The Theory of Maqasid al-Shari'ah: A Literature Review and Research Agenda

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Introduction

The concept of 'Maqasid al-Shari'ah' refers to the objectives of shari'ah (Islamic law) that promote human welfare through acquisition of every possible benefit (muqaddas) and avoidance of any kind of harms or injuries (mardhah). Ibn Ashur said: “The overall objective (maqasid ‘umm) of Islamic legislation is to preserve the social order of the community and insure its healthy progress by promoting the wellbeing and virtue (salah) of the human being. The salah of human beings consists of the soundness of their intellects and the righteousness of their deeds, as well as the goodness of the things of the world in which they live that are put at their disposal” (Ibn-Ashur, 2006). In order to achieve those objectives the lawgiver (shari') - Allah swt prescribed many aḥkām (provisions and rulings) since the inception of sending prophets and messengers which meet at some divinely common purposes that could help mankind to live a systematic and peaceful life on this earth (al-Qayyim, 1973; Kamali, Khan, & Al Shaikh-Ali, 2008; Mohamad Akram Laldin & Hafas Furqani, 2013). This is the very meaning of the concept of maslahah (in singular, plural is maslahah) as known in Islamic Jurisprudence (al-fiqh al-Islami).

The application of maqasid al-shari'ah is evident in the ijtihad (individual reasoning) of Muslim jurists (fuqaha) beginning from the companions (sahabah) of the prophet (PBUH) and more evidently it is found in the ijtihad of 'Umar- the caliph of Islam Islam (al-Dehlawi, 2005; al-Jundi, 2008). Maqasid al-shari'ah was well considered by almost all later fuqaha (jurists of Islamic jurisprudence) particularly Abu Hanifah (150H), Malik (178H), Shafi’i (204H) and Ahmad (241H). Imams of four popular Sunni madhahib (schools of Islamic legal thought) in their ijtihad as found in their fiqh legacy (al-Furuji, 2001; Ibn-Mukhtar, 2014; Kamali et al., 2008.).