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## **The Concept of Maqasid Sharia According to Jasser Auda**

**Andri Sutrisno<sup>1</sup>, Dini Salsabela<sup>2</sup>, Fitriani<sup>3</sup>, Miftahul Jannah<sup>4</sup>**

Institut Dirosat Islamiyah Al-Amien Prenduan Sumenep

*e-mail: andri.sutrisno@idia.ac.id, embunaurora22@gmail.com,*

*makruffitriani@gmail.com, m2gL1903@gmail.com*

### **Abstract**

*Maqasid Sharia is a very important theme in the discourse of Islamic thought in this contemporary era. In classical times, this science became part of the science of ushul fiqh, but in the present, it has stood alone as a scientific discipline in Islam. This can be seen in the contribution of thought made by Jasser Auda to make the science of maqasid Sharia a form of a principle, higher intents, and basic values of Sharia in the context of a movement to answer a problem of the times that have changed from time to time. This is done to make maqasid Sharia a form of reform of a new paradigm and ijtihad so that Islam becomes a religion that is always high, and there is no other religion higher than Islam. For that, in this study. Researchers use a descriptive qualitative approach with the type of literature research. Where in the process of collecting data, researchers conduct research by reading and analyzing Jasser auda books and several books, and journal articles to support outlining data on the concept of maqasid sharia Jasser auda perspective. The conclusion of this study is that Jasser Auda is a Muslim intellectual born in Cairo, Egypt, and is currently Jasser Auda is the director and founder of the maqashid research center in London, England. His books discuss a lot about the science of maqasid Sharia to answer the problems of this contemporary era. That the epistemology of maqasid Sharia according to Jasser auda must have four meanings, namely wisdom behind a law, a good ultimate goal in formulating laws, having a goal to Allah Swt. as well as the purpose of moral concepts that are the basis for making laws, and providing a value as well as a principle of humanity in human life.*

**Keywords:** *Epistemology; Maqasid Sharia; Jasser Auda;*

## **Introduction**

All regulations and laws by Islamic rules are nothing but a command from Allah Almighty. These regulations were passed down through the agency of the prophet Muhammad SAW. This system of rules and laws is nothing but intended for man to obtain goodness (maslahah). In his book, one of the figures who excavated maqasid, Jaser Audah, said, "A part of Islamic law based on sharia cannot be regarded as al-maqasid, unless it is a legitimate target that can achieve the benefit or prevent omnipresence". The quote means that any purpose that includes al-maqasid is nothing but to express the benefit of man (bringing benefits and preventing ugliness).<sup>1</sup> All regulations and laws by Islamic rules are nothing but a command from Allah Almighty. These regulations were passed down through the intermediary of the prophet Muhammad SAW. This system of rules and laws is nothing but intended for man to obtain goodness (maslahah). In his book, one of the figures who excavated maqasid, Jasser Audah, said, "A part of Islamic law based on sharia cannot be regarded as al-maqasid, unless it is a legitimate target that can achieve the benefit or prevent omnipresence".<sup>2</sup> The quote means that any purpose that includes al-maqasid is nothing but to express the benefit of man (bringing benefits and preventing ugliness).

Starting from the arrival of Islam to contemporary times, many scholarly figures began to arrive in pouring out their ideas, thoughts and contributions to developing Islamic law, looking for the origin of the law so that the statutes listed could be accepted by human reason, and looking for the source of Islamic law which was later referred to as maqasid shari'ah.

The position of maqasid sharia is the main goal in developing the values contained in Islamic law to face social changes that occur in a society. In the narrative of Jasser Auda, one of the figures who excites the maqasid shari'ah, there are two factors behind the maqasid: the humanitarian crisis and the lack of methods to solve it. The human problem is the first factor that is a reality that is almost experienced by all Muslim countries, where poverty, unemployment, lack of education, economic averages, and social welfare have not been

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<sup>1</sup>Jasser Auda Terj. Ali Abdul Mun'im, *Al-Maqasid Untuk Pemula* (Yogyakarta: UIN SUKA Press, 2013).

<sup>2</sup>Abbas Arfan, "Maqasid Al-Syariah Sebagai Sumber Hukum Islam Analisis Terhadap Pemikiran Jasser Auda," *Al-Manahij Jurnal Kajian Hukum Islam*, 2013.

realized.<sup>3</sup> Even the latest human development index (HDI) report shows that none of the Muslim countries ranked first ten. Not to mention the many acts of terror in the name of Islamic law, this makes everyone worried as well as afraid and worried. Then, this kind of reality makes Jaser wonder: what is this called Islamic law like?<sup>4</sup> Departing from this reality, then Auda began to consider offering the world something that there is a law of Islam whose actual existence is still not touched and developed by human reason, namely maqasid shari'ah. He also thinks realistically, however, that offers the concept of maqasid as it is - as a second factor- is a futile effort. This is inseparable from the old maqasid pattern, which is narrow, hierarchical and rigid, not having a positive effect on Islamic law itself.<sup>5</sup>

In addition to updating the old maqasid, Auda also presents a historical fact that Islamic law is derived from the Qur'an and Hadith. The interpretation and ijthad of these two sources give birth to a dynamic tendency in solving problems faced by humans needing a dialogical process. The purpose of this dialogical process is that there is a reprimand between the basic building of the human way of thinking and the basic building of the Islamic way of thinking.<sup>6</sup> With the dialogical process above, inevitably, humans have to come into contact with the philosophical (rational) method and the scientific (empirical) method. In other words, introducing and discussing Islamic law is not enough just to dwell around sharia, ushul fiqh, and fiqh. However, it must also be with other, more interdisciplinary approaches. This is where later, Jaser offered a new method of approaching the maqasid of sharia as Islamic law.

## Method

This research is included in descriptive qualitative research with a type of literature study research. Where researchers study and understand books that

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<sup>3</sup> Mohamad Ma'mun, "Maqasid Al-Shariah Perspektif Abu Ishaq Al-Shatibi," *El-Faqih: Jurnal Pemikiran dan Hukum Islam* 6, no. 2 (2020): 1–17.

<sup>4</sup> Muhammad Iqbal Fasa, "Reformasi Pemahaman Teori Maqasid Syariah Analisis Pendekatan Sistem Jasser Auda," *HUNafa: Jurnal Studia Islamika* 13, no. 2 (2017): 218.

<sup>5</sup> S Suryawati, "Praktik Pengelolaan Limbah Industri Dalam Perspektif Maqasid Syari'ah," *El-Faqih: Jurnal Pemikiran dan Hukum Islam* 8, no. April (2022), <http://ejournal.iaifa.ac.id/index.php/faqih/article/view/603>.

<sup>6</sup> Syukur Prihantoro, "Maqasid Al-Syari'ah Dalam Pandangan Jasser Auda (Sebuah Upaya Rekonstruksi Hukum Islam Melalui Pendekatan Sistem)," *Jurnal At-Tafkir* 10, no. 1 (2017): 120–134.

are relevant to maqasid sharia so that researchers can find and fully understand the concept of maqasid sharia from the perspective of jasser auda.<sup>7</sup>

The source of data in this study is by collecting from various kinds of research literature, both books written directly by jasser auda, other books, fiqh books, ushul fiqh, journal articles or other research results that discuss the concept of maqasid sharia.<sup>8</sup>

Meanwhile, the data analysis used by the author is by using qualitative descriptive techniques by reading, studying and then understanding all the data collected and then formulating the results as a form of final conclusion. The results of this research are expected to contribute ideas that can provide a treasure of knowledge in the field of Islamic law in presenting community problems in this day and age.<sup>9</sup>

## **Discussion**

Jasser Auda was born in 1966 in Cairo, Egypt. As a person who was born into a religiously observant family, since childhood, he has been accustomed to traditional Islamic sciences. Plus, he lived in a land that in the history of Islamic civilization was known as a country whose academic climate, a source of religious knowledge –which in many ways has given birth to great pemikir\_pemikir –is beyond doubt. He is the nephew of Abdul Qadir Audah, a figure of Ikwanul Muslimin (IM), the author of the book *al-Tasyri'al-Jinai al-Islami*, which for some is a source of reference when talking about Islamic criminal law. Jasser Auda was a Muslim intellectual who in him came into contact with two traditions at once: west and east, traditional and modern. Since he was young, Jasser has been accustomed to traditionally studying at the Al-Azhar Mosque, which allows him access to classical, traditional thoughts. In addition to studying traditionally in the Al-Azhar community, he also attended the department of communication sciences, Cairo University, Egypt, at the level of strata one and two. followed by details of the methods, materials, procedures,

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<sup>7</sup> Sugiono, *Metodologi Penelitian Pendidikan Kuantitatif-Kualitatif Dan R&D* (Bandung: Alfabeta, 2010).

<sup>8</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2005).

<sup>9</sup> Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, III. (Jakarta: Rineka Cipta, 2000).

and equipment used. Findings, discussion and conclusions should follow in that order. Appendices may be employed where appropriate.<sup>10</sup>

In enriching the pattern of thinking, Jasser Auda was not only complacent in gaining knowledge from Egypt, but he also received 4 B.A degrees from the Department of Islamic Studies at the Islamic American University, USA, in 2001, and a Master of Jurisprudence obtained from the American Islamic University, Michigan, in the focus of maqashid Sharia studies in 2004. He obtained his PhD from the University of Waterloo, Canada, in the 2006 study of Systems Analysis. And the second PhD was obtained from the University of Wales, England, in the philosophy of Islamic Law in 2008.<sup>11</sup>

Several important positions have been held by him, including Associate Professor at the Faculty of Islamic Studies Qatar (QFIS) with a focus on Public Policy studies in the Islamic Studies Program. He was a founding member of the International Union of Muslim Clerics, based in Dublin; a member of the Academic Council of the International Institute of Islamic Thought in London, England; member of the International Institute of Advanced Systems Research (IIAS), Canada; supervisory member of the Global Centre for the Study of Civilization (GCSC), England; Member of the Executive Council of the Association of Social Muslim Scientists (AMSS), English; Member of the Forum against Islamophobia and Racism (FAIR), England and Consultant for Islamonline.net.<sup>12</sup>

Now Jasser Auda is the director and founder of the Maqashid Research Center in the Philosophy of Islamic Law in London, England. Dan was a guest lecturer for the Faculty of Law of Alexandria University, Egypt, the Islamic Institute of Toronto, Canada and the Academy of Islamic Jurisprudence, India. He became a lecturer in Islamic law, philosophy, and material related to Muslim minority issues and policies in several countries around the world. He is a contributor to policy reports relating to Muslim minorities and Islamic

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<sup>10</sup> Retna Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem Dalam Hukum Islam)," *Jurnal Al-Himayah* 2, no. 1 (2018): 217–230, <https://www.journal.iaingorontalo.ac.id/index.php/ah/article/view/575/477>.

<sup>11</sup> Jasser Auda, *Membumikan Hukum Islam Melalui Maqashid Syariah* (Bandung: PT. Mizan Pustaka, 2015).

<sup>12</sup> Arfan, "Maqasid Al-Syariah Sebagai Sumber Hukum Islam Analisis Terhadap Pemikiran Jasser Auda."

education to the Ministry of Society and the UK Higher Education Funding Council.<sup>13</sup>

To date, he has written 25 books in English and Arabic, some of which have been translated into 25 other languages. In addition, hundreds of writings in the form of journals, media writings, and contribution writings in 3 Jasser Auda, *Al-Maqasid For Beginners*, terj. 'Ali 'Abdul mon'im, (Yogyakarta: SUKA\_PRESS, 2013), pp. 137-139. See also the website: [www.jasserauda.net](http://www.jasserauda.net), accessed 5 November 2017. 4 Ibid. 5 books, public lectures, and online journals spread all over the world. Among his works are:

- a. *Maqasid al-Syariah, A Beginner Guide*, London: The International Institute of Islamic Thought, 2007;
- b. *Maqasid al-Shariah as Philosophy of Islamic Law: A System Approach*, London: The International Institute of Islamic Thought, 2007;
- c. *Fiqh al-Maqasid: Inathah al-Ahkam al-Syar'iyyah bi Maqashidiha*, Al\_Ma'had al-'Ali li al-Fikr al-Islamiyah;
- d. *Rethinking Islamic Law for Minorities: Towards A Western-Muslim Identity*, London: The International Institute of Islamic Thought;
- e. *Reclaiming The Mosque*, London: The International Institute of Islamic Thought;
- f. *Shari'a and Politics*, London: The International Institute of Islamic Thought;
- g. *Al-Mar'ah wa al-Masjid*, London: The International Institute of Islamic Thought;
- h. *Khatutun 'Ammah li Naqlah Manhajiyah fi Kasyfi wa Taf'il Maqasid al\_Qur'an al-'Azhim*, Article.<sup>14</sup>

### ***Epistemology of Maqasid Sharia According To Jasser Auda***

Etymologically, maqasid sharia consists of two words, namely maqasid and sharia. Maqasid is the plural form of the phrase maqasid, which comes from the word qasoda yaq sudu, which means straight path, goal, goal, a thing of interest, or final goal. While the phrase sharia etymologically means to go to

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<sup>13</sup> Prihantoro, "Maqasid Al-Syari'ah Dalam Pandangan Jasser Auda (Sebuah Upaya Rekonstruksi Hukum Islam Melalui Pendekatan Sistem)."

<sup>14</sup> Fasa, "Reformasi Pemahaman Teori Maqasid Syariah Analisis Pendekatan Sistem Jasser Auda."

the spring. The jurists attribute the meaning of sharia to al-ahkam (sharia laws), so the word sharia here has a purpose: the regulations established by Allah Almighty. for his servant both in the Qur'an and in the sunnah of the prophet.

Maqasid sharia is established by Allah Almighty. Through two sources, namely through the Qur'an and sunnah as authoritative sources in *istinbat al-ahkam*, and through reason. To know the maqasid sharia outlined in the Qur'an and Sunnah, it can be done in four ways, namely: *Ibarah al-nas* (explicit meaning), *ishārah al-nas* (implied meaning), *dalalah al-nas* (knotted meaning), and *iqtida al-nas* (desired sense). As for knowing maqasid al-shari'ah through reason can be done through *ijma'* and *qiyas* (agreed upon), and it can also be through *maslahah*, *'urf*, *shar'u man qablana*, *madhab al-Shahabi*, *istishab*, *sadd al-dhari'ah* (which is disputed).<sup>15</sup> The various sources of the law above indicate the variety of intellectual activities that may be carried out in the process of *istinbat al-ahkam*. The laws that are commonly used as their guidelines in carrying out daily activities begin to be not recognized for their existence by humans; humans are busy with their respective activities, and sometimes the activities they carry out are not by applicable norms or laws. In terms of the above activities, Jaser Auda is worried about the helplessness of Islamic law in developing this increasingly modern world.

According to him, this situation occurs due to the scholars' lack of concern in giving birth to and developing new legal products in enforcing Islamic law itself, which is caused by the inability to think methodologically. After conducting research on the development of maqasid theory throughout the history of Islam after the Prophet, he then proposed the idea of analysis and theory of maqasid al-shari'ah, which he placed as the philosophy of Islamic law.<sup>16</sup> Modern scholars classify maqasid al-shari'ah in terms of a technical-applicative nature: maqasid is determined by some dimensions, namely the degree of need, the scope of regulations to achieve the goal, the content of the human being included in the plan, and the degree of universality of the purpose. Contemporary scientists later criticized the above traditional classifications for

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<sup>15</sup> Jasser Auda, *Maqasid Al-Syariah A Beginner's Guide* (London: The International Institute of Islamic Thought, 2007).

<sup>16</sup> Jasser Auda, *Maqashid Al-Shariah: An Introductory Guide* (London: The International Institute of Islamic Thought, 2008).

proposing new maqasid concepts and categories by paying attention to new dimensions.

With this, two things are done. First, paying attention to the scope of the established regulations, here maqasid are classified into three: the general maqasids that can be observed through the entire set of Islamic law, such as the needs mentioned above and the new maqasids such as justice and ease. Specific maqasid can be kept through certain chapters in Islamic law, such as child welfare in family law, avoiding criminal acts in criminal law, and avoiding monopolies in regulating financial transactions. Partial maqasid is the intention behind the rules, such as finding the truth in search of some witnesses in a case of justice. Second, contemporary scientists introduced a new, universal maqasid that was directly caused more by nash, than by a collection of fiqh literature in the Islamic law school. This approach, significantly allowed maqasid to address the historicity of fiqh and present the principles and high value of the manuscript.<sup>17</sup>

This universal maqasid includes aqidah, slander, reason, knowledge, policy, freedom, independence, social, political, economic reform, women's rights, equality, ease, justice, dignity, worship, soul, moral values, forming a sakinah family, building a solid nation, tawhid, tazkiyah and many others. All of the above maqasid are presented as they appear in the minds and perceptions of the Juris. None of those classifications (classical and contemporary) and structures can claim it to be "the original desire of God". Because if it refers to nature created by God, then we will never find a natural structure that can represent it in the form of cycles, pyramids, or squares, as it is commonly used to describe the relationship of several entities. For this reason, maqasid should be described as a multi-dimensional structure.<sup>18</sup>

Jasser Auda saw that the idea of maqasid was constantly undergoing changes and developments, which, based on the periodization of time, can be classified into four periods, namely the time of companions, the time of the priest of the school, the period of development of the maqasid theory of the 5th century to the 8th century and the contemporary period. Positioning Auda in maqasid discourse throughout Islamic history, it is seen that his view of

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<sup>17</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A System Approach* (London: The International Institute of Islamic Thought, 2007).

<sup>18</sup> Jasser Auda Terj. Ali Abdul Mun'im, *Al-Maqasid Untuk Pemula*.

maqasid is not much different from that of previous writers.<sup>19</sup> Because Auda only did the addition and development of concepts that earlier thinkers had proposed. Auda's utterly new idea was when he placed maqasid as a philosophy of Islamic law. This means that Maqasid is recognised as an independent discipline and is not one of the themes of the study of Jurisprudence. Hence maqasid should function as a fundamental methodology used in how Usūl Fiqh works.

Because, to borrow the term Ibn Taimiyyah, the law of jurisprudence has always been an understanding or the result of the formation of cognition from religious experts or *fuqaha'*. This is quite possible to have disadvantages and shortcomings. In contemporary philosophy of science, things related to this issue are known as the fallibility or the corrigibility of knowledge (any science, including religious conceptions and theories compiled by the *fuqaha'*, may experience errors and inaccuracies). As a consequence, says Mohammad Arkoun, the understanding of fiqh, as well as the development of the science of a particular era, can be debated and can be changed (*qabil li al-niqash wa al-taghyir*) in an appropriate and better direction. This picture or feature of the cognitive nature of Islamic Law is essential to validate the need for a pluralistic understanding of the entire madhhab fiqh and avoid excessive religious truth claims.<sup>20</sup> In *Maqasid al-Shari'ah As Philosophy of Law A system Approach* Jasser Auda interprets maqasid on four meanings; first, the wisdom behind a law. Second, a good end goal is to be achieved by law. Third, is the group of divine plans and moral concepts on which the law is based. Fourth, Still in the maqasid idea offered by Jasser Auda, the values and principles of humanity are the most critical points.<sup>21</sup> Jasser Auda also sought to reconstruct the old maqasid concept of protection and preservation towards the maqasid theory, which refers to development and rights. Its form can be seen in the comparative table of maqasid view below:

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<sup>19</sup> Jasser Auda, *Membumikan Hukum Islam Melalui Maqashid Syariah*.

<sup>20</sup> Nia Ningsih Galuh widitya Qomaro, "Pembayaran Zakat Fitrah Dalam Tradisi Metraen Bhekal Bineh Di Bangkalan Madura Perspektif 'Urf," *El-Faqih: Jurnal Pemikiran dan Hukum Islam* 8, no. April (2022): 1–17, <http://ejournal.iaifa.ac.id/index.php/faqih/article/view/540>.

<sup>21</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A System Approach*.

<b>Number</b>	<b>Classical maqasid theory</b>	<b>Contemporary maqasid theory</b>
1	Hifdz al-Naas (Keeping offspring)	Self-preservation oriented towards family protection, more concern for family institutions
2	Hifdz al-Aql (Keeping sense)	Multiplying the mindset in conducting research or research, including seeking knowledge. In addition, it suppresses the mindset that precedes criminality, and avoids attempts to underestimate the work of the brain.
3	Hifdz al-Nafs (Maintaining self-esteem)	Maintaining and protecting the dignity of humanity, safeguarding and protecting human rights.
4	Hifdz al-Diin (Keeping religion)	Respect for freedom of religion and belief ( <i>huriyyah al-I'tiqad</i> )
5	Hifdz al-Maal (Guarding treasures)	Prioritizing social care by paying attention to economic development and development, promoting human welfare, acting fairly between the poor and rich.

The shift of the paradigm and the old maqasid theory to the new maqasid theory lies at the critical point of both. The old maqasid emphasizes protection and preservation, while the new maqasid approach emphasizes more development and right. To develop the Maqasid concept in this new era, Jasser Auda proposed 'human development as an expression of his obsession and the main target of today's masalah (public interest); it is this masalah that should be the target of maqasid al-shari'ah to be realized through Islamic law. Furthermore, the realization of this new maqasid can be seen empirically in its development, tested, controlled, and validated through the Human Development Index and Human Development Targets launched and designed by world bodies, such as the Association of Nations of the world (PBB).<sup>22</sup>

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<sup>22</sup> Arfan, "Maqasid Al-Syariah Sebagai Sumber Hukum Islam Analisis Terhadap Pemikiran Jasser Auda."

Islam is a religion that upholds human values; Islam is also a concept religion that seeks to provide solutions for the life of 4 M known as Keeping religion (Hifz al-Din), Respecting freedom of religion and belief (hurriyah al i'tiqad), 5 M Safeguarding property (Hifz al-Mal) Prioritizing social care by paying attention to the development and economic development, encouraging human welfare, act pretty between the poor and the rich. Thirty human beings to be in harmony and balance. This is what Jasser Auda is trying to raise how a concept can regulate the lives of Muslims so that they run according to the rules and benefit humans.<sup>23</sup>

The autobiography above illustrates how a Jasser Auda struggled in ijthihad and jihad, thinking about renewing epistemology and reforming traditional Islamic law. For him, any claim that the door of the ijthihad is not closed or opens the door of the ijthihad is a must-have impasse because, according to him, it has not been clearly illustrated how the methods and approaches are used and how they are applied and realized in the field.<sup>24</sup> Like Mohammad Shahrur of Sharia, he is of engineering/engineer education background. Armed with expertise in two scientific areas, namely the scientific method and the religious method, he wanted to contribute his expertise and knowledge to help his colleagues who faced an intellectual impasse when he tried to open the door of ijthihad. This intellectual impasse will, in turn, impact religious people's ethical or non-ethical attitudes.<sup>25</sup> The door of the ijthihad has been opened, but it must be opened with the correct key. The key is "approaches". The prophetic paradigm in contemporary Islamic law, at least, includes 2 (two) approaches that need to be curated professionally, namely first, approaches that are closely related to the dimensions of time and history and second, systems that are closely related to philosophical concepts and thoughts.<sup>26</sup>

In terms of relation to the dimensions of time and history, there are 3 (three) layers of door locks to study and analyze traditional Islamic legal thought to open the door of contemporary ijthihad, namely the door lock of classic era legal theory, the door lock of modern era legal theory and finally the

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<sup>23</sup> Jasser Auda, *Membumikan Hukum Islam Melalui Maqashid Syariah*.

<sup>24</sup> Jasser Auda, *Maqasid Al-Syariah A Beginner's Guide*.

<sup>25</sup> Jasser Auda, *Maqashid Al-Shariah: An Introductory Guide*.

<sup>26</sup> Jasser Auda, *Membumikan Hukum Islam Melalui Maqashid Syariah*.

door lock of post-modern era legal theory. Using the method of careful comparison of Islamic legal thought, the three scalpel door locks of legal thought analysis were used by Jasser Auda to open the horizon and possibility of creating a new Islamic scientific epistemological building in the contemporary era that is more prophetic and pro-ethical in the face of the shocks of the currents of globalization. Unlike the theory of Post Modernism commonly used by contemporary Muslim thinkers, Jasser Auda emphasizes aspects of approaches that are more "multidimensional" (Multi-dimensional) and a more holistic approach.<sup>27</sup>

Jasser Auda uses theory, approach and systems analysis to reformulate and build the epistemology of Islamic law in a more humanist global era after carefully reviewing the three stages of the long history of Islamic legal thought. By denying more contextual ideas and opinions, research related to the fundamental theory of Islamic law will continue to dwell in the scope of the legacy of the past and its manuscripts. That way, Islamic law will continue to be 'outdated) in building its theoretical base and the practice of implementing the law in the field, in everyday life amid a multicultural society, as in today's global era. Therefore, for Jasser Auda, using a multidisciplinary, interdisciplinary, and even transdisciplinary approach to respond to fundamental issues in Islamic law in the contemporary period is a necessity that cannot be delayed any longer.<sup>28</sup>

The basic concepts commonly used in system approach and analysis include seeing the problem as a whole, always being open to various possibilities of improvement and improvement (Openness), interrelated interrelated-hierarchy, involving multiple dimensions (Multidimensionality) and prioritizing and prioritizing the primary goal (Purposefulness). They are still related to the system as a new discipline called Cognitive science. Every scientific concept of religion and non-religion always involves the intervention or interference of human cognition (Cognition). Concepts such as classification or categorization and the cognitive nature of the law will be used to develop the fundamental konsep\_konsep of Islamic legal theory. Using a systems approach, Jasser Auda reformulated the epistemology of Islamic law, which is more

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<sup>27</sup> Retna Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem Dalam Hukum Islam)."

<sup>28</sup> Jasser Auda Terj. Ali Abdul Mun'im, *Al-Maqasid Untuk Pemula*.

prophetic. Without involving and using relevant ideas from other sciences (Sociology, anthropology, psychology, communication and science), research related to the fundamental theory of Islamic law will remain trapped within the confines of traditional literature and its manuscripts. Therefore, Jasser Auda strongly emphasizes the relevance and need to use a multidisciplinary, interdisciplinary and even transdisciplinary approach to respond to fundamental issues in Islamic law in the contemporary era.<sup>29</sup>

## Conclusion

From the discussion above, researchers can draw the following conclusion: First, that Jasser Auda was a contemporary Muslim intellectual who had a great influence on the discourse and concept of Islamic law. he was born in the city of Egypt, which later today dwells in London, England. His works discuss a lot about the renewal of ijihad maqasid sharia and Islamic law in contributing thoughts to make Islam a religion that is Rahmatan Lil Alamein. Second, that the epistemology of maqasid sharia, according to Jasser Auda, needs a reorientation of maqasid sharia, which rests on four meanings, namely the wisdom behind a legal determination, a good final goal for the formulation of the law, having a divine purpose and under moral ideas in using the law and having the values and principles of humanity in formulating a law.

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<sup>29</sup> Prihantoro, "Maqasid Al-Syari'ah Dalam Pandangan Jasser Auda (Sebuah Upaya Rekonstruksi Hukum Islam Melalui Pendekatan Sistem)."

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