until the end of time. Therefore, maqāṣid al-sharī'ah provides a balanced framework to address novel challenges faced by Muslim societies based on the letter and spirit of Divine revelation.

Maqāṣid al-sharī'ah refers to the higher purposes or goals behind rulings in Islam. These objectives are derived through a comprehensive understanding of the revelations and textual sources (Al-Yubi, 1998; Hirz Allah, 2007; Ibn Bayyah, 2018). The methodology used by scholars to ascertain maqāṣid al-sharī'ah is known as *istiqrā'*.

Istiqrā' involves examining specific rulings (*juz'ī*) in order to infer general principles (*kullī*). There are two types: *istiqrā' tāmm* (complete induction) and *istiqrā' nāqiṣ* (partial induction). *Istiqrā' tāmm* refers to a comprehensive analysis of all particular rulings to deduce a definitive general ruling (*qaṭ'ī*). *Istiqrā' nāqiṣ* involves examining a partial set of rulings to infer a probable (*ẓannī*) general principle (Al-Yubi, 1998; Hirz Allah, 2007).

The purpose of *istiqrā'* is to identify commonalities across rulings, the underlying *'illah* (effective cause), and *ḥikmah* (wisdom) in order to determine the objectives behind the laws (Al-Yubi, 1998). *Istiqrā'* is a crucial methodology for ascertaining the higher goals of Shariah (Hirz Allah, 2007). As al-Shatibi (2004) explains:

ودليل ذلك استقراء الشريعة، والنظر في أدلتها الكلية والجزئية، وما انطوت عليه من هذه الأمور العامة على حد الاستقراء المعنوي الذي لا يثبت بدليل خاص، بل بأدلة منضاف بعضها إلى بعض، مختلفة الأغراض، بحيث ينتظم من مجموعها أمر واحد تجتمع عليه تلك الأدلة، على حد ما ثبت عند العامة جود حاتم، وشجاعة علي رضي الله عنه، وما أشبه ذلك، فلم يعتمد الناس في إثبات قصد الشارع في هذه القواعد على دليل مخصوص، ولا على وجه مخصوص، بل حصل لهم ذلك من الظواهر والعمومات، والمطلقات والمقيدات، والجزئيات الخاصة، في أعيان مختلفة، ووقائع مختلفة، في كل باب من أبواب الفقه، وكل نوع من أنواعه، حتى ألفوا أدلة الشريعة كلها دائرة على الحفظ على تلك القواعد... فإذا تقرر هذا، فمن كان من حملة الشريعة الناظرين في مقتضاها، والمتأملين لمعانيها، سهل عليه التصديق بإثبات مقاصد الشارع في إثبات هذه القواعد الثلاث.

> Translation: The evidence is induction (*istiqrā'*) of the Sharī'ah and examining its textual proofs both in general and in particular, and what they contain of these universal matters based on inductive reasoning which is not established by specific evidence, but by evidences pieced together, differing in purposes, such that one matter which those evidences converge upon is systematically constructed. Just as it is established among people the generosity of Hatim and the courage of Ali (may Allah be pleased with him) and the like, without people relying on specialized evidence or a specialized way, but they acquired that from textual implications, generalities, absolutes, constrained and particulars in diverse contexts and incidents, in every chapter of jurisprudence and types of rulings, until they found that all the evidences of Sharī'ah revolve around preserving those principles... If this is established, then whoever carries the Sharī'ah and examines its requirements and contemplates its meanings will easily acknowledge the validity of establishing the objectives of the Lawgiver in instituting these three principles [necessities, needs, and complementary].

Al-Shatibi highlights how *istiqrā'* of both generalized and specific textual proofs allows scholars to identify the higher objectives behind Islamic law. This formed the basis for formulating maqāṣid al-sharī'ah.

The matters analyzed by scholars to determine the maqāṣid al-sharī'ah are:

a) Explicit commands and prohibitions of shariah from the onset of their legislation, such as the obligation to pray, pay zakat, the prohibition of *shirk* (polytheism), *ribā* (interest), etc. (Hirz Allah, 2007; Ibn Bayyah, 2018). The initial purpose of these commands and prohibitions was compliance. Exceptions are prohibitions intended for other objectives, like the prohibition of trade during Friday prayers to strengthen attendance. Thus, the original objective was not prohibition

of trade. Also excluded are derived commands and prohibitions based on interpretive understanding, not explicit statements (Al-Jundi, 2008; Al-Shatibi, 2004; Ibn Bayyah, 2018).

b) The effective cause (*'illah*) behind commands and prohibitions (Al-Jundi, 2008; Al-Shatibi, 2004; Ibn Bayyah, 2018). Scholars examined the *'illah* to understand the objectives (Ibn Ashur, 2004). For example, prohibiting poaching a fiancé, encouraging greetings and good assumptions all aim to maintain fraternity in the Muslim community.

c) Analyzing the essential and secondary aims of commands and prohibitions (Al-Shatibi, 2004). Marriage, for instance, primarily intends procreation, and secondarily companionship, cooperation and family ties. As secondary aims support primary objectives, temporary marriage is prohibited for contravening all recognized purposes of marriage. This analysis distinguishes between primary and secondary aims, though Ibn Bayyah (2018) classifies this under explicit commands and prohibitions which already have multiple aims.

d) The absence of explicit commands or prohibitions in the Sharī'ah, despite an apparent need, indicates that the Sharī'ah's objective is to avoid imposing additional rules (Al-Shatibi, 2004; Al-Yubi, 1998; Ibn Bayyah, 2018). For example, obligatory prayers suffice for spiritual cleansing despite some people's desire for more. Adding to set obligations is heretical innovation.

e) Quranic verses with no interpretive meaning beyond indicating shariah objectives, like verses disapproving oppression and consuming others' wealth wrongfully (Al-Hasani, 1995; Hirz Allah, 2007; Ibn Ashur, 2004). This shows Islam prohibits injustice and transgression.

The Arabic language plays a crucial role in determining maqāṣid al-sharī'ah beyond the method of *istiqrā'* (Al-Jundi, 2008; Ibn Ashur, 2004). Maqāṣid al-sharī'ah refers to the underlying purposes and goals behind the Islamic legal rulings established by Allah SWT, encompassing the preservation of religion, life, intellect, lineage, property and others.

To accurately comprehend maqāṣid al-sharī'ah, a deep understanding of the Arabic language is indispensable. The primary sources of Islamic law, the Quran and Sunnah, are in Arabic, and each word, phrase, and verse carries specific meanings and connotations that must be correctly understood. Without a thorough knowledge of Arabic, one may misinterpret Quranic verses or Prophetic hadīths, leading to confusion in understanding Islamic legal rulings and, consequently, misconceptions about the true maqāṣid al-sharī'ah (Al-Jundi, 2008; Ibn Ashur, 2004).

Furthermore, understanding the Arabic language is essential for grasping the context and reasons behind the revelation (*asbāb al-nuzūl*) of Quranic verses and the circumstances surrounding Prophetic hadīths. By comprehending this context, one can determine the true intent behind the legislated rulings and how they relate to maqāṣid al-sharī'ah (Al-Jundi, 2008; Ibn Ashur, 2004).

To sum up, mastery of the Arabic language is a prerequisite for anyone seeking a profound understanding of maqāṣid al-sharī'ah. It enables scholars to study the sources of Islamic law more precisely, avoid errors in determining legal rulings, and ensure the attainment of the objectives of Islamic law. Islamic scholars have emphasized the significance of the Arabic language in Islamic studies, deeming it an essential tool for comprehending the divine will of Allah SWT contained in the Quran and Sunnah.

The companions of Prophet Muhammad (PBUH) also play a crucial role in understanding maqāṣid al-sharī'ah. Being the closest individuals to the Prophet and having the most intimate connection with him, they were among the most knowledgeable and insightful people in comprehending his intentions. The Rightly Guided Caliphs (*Khulafa' al-Rāshidūn*), the ten companions promised paradise, and other companions were the most learned in the Muslim community and had the deepest understanding of the Prophet's (PBUH) teachings (Al-Jundi, 2008).

One of the ways to comprehend maqāṣid al-sharī'ah is by following the guidance of the companions and emulating them in understanding the rulings from the Quran and Sunnah, as well as applying them in real life. This is because they possessed true faith, eloquence in language, foundations of explanation, witnessed the revelation of the Quran, and directly observed how the Prophet (PBUH) elucidated the Quran through his actions, words, and affirmations.

The companions were the people who best understood the desires of their Prophet (PBUH) and were the most obedient to him. They constantly strived to grasp his intentions and purposes. Once they understood the will of the Prophet (PBUH), they would never deviate from it. Knowledge of the speaker's intent can be derived from the generality of his words or the generality of his reasons. The former is clearer for those who comprehend the words, while the latter is clearer for those who understand the meanings, insights, and management.

All the companions lived during the era of revelation and legislation, defended it, and supported it. Therefore, they are the most qualified individuals to understand and know its objectives. It is through them that the Sharī'ah has reached us. Consequently, they are worthy of being our role models in understanding the objectives of Sharī'ah, as they were granted the realities of worship, the purity of religion, and knowledge of the secrets and inner dimensions of matters that were not given to others (Al-Jundi, 2008).

Ultimately, the companions of the Prophet (PBUH) act as crucial guides in comprehending maqāṣid al-sharī'ah due to their proximity to the Prophet (PBUH), their deep understanding of his teachings, their witnessing of the revelation, and their unwavering commitment to the Sharī'ah. By studying their lives, actions, and interpretations, we can gain valuable insights into the underlying objectives and wisdom behind the Islamic legal rulings, enabling us to apply them more effectively in our own lives and societies.

Ijmā' (consensus) plays a crucial role in determining maqāṣid al-sharī'ah. *Ijmā'* refers to the agreement of *mujtahid* scholars from the ummah of Prophet Muhammad SAW in a particular era after his death regarding specific Islamic legal rulings (Al-Yubi, 1998; Al-Zuhayli, 1986; Hirz Allah, 2007). The legal rulings that have been agreed upon by the scholars through *ijmā'* hold a high position and need to be examined to identify their objectives (Al-Ṭarawanah, 2008; Al-Yubi, 1998). Determining maqāṣid al-sharī'ah based on the rulings that have been established through *ijmā'* makes the former valid and precise. Al-Ghazali (1993) emphasizes this point by stating that maqāṣid al-sharī'ah are known through the Quran, Sunnah and *ijmā'*. Any benefit that does not align with the objectives understood from these three sources and is inconsistent with the actions of the Sharī'ah is considered invalid and rejected.

Moreover, the maqāṣid al-sharī'ah that have been agreed upon by the scholars through *ijmā'* are at a higher level compared to the maqāṣid al-sharī'ah that have not been established through *ijmā'* (Al-Yubi, 1998). For example, scholars have reached a consensus that the characteristic of a child who has not reached puberty is the *'illah* (cause) for the legislation of guardianship over the property of an orphan. This ruling aims to protect the well-being of the orphan who is not yet capable of taking care of themselves (Al-Ṭarawanah, 2008). Therefore, safeguarding the welfare of orphans is one of the maqāṣid al-sharī'ah that must be considered when managing matters related to them.

In summary, *ijmā'* holds a pivotal role in ascertaining maqāṣid al-sharī'ah. The rulings that have been agreed upon by the scholars through *ijmā'* need to be examined to identify the objectives behind them. The maqāṣid al-sharī'ah determined through *ijmā'* have a higher status and are more valid compared to the maqāṣid al-sharī'ah that have not been established through *ijmā'*. Thus, in the endeavor to understand and apply maqāṣid al-sharī'ah, it is essential to refer to the rulings that have been agreed upon by the scholars through *ijmā'*.

Al-Dawarān (rotation) is a crucial concept in *uṣūl al-fiqh* that aids in determining maqāṣid al-sharī'ah (Hirz Allah, 2007). It refers to the correlation between the presence of a legal ruling and the existence of a specific attribute, and the absence of the ruling when that attribute is absent. By observing the presence and absence of legal rulings in various legislative events and their impact on the associated attributes, *al-dawarān* helps to identify the objectives behind the legislation of a particular ruling.

For instance, when it is observed that the prohibition of alcohol is closely tied to its intoxicating attribute, and the prohibition is lifted when the intoxicating attribute disappears (such as when alcohol turns into vinegar), it can be concluded that the objective behind the prohibition of alcohol is to protect the intellect and prevent the harm caused by intoxication.

However, when applying *al-dawarān*, the distinction between *'illah* (cause) and *maqṣad* (objective) must be taken into account. *'Illah* refers to a clear, stable attribute that is suitable for the wisdom behind the legislation, while *maqṣad* refers to the objective or *maṣlaḥah* (benefit) behind the legislation of that ruling.

Understanding this distinction is essential for *al-dawarān* to accurately explain maqāṣid al-sharī'ah (Hirz Allah, 2007).

To conclude, *al-dawarān* proves to be an indispensable tool in identifying maqāṣid al-sharī'ah by observing the correlation between the presence and absence of legal rulings with specific attributes. It enables scholars to identify the objectives and *maṣlaḥah* behind the legislation of Islamic legal rulings, thereby facilitating a better understanding and application of these rulings.

Nevertheless, *istiqrā'* serves as the primary and most crucial methodology in determining maqasid al-shariah compared to other methods. It involves a deep and comprehensive examination of Islamic legal sources such as the Quran, hadīth, and the consensus (*ijmā'*) of scholars to understand the objectives and wisdom behind the legislation of a particular ruling. Through *istiqrā'*, scholars meticulously study the textual evidence (*dalīl*) from the Sharī'ah, investigate the effective causes (*'illah*) and benefits (*maṣlaḥah*) that form the basis of these rulings, and identify the general principles that underpin the Islamic legal system.

In contrast to other methods such as proficiency in the Arabic language, the guidance of the companions, *ijmā'*, and *al-dawarān*, *istiqrā'* functions as the main framework that enables scholars to determine maqāṣid al-sharī'ah in a systematic and comprehensive manner. These other methods serve more as supportive tools that help strengthen and enrich the process of *istiqrā'*. For example, mastery of the Arabic language allows scholars to understand the sources of Islamic law more accurately, while the guidance of the companions provides practical examples of how Islamic teachings were understood and applied by those closest to the Prophet Muhammad (PBUH).

Ijmā', or the consensus of scholars, also plays a significant role in validating the maqāṣid al-sharī'ah identified through the process of *istiqrā'*. When a particular maqāṣid al-sharī'ah aligns with a ruling determined through *ijmā'*, it provides additional confidence that the maqāṣid al-sharī'ah is accurate and valid. However, *ijmā'* still relies on the process of *istiqrā'* to initially identify the maqāṣid al-sharī'ah.

Al-Dawarān, which involves examining the presence and absence of rulings based on specific attributes, also supports the process of *istiqrā'* by providing additional perspectives in understanding the effective causes (*'illah*) and wisdom behind the legislation of rulings. Nevertheless, *al-dawarān* functions more as a complementary method to *istiqrā'* and cannot replace the role of *istiqrā'* as the primary methodology in determining maqāṣid al-sharī'ah.

In conclusion, *istiqrā'* serves as the cornerstone in determining maqāṣid al-sharī'ah, while other methods such as proficiency in the Arabic language, the guidance of the companions, *ijmā'* and *al-dawarān* act as supportive tools that reinforce and enrich the process of *istiqrā'*. *Istiqrā'* provides a systematic and comprehensive framework for understanding the objectives of the Sharī'ah, while the other methods contribute to a deeper and more accurate understanding of maqāṣid al-sharī'ah. The combination of all these methods ensures that the determination of maqāṣid al-sharī'ah is carried out meticulously, validly, and comprehensively, in line with the will of Allah SWT and the true principles of the Sharī'ah.

Methodology

This study employs a qualitative methodology using document analysis to obtain research data. The documents analyzed include classical texts as well as contemporary academic writings. The data collected will be analyzed descriptively and thematically based on an inductive approach.

As noted by Creswell (2013), qualitative research explores an issue through detailed data collection involving documents. A thematic analysis is then conducted to identify patterns and themes emerging from the data using an inductive process (Clarke & Braun, 2018). This allows for developing an in-depth understanding grounded in the source materials. By utilizing both classical and modern texts, this study aims to generate new insights into the research topic through a systematic qualitative document analysis.

Findings and Discussion

The Most Recent Scientific Methods Used in Determining Maqāṣid al-Sharī‘ah

To reiterate, according to the majority of scholars who have studied maqāṣid al-sharī‘ah, the primary method used to determine maqāṣid al-sharī‘ah is *istiqrā'* (Al-Shatibi, 2004). This *istiqrā'* method is conducted by examining each of the sharī‘ah texts individually to find the general purpose and objectives of those texts (Al-Hasani, 1995; Al-Jundi, 2008; Al-Maliki, 2016). This means that maqāṣid al-sharī‘ah represents the unified meanings and objectives of all Sharī‘ah rulings, even though the specific rulings may differ. For example, the prohibition against eating carrion and the permission to eat carrion under dire circumstances. Although the rulings seem contradictory, the purpose and objective behind both rulings is the same, which is to preserve human life from harm and destruction.

Upon examination, this *istiqrā'* method used in determining maqāṣid al-sharī‘ah is highly similar to the thematic analysis method commonly used in modern qualitative research. Thematic analysis is a systematic approach used to identify patterns and meanings across a dataset. It enables researchers to understand important patterns, shared meanings, and themes from collected data (Maguire & Delahunt, 2017). The derived themes are used to address the research or make claims about a particular issue. This method is also a way of identifying how a topic is talked or written about (Braun & Clarke, 2013). Good thematic analysis provides accurate interpretations and understanding of an issue or collected data (Alhojailan, 2012; Maguire & Delahunt, 2017).

To obtain accurate meanings and interpretations from collected data, thematic analysis typically involves several key steps (Aronson, 1994; Boström, 2019; Craver, 2014):

i. Repeated reading of the data to identify consistent patterns.

ii. Coding of the data by identifying and labeling segments based on identified patterns. All data is labeled with codes matching the determined patterns.

iii. Combining and cataloguing coded patterns into subthemes or categories to gain a comprehensive overview of the data.

iv. Developing themes based on logical arguments from the derived subthemes or categories.

Before themes can be determined, the data is first coded as described above. Coding involves segmenting the broad dataset and labeling those segments to form descriptions and broad themes. The derived codes are listed and analyzed to combine any overlapping or redundant codes, reducing the total number of listed codes (Creswell, 2012). Themes are formed based on the condensed code list. The resulting themes, whether main or sub-themes, provide a holistic representation of the collected dataset.

A theme refers to a specific pattern that is consistently found across the data (Estrada, 2017). Themes represent grouped similar codes that form the core ideas in a dataset. Themes are central in qualitative data analysis. Themes usually have labels consisting of no more than two to four words. Through initial data analysis, some 30-50 codes may be identified. In further analysis, these are reduced to around five main themes by eliminating repetition (Creswell, 2012).

Here are some types of themes that can emerge from the data:

i. Expected themes - themes that a researcher might anticipate finding.

ii. Unexpected themes - themes that emerge unexpectedly during data analysis.

iii. Difficult to classify themes - themes containing ideas that are not easily understood or overlap with other themes.

iv. Main and sub-themes - themes representing the main ideas, intermediate ideas, and minor ideas in a dataset.

Thematic analysis is quite flexible as it can utilize both a deductive and inductive approach (Alhojailan, 2012). A deductive approach is used to test the validity of an existing theory based on collected data.

Thus, if no theory exists, this analysis cannot be used (Johnson & Christensen, 2019). It starts by selecting a theory within the research area. Several hypotheses or assumptions related to the theory are determined, and tests of these hypotheses/assumptions are conducted through analysis of relevant collected data (Creswell & Creswell, 2018). This approach can identify the existence of the hypotheses/assumptions and consequently determine the validity of the theory.

An inductive approach is used to develop a theory (Johnson & Christensen, 2019). A general law or principle can be inferred by observing specific cases. The inductive approach emphasizes observation and drawing conclusions from those observations (Williams, 2007). Generally, it moves from specific to general, as the researcher generalizes their observations of particular circumstances to overall conditions (Zalaghi & Khazaei, 2016). For inductive data analysis, it starts with specific measurements and observations of the data to identify patterns and rules, then formulates hypotheses to be explored. This analysis will ultimately uncover the truth inherent in the data and lead to general conclusions or theories (Creswell & Creswell, 2018; Murphy, 2012).

Maqāṣid al-sharī‘ah are themes and theories developed by scholars through the process of *istiqrā’*, which is similar to thematic analysis using an inductive approach. This is because the data comprising textual revelations and individual rulings across various fields of fiqh were examined one by one to find their interrelations (Hirz Allah, 2007; Jughaym, 2014). This comprehensive examination ultimately produced the theory and themes known as maqāṣid al-sharī‘ah. Al-Shatibi (2004) explains that the three principles of maqāṣid al-sharī‘ah (necessities, needs, and improvements) were established through a comprehensive study (*istiqrā’*) of the Sharī‘ah. This process involved examining both general and specific evidences from various aspects of Islamic law. The certainty of these principles was not derived from a single, specific proof but rather from the convergence of multiple evidences that differ in their immediate purposes. Maqāṣid al-sharī‘ah were determined by considering the implications of numerous textual proofs from the obvious, general, unrestricted, restricted, and specific parts of the Sharī‘ah, across different subjects and events in every area of Islamic jurisprudence (*fiqh*). Through this extensive analysis, scholars found that all the evidences of the Sharī‘ah revolve around the preservation of these three principles, indicating that the Lawgiver (Allah) intends for them to be upheld and considered in the process of legal reasoning (*ijtihād*) by qualified scholars.

This aforementioned statement by Al-Shatibi clearly indicates that an inductive thematic analysis approach was used to determine maqāṣid al-sharī‘ah. Although the process cannot be seen in detail in the writings of scholars, it can certainly be inferred based on the above explanation. The scholars engaged in a comprehensive study of the Sharī‘ah texts, identifying recurring themes and patterns that collectively pointed towards the higher objectives of Islamic law, which formed the basis for the formulation of the maqāṣid al-sharī‘ah.

In essence, the data comprised of textual revelations and individual rulings collected by scholars were based on the following segments (Hirz Allah, 2007):

a) Religious injunctions

b) Religious prohibitions

c) Effective cause or *‘illah* for injunctions or prohibitions

d) Texts indicating the objectives directly

Subsequently, the data compiled from various fields of Sharī‘ah were already partially labeled by scholars using labels such as *ẓāhir* (explicit) texts, *‘āmm* (general) texts, *khās* (specific) texts, *muṭlaq* (unqualified) texts and *muqayyad* (qualified) texts. Thus, various labels or codes emerged within the data such as injunctions and prohibitions in each field of worship, transactions, marriage, penal code, etc. Some data was labeled as the *‘illah* (effective cause) for injunctions and prohibitions in each field.

At the next stage, scholars refined these labels by finding their commonalities. Finally, the labels were categorized into three levels - *ḍaruriyyāt* (necessities), *ḥajiyyāt* (needs), and *taḥsiniyyāt* (complementary). Analysis of the labels or codes across various fields of sharī‘ah was seen to point towards five higher objectives that became the main themes of the data - religion, life, intellect, lineage and wealth.

Eventually, these five matters were established by scholars as part of the principles of maqāṣid al-sharī'ah based on the *istiqrā'* process they had undertaken.

Additionally, the themes comprising maqāṣid al-sharī'ah were also categorized into three levels (Ibn Bayyah, 2018).

a) *Maqāṣid 'āmmah* - the more general themes encompassing all shariah texts

b) *Maqāṣid khāssah* - specific general themes within individual chapters of fiqh

c) *Maqāṣid juz'iyyah* - specific labels related to individual rulings. These specific labels formed the general themes related to specific *fiqh* chapters. The specific themes in turn comprised the overall general themes of sharī'ah rulings.

In other words, Sharī'ah rulings across various *fiqh* chapters formed the basis for determining maqāṣid al-sharī'ah. Hence, maqāṣid al-sharī'ah established through the process of *istiqrā'* or inductive thematic analysis could never contradict the textual revelations. This is because how could themes derived from the textual revelations ever contradict the very texts that led to those themes emerging? Any claim that maqāṣid al-sharī'ah can contradict revealed texts is unfounded and based on flawed understanding of the process of determining maqāṣid al-sharī'ah itself.

Here is a summary of the comparison between thematic analysis and *istiqrā'* in the form of a table:

Aspect	Thematic Analysis	*Istiqrā'*
Definition	A systematic approach used to identify patterns and meanings across a dataset	A comprehensive study of Sharī'ah texts to determine the higher objectives of Islamic law (maqāṣid al-sharī'ah)
Purpose	To understand important patterns, shared meanings, and themes from collected data	To identify the unified meanings and objectives of all Sharī'ah rulings
Process	Repeated reading of data to identify patterns. Coding data by labeling segments based on patterns. Combining coded patterns into subthemes or categories. Developing themes based on logical arguments from subthemes or categories.	Examining each Sharī'ah text individually to find general purposes and objectives. Labeling data segments (injunctions, prohibitions, causes, objectives). Refining labels by finding commonalities. Categorizing labels into levels (*ḍaruriyyāt*, *ḥajiyyāt*, *taḥsiniyyāt*) and themes (religion, life, intellect, lineage, wealth).
Approach	Can utilize both deductive (testing existing theory) and inductive (developing theory) approaches	Primarily inductive, moving from specific observations to general conclusions or theories
Outcome	Themes representing the main ideas, intermediate ideas, and minor ideas in a dataset	Maqāṣid al-sharī'ah representing the implicit objectives unifying diverse Sharī'ah rulings
Categorization	Themes can be expected, unexpected, difficult to classify, main, or sub-themes.	Maqāṣid al-sharī'ah are categorized into levels: *maqāṣid 'āmmah* (general), *maqāṣid khāssah* (specific to fiqh chapters), and *maqāṣid juz'iyyah* (specific to individual rulings).
Relationship to data	Themes are derived from the data and cannot contradict it	Maqāṣid al-sharī'ah, derived through *istiqrā'*, cannot contradict the textual revelations from which they emerge

Table 1. Comparison between Thematic Analysis and *Istiqrā'*

Maqāṣid al-Sharīʿah Are the Implicit Themes (*Mafhūm*) Behind the Entirety of Revealed Texts and Injunctions of the Sharīʿah

Maqāṣid al-sharīʿah refers to the overarching objectives and purposes of Islamic law. It is the implicit notion or conceptual framework that underpins the corpus of textual injunctions and rulings within the Sharīʿah. Based on the inductive method of extracting maqāṣid al-sharīʿah through comprehensive study (*istiqrā'*) of scriptural texts, the higher objectives of Sharīʿah can be inferred from the holistic implications of its textual pronouncements. The reliance on *mafhūm* (implicit meaning) beyond the literal expressions in scripture is an established principle in the realm of *uṣūl al-fiqh* (principles of jurisprudence). Hence, maqāṣid al-sharīʿah constitutes the abstract, teleological scaffolding extrapolated through careful study of the aims and visions enshrined within the substantive particulars of Sharīʿah doctrine. It provides philosophical coherence to the detailed prescriptions by anchoring them to higher goals and purposes.

According to Al-Juwayni (1997a), in addition to the explicit meaning (*mantūq*) of the textual injunctions of the Sharīʿah, the implicit significations (*mafhūm*) behind these texts can also serve as a basis for deriving rulings. These implicit meanings reflect the hidden rationale and intent behind the enactment of a particular ruling in the Sharīʿah. Al-Juwayni refers to this as the *mafhūm* of textual expression. The *mafhūm* is divided into two types: *mafhūm muwāfaqah* and *mafhūm mukhālafah*. *Mafhūm muwāfaqah* denotes concordance between the unstated ruling of a matter and the stated ruling of a correlated issue, with the former potentially carrying greater weight than the explicit ruling in the text. It yields a definitive (*qaṭʿī*) deduction. For example, the prohibition of hitting one's parents, though unstated, supersedes the explicitly prohibited disobedience through harsh speech mentioned in the Qur'an at 17:23.

> Translation: Say not to them [so much as], *"uff"* and do not repel them but speak to them a noble word.
>
> (Quran. Surah Al-Isrā', 17:23)

There can also be speculative (*ẓannī*) rulings of *mafhūm muwāfaqah*, like obligating expiation on intentional murderers based on the expiation mandated for unintentional manslaughter stated in scripture (Al-Ghazali, 1998).

On the other hand, *mafhūm mukhālafah* refers to the ruling of an unstated matter that contradicts the ruling of a stated matter in the text (Al-Juwayni, 1997). For example, the non-obligation of *zakāt* on sheep fed by their owner differs from the obligated *zakāt* on freely grazing sheep based on the hadīth of the Prophet (PBUH):

> Translation: "For sheep that graze freely, when they reach forty in number, they are subject to payment of one sheep as *zakāt* up to one hundred and twenty in number".
>
> (Sunan Abī Dāwūd, 1988, Hadīth: 1568)

However, there is disagreement among scholars on accepting *mafhūm mukhālafah*. According to al-Shāfiʿī and most Mālikī and Ẓāhirī scholars, Sharīʿah rulings can be specified through *mafhūm* of descriptive attributes as in the above hadīth, where sheep fed by their owner are excluded from zakāt obligation. Abu Hanifah and some Mālikī scholars, on the other hand, do not accept specification of rulings based on *mafhūm* (Al-Juwayni, 1997). This stems from the contradiction between the ruling of an unstated matter and that of a stated matter in the text. Hence, can something never directly mentioned in the texts (implied meaning) be attributed to Sharīʿah? However, Al-Juwayni (1997) argues that the position negating *mafhūm* of attributes is weak, as there are hadīths and practices of the Companions that support specifying rulings through *mafhūm* of attributes (Al-Ghazali, 1998).

Upon deeper analysis, maqāṣid al-sharīʿah can be considered as the *mafhūm kullī* (overall implicit meaning) of the corpus of Sharīʿah texts, as it encapsulates the holistic signification behind the multitude of scriptural pronouncements. This meaning emerges through a comprehensive study of the textual evidence. It aligns more with *mafhūm muwāfaqah* since it concurs with the intent of most or all Sharīʿah texts. In his discourse on *maṣlaḥah* (benefit), Al-Ghazali (1993) affirmed that maqāṣid al-sharīʿah is founded on the implicit purposes of revealed texts, stating:

> Translation: We attribute maslahah to the preservation of the objectives of the Sharī'ah, and the objectives of the Sharī'ah are known through the Qur'an, Sunnah and *Ijmā'*. Any *maṣlaḥah* that does not uphold an objective understood from the Qur'an, Sunnah and *Ijmā'*, and is among the anomalous *maṣāliḥ* that do not concur with the mechanisms of the Sharī'ah, then it is invalid and rejected.

(Al-Ghazali, 1993)

Al-Ghazali clearly stipulates that maqāṣid al-sharī'ah must emanate from understandings gleaned from scriptural evidence. Anything contrary to this understanding is false and unacceptable. Hence, maqāṣid al-sharī'ah is not detached from the textual injunctions, for without it, the very aims and goals of the Sharī'ah could not be ascertained.

If the *mafhūm* (implicit meaning) of even a single Sharī'ah text can form the basis for a ruling, why cannot the implicit meaning gleaned from the corpus of textual evidence across various areas of jurisprudence serve as a source of law? In fact, the level of certainty in the *mafhūm* derived from a multitude of texts should be higher than that of the *mafhūm* of a solitary text. If the objection is that maqāṣid al-sharī'ah lacks consistency, this cannot be accepted, for a fundamental prerequisite in determining the *maqāṣid* is their recurrent manifestation across diverse textual pronouncements. Any meaning not consistently evident in the textual evidence would be doubtful as a *maqāṣid* or theme of the Lawgiver (Allah). Hence, doubting the legal authority of a meaning culled from multiple sources while accepting the *mafhūm* of individual texts is an unwarranted inconsistency (Kamali, 2008). The reliance on *mafhūm* and *istinbāṭ al-hukm* from textual implications is well-established in *usūl al-fiqh*. By extension, the extraction of higher objectives through induction from detailed injunctions should be valid.

Related to this, Al-Shatibi (2004) affirms that maqāṣid al-sharī'ah is deduced from the analysis of a countless number of textual proofs, yielding a categorically certain conclusion. He states:

> Translation: The ummah has agreed – in fact all religions – that the Sharī'ah was instituted to preserve the five essentials – namely religion, life, lineage, property and reason. Knowledge of this is fundamentally established among the ummah, without being stipulated by any specific definitive proof or originating principle to which it is traced. Rather, its suitability to the Sharī'ah is known through the conglomeration of countless proofs not restricted to any single chapter... By this distinction, the *usūl* differ from the furū'; for the furū' rely on individual proofs and specific inferences, thus retaining an origin in speculative deduction (*ẓann*). In contrast, the *usūl* are derived from inductive analysis of the implications of proofs in general, not any solitary evidence in particular.

(Al-Shatibi, 2004)

Based on this statement, maqāṣid al-sharī'ah is beyond doubt or suspicion. It also affirms that maqāṣid al-sharī'ah holds greater authority and certainty (*qaṭ'ī*) compared to solitary textual proofs which are speculative (*ẓannī*). As such, derivative rulings (*furū'*) must always conform to the higher objectives (*usūl*) i.e. maqāṣid al-sharī'ah.

Conclusion

This study has explored the striking similarities between the method of *istiqrā'* employed by classical Islamic scholars in determining maqāṣid al-sharī'ah and the thematic analysis approach commonly used in modern qualitative research. The inductive process of *istiqrā'* involves a comprehensive examination of Sharī'ah texts to identify the overarching objectives and purposes of Islamic law. This mirrors the systematic approach of thematic analysis, which aims to uncover patterns, shared meanings, and themes from collected data.

Both methods involve a meticulous process of studying individual elements within a larger dataset, labeling and categorizing them based on identified patterns, and ultimately deriving higher-order themes or principles that encapsulate the essence of the data. In the context of maqāṣid al-sharī'ah, this process entails analyzing religious injunctions, prohibitions, and their underlying causes across various chapters

of Islamic jurisprudence (*fiqh*) to ascertain the unified objectives that underpin the diverse rulings of Sharī'ah.

The inductive nature of *istiqrā'* aligns with the inductive approach in thematic analysis, whereby specific observations are generalized to develop broader theories or conclusions. Maqāṣid al-sharī'ah, as the product of *istiqrā'*, represent the implicit themes (*mafhūm*) that emerge from the holistic analysis of Sharī'ah texts. These themes are not based on isolated proofs but rather on the convergence of multiple evidences from different areas of Islamic law.

Furthermore, this study highlights the epistemic certainty and authority of maqāṣid al-sharī'ah, as they are derived from a comprehensive study of numerous textual proofs. Maqāṣid al-sharī'ah, being the overarching objectives gleaned from the entirety of Sharī'ah, hold greater weight than individual rulings based on solitary evidences. As such, maqāṣid al-sharī'ah serve as the guiding principles that ensure the coherence and consistency of Islamic legal reasoning (*ijtihād*) and prevent deviation from the fundamental aims of the divine law.

The recognition of maqāṣid al-sharī'ah as the *mafhūm* (implicit meaning) of the corpus of Sharī'ah texts underscores their integral role in understanding and applying Islamic law. Just as the implied meaning of individual texts can form the basis for legal rulings, the collective implicit meaning derived from the vast array of Sharī'ah injunctions should be considered a valid source of law. This is supported by the well-established principle of relying on *mafhūm* and deriving rulings from textual implications in Islamic legal theory (*usūl al-fiqh*).

In conclusion, this study demonstrates the robustness and methodological rigor of the *istiqrā'* approach in determining maqāṣid al-sharī'ah, drawing parallels with the widely accepted thematic analysis method in qualitative research. It affirms the epistemic authority of maqāṣid al-sharī'ah as the overarching objectives and implicit themes that emerge from a comprehensive analysis of Sharī'ah texts. By grounding *ijtihād* and legal reasoning in the maqāṣid, scholars can ensure that the application of Islamic law remains faithful to its higher purposes while addressing the evolving needs and challenges of contemporary societies. This study underscores the importance of understanding and upholding maqāṣid al-sharī'ah as an indispensable framework for the authentic and contextual interpretation of Islamic law in the modern world.

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