

Reconstruction of the Concept of *Maqāṣid Al-Sharī'ah* the Human Rights Frame: Jasser Auda's Perspective on the Renewal of Contemporary Islamic Law

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ABSTRACT

This study analyzes the reconstruction of the concept of *maqāṣid al-sharī'ah* developed by Jasser Auda as a framework for contemporary Islamic law reform, particularly in its dialogue with international human rights discourse. *Maqāṣid al-sharī'ah* has classically been understood as the objectives of Islamic law encompassing the protection of religion, life, intellect, lineage, and property. Jasser Auda, through a systems approach, reconstructs this concept by extending its scope from individual protection to development and reformulating the *maqāṣid* method from inductive-deductive inference to a multidimensional value system. This qualitative research employs a library research approach and philosophical-critical analysis using Ricoeur's hermeneutical model—encompassing narrative, semantic, and referential stages—applied to Jasser Auda's principal works, primarily *Maqasid Al-Shariah as Philosophy of Islamic Law* and *Re-Envisioning Islamic Scholarship*, alongside comparative perspectives from Tariq Ramadan, Mohammad Hashim Kamali, and Wael Hallaq. The analysis is further grounded in the Indonesian legal context, with reference to the Kompilasi Hukum Islam (KHI) and Constitutional Court jurisprudence. The results show that Auda's reconstruction offers a significant conceptual bridge between *maqāṣid al-sharī'ah* and universal human rights, particularly through the concepts of *kullīyyat* (universality) and *maqāṣid ammah* (general objectives). Comparative analysis with Türkmen and Hasaballah demonstrates that Auda's systems approach is the most comprehensive contemporary reformist framework, though Hallaq's critique of the foundational assumptions of modernist Islamic law reform demands serious intellectual engagement. However, several epistemological tensions between Islamic normative sources and secular human rights language need to be addressed through a dialogical approach that is non-reductive to either tradition.

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INTRODUCTION

Contemporary Islamic law faces serious challenges in responding to the increasingly global development of international human rights norms. On the one hand, there is a strong push from the international community for the Islamic legal system to accommodate universal human rights standards as enshrined in the Universal Declaration of Human Rights (UDHR) 1948 and subsequent international human rights instruments—including the International Covenant on Civil and Political Rights (ICCPR) 1966 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979. On the other hand, some Muslim scholars view universal human rights as a product of Western philosophy that is not value-neutral and has the potential to push for certain cultural hegemony over the Islamic legal tradition (An-Na'im, 2008; Baderin, 2003; Moosa, 2003).

In the context of these tensions, efforts to establish a constructive dialogue between maqāṣid al-syarī'ah and human rights are becoming increasingly important. Maqāṣid al-syarī'ah, as a teleological framework of Islamic law, offers an argumentative basis that can bridge the demands of religious normativity with the need for universal justice. Since its systematic formulation by Al-Ghazali (11th century) and Al-Syatibi (14th century), the concept of maqāṣid has undergone significant development in the literature of ushul fiqh, from being originally defensive-protective to increasingly progressive and constructive (Weiss, 1998; Opwis, 2005).

Jasser Auda, a contemporary scholar of Egyptian-Canadian Islamic law, offers the most comprehensive and systematic reconstruction of the concept of maqāṣid al-syarī'ah. Through a synthesis between the classical Islamic maqāṣid tradition and modern systems theory, Auda developed a philosophy of Islamic law that he called "maqāṣid approach to Islamic law"—a framework that claims to be able to answer contemporary challenges, including dialogue with human rights discourse (Auda, 2008). However, the extent to which Auda's reconstruction succeeds in overcoming the epistemological tension between these two different normative traditions needs to be critically examined, especially in response to Hallaq's (2009) fundamental critique of the project of modern Islamic legal reform.

This research has special relevance for the Indonesian context, considering that Indonesia is the largest democratic Muslim country that is constitutionally committed to human rights principles as well as to Islamic values. In the Indonesian legal system, the Compilation of Islamic Law (KHI) which was ratified through Presidential Instruction No. 1 of 1991 is a codification of Islamic law that explicitly integrates the values of maqāṣid in the regulation of family, marriage, and inheritance law (Nasution, 2009; Mulia, 2011). A number of Constitutional Court (MK) decisions also show efforts to balance Islamic values with constitutional human rights guarantees—as seen in the Constitutional Court Decision No. 46/PUU-VIII/2010 on the rights of children out of wedlock which has raised a debate between classical fiqh norms and modern human rights principles (Salim, 2008; Mudzhar, 2014). How the reform of Islamic law based on maqāṣid can contribute to the strengthening of human rights guarantees in the Indonesian legal system is an academic question that has real practical implications (Wahid, 2009; Mas'ud, 2000; Azra, 2004).

Previous studies on the relationship between maqāṣid and human rights have yielded a number of important findings. Hasaballah (2019) shows that contemporary maqāṣid discourse has shifted significantly from a protective-defensive orientation to a constructive-progressive orientation. Meanwhile, Türkmen (2021) in his comparative study found that the points of convergence between maqāṣid and human rights are greater than those assumed by skeptics, although epistemological divergences remain. However, most of these studies have not critically examined how Auda's systemic approach responds to the fundamental criticisms of the project of modern Islamic law reform, as proposed by Wael Hallaq (2009), as well as its concrete implications for the context of Islamic law in Indonesia. This article fills this gap by conducting a critical-comparative analysis of the reconstruction of maqāṣid Auda in the framework of dialogue with human rights and the reform of Islamic law in Indonesia.

RESEARCH METHODS

This research is a qualitative research with a library research approach and philosophical-critical analysis. Primary data sources consist of Jasser Auda's works, including: *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (2008), *Maqasid Al-Shariah: A Beginner's Guide* (2008b), and *Re-Envisioning Islamic Scholarship: Maqasid Methodology Beyond Sectarianism* (2022). Secondary data sources include classical jurisprudence literature (Al-Ghazali, Al-Syatibi, Al-Raisuni), international human rights literature, perspectives of contemporary Muslim reformist thinkers (Ramadan, Kamali, Hallaq), as well as academic studies on the relationship between maqāṣid and human rights, including relevant literature on Islamic law in Indonesia.

The choice of Ricoeur's philosophical hermeneutics as a framework of analysis is based on several epistemological considerations that can be accounted for academically. First, Ricoeur's (2008) model recognizes the productive tension between "explaining" and "understanding" the text—a tension that is structurally parallel to the debate in the *ushul fiqh* tradition between the *bayānī* (linguistic-literal) and *burhānī* (rational-demonstrative) approaches as identified by Al-Jabiri and Arkoun (2002) in the Arab-Islamic philosophy of reason. Second, Ricoeur's hermeneutics is non-reductive: it does not impose a single framework of meaning on the text, so it is compatible with the Islamic *ijtihad* tradition that recognizes a plurality of valid interpretations within certain methodological boundaries (Saeed, 2006). Third, Ricoeur's approach allows for a multi-layered analysis of Islamic legal texts—not only their literal meaning, but also their conceptual structure and normative implications for the social world. Thus, Ricoeur's choice of hermeneutics is not merely a methodological borrowing from the Western tradition, but an analytical tool that is epistemologically compatible with the intellectual framework of *ushul fiqh*.

In the methodological implementation of this article, the three stages of Ricoeur's hermeneutics operate as follows: (1) The narrative stage—understanding the arguments of Auda in the historical context of the development of classical maqāṣid from Al-Ghazali to Al-Syatibi, as well as in the context of the discourse of modern Islamic legal reform, including the contributions of thinkers such as Ibn Ashur, Abduh, and Iqbal; this stage determines the "pre-understanding" that allows for a fair reading of the Auda text. (2) The semantic stage—an in-depth analysis of key concepts such as "kulliyyat", "maqāṣid ammah", "systems approach", and "development", examining how Auda defined, elaborated, and distinguished them from previous uses; this stage included comparative analysis with other contemporary thinkers such as Ramadan (2009), Kamali (2011), and Hallaq (2009). (3) Referential stage—evaluating the relevance and implications of Auda's ideas by projecting them into two concrete contexts: (a) international human rights discourse (UDHR, ICCPR, Cairo Declaration on Human Rights in Islam 1990), and (b) the context of Islamic law in Indonesia (KHI, relevant Constitutional Court rulings, waqf and zakat regulations). The validity of the argument was tested through coherence checking against the recognized principles of *ushul fiqh* and the internal consistency of the Auda reconstruction.

RESULTS AND DISCUSSION

Classical Maqāṣid and Its Limitations in Responding to Human Rights

In the tradition of the classical maqāṣid constructed by Al-Ghazali and developed by Al-Syatibi, the purpose of sharia is formulated in five categories called *al-kulliyyat al-khams*: *hifz al-din* (religious protection), *hifz al-nafs* (protection of the soul), *hifz al-'aql* (protection of reason), *hifz al-nasl* (protection of heredity), and *hifz al-mal* (protection of property). This framework is protective and oriented towards the prevention of damage (*dar' al-mafasid*) rather than on the active development of human potential (Auda, 2008; Al-Raisuni, 2013). Al-Syatibi in *al-Muwafaqat* formulates a hierarchy between *darūriyyāt* (primary needs), *hājiyyāt* (secondary needs), and *tahsīniyyāt* (tertiary needs) as the basis of legal prioritization—a hierarchy that has actually contained the seeds of thinking about the comprehensive protection of human interests, albeit in a different language from modern human rights discourse (Weiss, 1998; Opwis, 2005).

Some of the limitations of this classical framework in responding to contemporary human rights discourse include: first, the formulation of the protection of the soul (*hifz al-nafs*) is classically more limited to physical protection from murder and injury, without accommodating broader human rights dimensions such as human dignity, the right to identity, and the right to self-development. Second, there are no explicit categories for civil-political freedoms such as freedom of opinion, freedom of association, and the right to political participation. Third, the classical *maqāṣid* perspective is community-centered rather than individual-centered, which can clash with modern conceptions of human rights that place individuals as autonomous rights holders (Baderin, 2003; An-Na'im, 2008). Fourth—and this is often overlooked—the classical *maqāṣid* formulation assumes Islamic city-states (Islamic polity) as the context of its implementation, so that it does not directly address the challenges of legal pluralism in modern nation-states (Hallaq, 2009; Emon, 2010).

In response to the limitations of the classical framework, contemporary Muslim reformist thinkers offer a diverse approach. Tariq Ramadan (2009) proposes the concept of "radical reform" — which he means not as revolutionary reform, but as a return to the roots (*radix*) of Islamic tradition to find principles that can answer modern challenges. Ramadan argues that the problems of contemporary Muslims require more than *fiqhiyah* (legal reform), but rather an epistemological transformation that shifts from *fiqh al-aqalliyyāt* (reactive minority *fiqh*) to universal and contextual Islamic ethics — a shift he calls from "applied ethics" to "foundational ethics." Meanwhile, Mohammad Hashim Kamali (2011) offers a reconstruction of the *maqāṣid* hierarchy that includes human rights as an integral part of *maqāṣid al-syarī'ah*, through the concept of "maqṣid as Islamic legal theory" which emphasizes the importance of critical jurisprudence in responding to contemporary issues such as freedom of expression, gender equality, and good governance. Compared to the Ramadan and Kamali approaches, Auda offers a more systematic and methodological framework because it adopts modern systems theory as a formal analytical tool—although Hasaballah (2019) assesses that this systemic approach risks sacrificing the depth of historical contextualization for the sake of systematic coherence that can lead to reductionism to the complexity of the *fiqh* tradition.

Türkmen (2021), in his comparative study of *maqāṣid* and human rights, identifies three models of relationships: the confrontational model (which views the two as fundamentally incompatible), the accommodative model (which views the *maqāṣid* as a pre-figuration of human rights), and the dialogical model (which views the two as different normative traditions but can enrich each other). Auda, within the framework of Türkmen, is categorized as the most elaborative representation of the accommodative-dialogical model among contemporary thinkers. However, Türkmen also cautions that the accommodative model is vulnerable to what he calls "methodological apologetism" — the tendency to find compatibility for apologetic purposes, not for the sake of intellectual honesty. This criticism needs to be seriously considered in evaluating Auda's contribution, especially in examining whether his semantic expansion of *maqāṣid* was really born out of the normative tradition of Islam itself, or whether it was more of a retroproject of legitimacy against existing human rights norms.

Jasser Auda's Reconstruction: Maqāṣid as a Value System

Jasser Auda reconstructed the concept of *maqāṣid* through the application of systems theory that he borrowed from contemporary philosophy of science. He identified six main features of the Islamic legal system that need to be developed: cognition, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness (Auda, 2008). Within this framework, *maqāṣid* is no longer understood as a finite and static list of goals, but rather as a dynamic, open, and interdependent value system—a paradigmatic shift from an atomistic approach to a holistic-systemic approach to Islamic law.

One of Auda's most important contributions was the shift from *maqāṣid* as "protection" to *maqāṣid* as "development". Thus, *hifz al-nafs* does not only mean protecting the soul from murder, but means "development of human life in all its dimensions". This semantic transformation opens up space for the integration of human rights concepts such as the right to health, education, decent living standards, and the development of one's own potential into the framework of *maqāṣid*. Moreover,

Auda expands the scope of maqāṣid from the individual level to the level of community and civilization (Auda, 2008; Al-Raisuni, 2013; Duderija, 2014).

To illustrate how the semantic transformation from "protection" to "development" works in a real legal context, we can take the example of the reconstruction of *hifz al-nasl* (protection/development of offspring). In the classical tradition, *hifz al-nasl* focuses on the prohibition of adultery and the arrangement of legal marriage as a mechanism for the protection of lineage (*nasab*). Auda's reconstruction shifts this orientation towards the "development of the human family", which opens up space for: (1) women's rights in marriage and divorce more equally—in line with the KHI reform movement in Indonesia that promotes gender equality in family law (Mulia, 2011; Nasution, 2009); (2) protection of children's rights without discrimination in birth status—as argued in the Constitutional Court Decision No. 46/PUU-VIII/2010 which affirms the right of an out-of-wedlock child to legal recognition from his biological father; (3) the right to education and self-development for all family members. In Auda's perspective, these three dimensions are not additions from outside Islam, but internal elaborations of the principle of maqāṣid which has been limited by the historical context of classical interpretation (Auda, 2008; Duderija, 2014).

Another example that is no less significant is the reconstruction of *hifz al-'aql* (protection/development of intellect). Classically, *hifz al-'aql* deals with the prohibition of the consumption of alcohol and substances that are destructive to the intellect. In Auda's reconstruction, *hifz al-'aql* develops into a "full development of human intellectual capacity" that includes: (1) freedom of thought and expression—which is parallel to Article 19 of the ICCPR; (2) the right to quality education and access to knowledge; (3) freedom of scientific research; and (4) protection from propaganda and information manipulation (Kamali, 2011; Saeed, 2006). This semantic transformation shows how the framework of maqāṣid Auda can accommodate a human rights dimension previously considered foreign to the Islamic legal tradition, without borrowing from what can be accused of westernizing Islamic law. March (2009) considers this kind of approach to be the most promising form of "overlapping consensus" between Islam and modern constitutional liberalism.

However, the Auda reconstruction project has not escaped fundamental criticism. Wael Hallaq (2009), in his work *Shari'a: Theory, Practice, Transformations*, argues that modern Islamic law reform projects—including those based on maqāṣid—unconsciously reproduce Western modernity's assumptions about law, state, and individuals that are precisely contrary to the epistemic structure of the Islamic legal tradition itself. Hallaq argues that the concept of "rights" in Islam is fundamentally different from the concept of rights in Western liberal philosophy: rights in Islam do not stand autonomous from duties and are always relational within the community of faith. Thus, Auda's attempt to integrate the concept of individual human rights into the framework of maqāṣid risks shifting the ontological structure of Islamic law that is essentially communal and theocentric to an individualistic and anthropocentric structure. This criticism of Hallaq is important to be taken seriously, although Ramadan (2009) and Opwis (2005) respond that such transformations are not necessarily destructive, but can be understood as an inherent adaptation in the historically dynamic Islamic legal tradition. Abou El Fadl (2004) further argues that Islam has sufficient intrinsic resources to support the values of justice and human dignity without having to borrow from liberal philosophy.

Epistemological Tensions and Opportunities for Dialogue

Although Auda's reconstruction offers a significant conceptual bridge, some epistemological tensions need to be critiqued more deeply than has been done in the literature.

First, the problem of normative sources: Islamic maqāṣidis sourced from prophetic revelation and tradition, while modern human rights are sourced from practical reason and universal consensus. Auda tends to assume the compatibility of the two, but without deeply interrogating the fundamental differences between these two normative systems (An-Na'im, 2008). To address these tensions, Abdullahi An-Na'im developed an "overlapping consensus" theory that he adapted from John Rawls, arguing that values substantively held by Islamic traditions—such as justice, human dignity, and equality—can be the basis for consensus along with universal human rights norms, without having to

accept secular or theological foundationalism exclusively (An-Na'im, 2008; March, 2009). An-Na'im specifically emphasized that this overlapping consensus must be achieved through "internal discourse"—that is, arguments formulated in the internal language of the Islamic tradition itself, not simply the translation of human rights into Islamic terminology. Auda, through the concepts of *kullīyyat* and *maqāṣid ammah*, can be seen as an effort to build such an internal base. However, Hallaq's (2009) critique reminds us of the hidden dangers in the assimilation of terminologies that appear harmonious but tacitly shift deeper epistemic structures.

Second, the problem of universality: the claim of the universality of human rights and the universality of *maqāṣid* both face criticism of cultural relativism. Türkmen (2021), in his comparative analysis, found that both *maqāṣid* and human rights both face internal tensions between claims of universality and the cultural particularity context in which they were born—*maqāṣid* is often conditioned by medieval Arab-Islamic contexts, while UDHR was born out of post-World War II contexts and Western liberal philosophy. Emon (2010) offers an alternative perspective through the concept of "Islamic natural law"—the argument that the Islamic tradition has its own natural law tradition that can be the basis for universal norms that are not purely theological. Meanwhile, Abou El Fadl (2004) argues that Islam has intrinsic resources to support pluralism and tolerance as universal values that are not just borrowed from the West. Is it possible to establish universal norms that are simultaneously rooted in the tradition of Islamic revelation and acceptable to the global non-Muslim community? This question requires a more nuanced answer than the one provided by Auda (Baderin, 2003; Kamali, 2008). Kurzman (1998), in his compilation of "Liberal Islam" sources, points out that there is a rich and diverse tradition within Islam that consistently upholds the values of freedom and equality—evidence that universalism does not have to be imported from outside, but can be found and developed from within the Islamic tradition itself.

Third, the issue of implementation: even if conceptual compatibility between *maqāṣid* and human rights can be proven, its implementation in the positive legal systems of Muslim countries faces complex political, institutional, and cultural obstacles (An-Na'im, 2008; Wahid, 2009). The Malaysian case study offers an instructive lesson: although Malaysia has formally adopted the *maqāṣid* approach in the development of Islamic law and sharia finance, its implementation faces tensions between the claims of sharia law and the constitutionally guaranteed human rights of individuals—as seen in the case of religious conversions involving the right of guardianship of children (Salim, 2008; Fadel, 2008). In Indonesia, similar tensions have arisen in debates over the legal status of children out of wedlock (Constitutional Court Decision No. 46/PUU-VIII/2010), the inheritance rights of adopted children, and sharia-based regional regulations that have the potential to clash with the principle of constitutional non-discrimination. These cases show that the conceptual bridge that Auda built between *maqāṣid* and human rights needs to be complemented by a more concrete institutional and constitutional analysis (Mudzhar, 2014; Azra, 2004). Mir-Hosseini (1999) in his study of gender and Islam shows that a substantial transformation of Islamic family law can only occur when conceptual reform is accompanied by changes in institutional practices and socio-political conditions that make it possible.

Implications for Islamic Law Reform in Indonesia

Indonesia, as the world's largest Muslim country with a constitutional democratic system committed to human rights, is an important laboratory for testing the relevance of the reconstruction of *maqāṣid* Auda. In contrast to Muslim countries that apply Islamic law as state law, Indonesia adopts a model of legal pluralism where Islamic law applies to Muslims in the field of personal law through KHI and religious courts (Salim, 2008; Wahid, 2009). This model of legal pluralism presents unique challenges and opportunities for the application of the *maqāṣid* approach.

The Compilation of Islamic Law (KHI), which was ratified through Presidential Instruction No. 1 of 1991 and applies to Indonesian Muslims in the fields of marriage, inheritance, and *waqf*, is a product of collective *ijtihad* that explicitly or implicitly reflects the considerations of *maqāṣid*. Several provisions of the KHI can be analyzed through the lens of Auda's reconstruction: (1) the provisions on the registration of marriages (Articles 5-7 of the KHI) as an instrument of *hifz al-nasl* developed to

protect the administrative rights of women and children in the modern legal system—a context-based elaboration of maqāṣid not found in classical jurisprudence; (2) provisions on the wife's right to maintenance (Article 80 of the KHI) which is an elaboration of hifz al-nafs in the context of equality of economic rights between husband and wife (Nasution, 2009; Mulia, 2011). However, a number of KHI provisions still reflect the limitations of classical maqāṣid: the inequality of divorce rights between husband and wife, as well as differences in inheritance rights that do not accommodate the development of the modern socio-economic context—dimensions that can be transformed through Auda's "developmental" approach.

The Constitutional Court of Indonesia, in several of its rulings involving Islamic law, de facto exercises an interpretive function that can be understood through the framework of maqāṣid. Constitutional Court Decision No. 46/PUU-VIII/2010 on the rights of children out of wedlock reflects the tension between the classic hifz al-nasl—which limits the nasab to legal marriage—and the principle of human rights-based non-discrimination that demands legal protection for all children. In Auda's perspective, this ruling can be understood as an application of maqāṣid that is oriented towards "development" (development of the human family) rather than simply "protection" in the classical-defensive sense (Auda, 2008; Mudzhar, 2014). Although controversial among traditional fiqh scholars, this ruling shows how state institutions can practically adopt the logic of maqāṣid within the corridor of human rights-oriented constitutionalism.

Auda's system-based reconstruction of maqāṣid offers three concrete methodological contributions to the reform of Islamic law in Indonesia. First, Auda's systemic framework can be used to critically evaluate existing Islamic law regulations by questioning whether they really realize the goals of sharia or merely maintain legal formalities without the substance of maqāṣid. Second, Auda's proposed "developmental" approach can be the normative basis for a more gender-equitable KHI reform, without having to abandon the Islamic identity of the law—a balance that has been difficult to achieve by the Islamic family law reform movement in Indonesia (Mulia, 2011; Kamali, 2011). Third, the concept of "openness" in the theory of the Auda system supports the adoption of collective ijtihad (ijtihad jamā'ī) that involves a wide range of stakeholders—including women, minority groups, and non-legal experts—in the process of Islamic law-making, a principle that is in line with the spirit of deliberative democracy in the Indonesian legal system (Azra, 2004; March, 2009).

CONCLUSION

The reconstruction of the concept of maqāṣid al-syarī'ah developed by Jasser Auda is a significant and bold intellectual contribution to the reform of contemporary Islamic law. By adopting a systems approach and extending the semantics of maqāṣid from "protection" to "development", Auda offers a framework that is much more responsive to modern human rights challenges. The comparative analysis conducted by this article—involving Ramadan (2009), Kamali (2011), Hallaq (2009), Türkmen (2021), and Hasaballah (2019)—shows that Auda's contribution is the most systematic among contemporary reformist efforts, although it is not entirely free from fundamental conceptual tensions. In particular, Hallaq's (2009) critique of the dangers of assimilating Western assumptions of modernity into Islamic law reform should be used as a methodological warning, not an intellectual barrier.

The conceptual bridge that Auda builds between maqāṣid and human rights opens up opportunities for productive dialogue between the Islamic legal tradition and the norms of international law. However, some epistemological tensions—concerning normative sources, claims of universality, and implementation challenges—still require further deepening. A productive dialogue between maqāṣid and human rights must be genuinely bilateral: not merely the Islamization of human rights language or the Westernization of Islamic law, but the meeting of two normative traditions that each recognize the autonomy and limits of the validity of the other tradition. An-Na'im's (2008) theory of overlapping consensus and its concept of internal discourse offer a more adequate procedural framework for this kind of dialogue than the often used terminological assimilation model.

In the Indonesian context, the reconstruction of Auda has significant practical relevance. The development-based maqāṣid approach can provide a normative basis for the revision of KHI that is

more gender-fair, the development of environmental jurisprudence that is responsive to ecological crises, and the formulation of Islamic law that can have a constructive dialogue with the national legal system based on Pancasila. The decisions of the Constitutional Court that are in contact with Islamic law show that the approach of maqāṣid in the sense of Auda—which is oriented towards the full development of human potential—is actually more compatible with the spirit of Indonesian constitutionalism than the defensive approach of classical fiqh. In the future, more in-depth empirical research is needed to examine how the maqāṣid Auda approach can be operationalized concretely in Indonesian Islamic legal institutions—from religious courts, the Indonesian Waqf Board, BAZNAS, to the MUI Fatwa Commission—as part of a truly contextual Islamic law reform project.

In the future, the development of maqāṣid theory that is truly dialogical—not just apologetic—with human rights discourse requires intellectual courage to acknowledge differences as well as find a substantive common ground, not just terminological. This challenge is not only an academic challenge, but also a challenge for the Muslim community as a whole in formulating its legal identity in an increasingly connected world.

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