The Maqasid Syariah Paradigm as an Innovation in Islamic Law in Jasser Auda's Thought

Ahmad Rafiu[1*], Muh Alghifari[2], Kurniati[3]

[123] Syariah dan Hukum, UIN Alauddin Makassar, Gowa, Indonesia

*[10200123030@uin-alauddin.ac.id][1] , *muhalghifari99@gmail.com [2] , *Kurniati@uin-alauddin.ac.id [3]

A B S T R A K

This article examines the paradigm of maqāṣid syarī'ah as the basis for Islamic legal reform in the thinking of Jasser Auda. The study focuses on the concept of maqāṣid, the systematic thinking, and the methodological reconstruction offered by Auda in responding to contemporary Islamic legal challenges. This research uses a qualitative method with a literature review approach, sourced from the works of Jasser Auda and relevant scientific literature, and analyzed through a descriptive-analytical approach. The results show that Auda places maqāṣid syarī'ah not merely as a normative goal of law, but as a comprehensive philosophical and methodological paradigm. Maqāṣid is reconstructed from a normative protection orientation towards development, fulfillment of rights, and human welfare. Through a systemic approach, Auda formulates Islamic legal reform that emphasizes epistemological reconstruction, integration of universal values, social impact orientation, and continuous evaluation of ijtihad. This paradigm affirms the relevance of maqāṣid syarī'ah in responding to the complexities of modern law without losing the normative legitimacy of sharia.

A B S T R A C T

Artikel ini mengkaji paradigma maqāṣid syarī'ah sebagai dasar pembaharuan hukum Islam dalam pemikiran Jasser Auda. Kajian difokuskan pada konsep maqāṣid, sistematika pemikiran, serta rekonstruksi metodologis yang ditawarkan Auda dalam merespons tantangan hukum Islam kontemporer. Penelitian ini menggunakan metode kualitatif dengan pendekatan kepustakaan, bersumber pada karya-karya Jasser Auda dan literatur ilmiah relevan, serta dianalisis melalui pendekatan deskriptif-analitis. Hasil penelitian menunjukkan bahwa Auda menempatkan maqāṣid syarī'ah tidak sekadar sebagai tujuan normatif hukum, melainkan sebagai paradigma filosofis dan metodologis yang komprehensif. Maqāṣid direkonstruksi dari orientasi perlindungan normatif menuju pengembangan, pemenuhan hak, dan kemaslahatan manusia. Melalui pendekatan sistem, Auda merumuskan pembaharuan hukum Islam yang menekankan rekonstruksi epistemologi, integrasi nilai universal, orientasi dampak sosial, serta evaluasi berkelanjutan terhadap ijtihad. Paradigma ini menegaskan relevansi maqāṣid syarī'ah dalam menjawab kompleksitas hukum modern tanpa kehilangan legitimasi normatif syariat.

1. INTRODUCTION

Islamic law is a normative system that is dynamic and adaptive to the changing times. Since its inception, Islamic law has been understood not only as a set of legal-formal rules, but also as an instrument for the welfare of humanity. However, in practice, Islamic law is often perceived as a rigid, textual system that is unresponsive to the ever-changing social reality. This perception arises mainly due to the dominance of a literal approach to religious texts and the lack of efforts to contextualize Islamic law in addressing contemporary issues, such as human rights, social justice, democracy, and modern technological developments.

This situation has created an urgent need for the renewal of Islamic law, not in the sense of negating its normative sources, but rather by conducting a methodological reinterpretation that is capable of bridging the gap between the text, context, and objectives of Sharia. One approach that is gaining attention in contemporary Islamic legal discourse is the maqāṣid syarī'ah approach. Maqāṣid syarī'ah is

classically understood as the general objectives to be achieved by Islamic law, such as protecting religion, life, reason, lineage, and property. This concept has been systematically formulated by classical usul al-fiqh scholars, especially Imam al-Shāṭibī, as the foundation for understanding the wisdom and rationality of Islamic law (Sunarto, 2025).

However, social developments and the complexity of human issues in the modern era demand a broader and more progressive interpretation of maqāṣid syarī'ah. Maqāṣid can no longer be understood merely as protection, but must also be directed towards development and the fulfillment of human rights. It is in this context that Jasser Auda's thinking becomes highly relevant and important to study. Jasser Auda is one of the contemporary Islamic legal thinkers who offers a new paradigm in understanding maqāṣid syarī'ah, not only as legal objectives, but as a philosophical and methodological framework for the renewal of Islamic law.

Jasser Auda criticized the traditional approach to Islamic law, which is too oriented towards texts and formal rules, without considering the complexity of social reality. According to him, the crisis in modern Islamic law does not lie in a lack of normative sources, but rather in weaknesses in the methodology used to understand and apply the law (Syarifuddin, 2021). Therefore, Auda proposes a systems approach in maqāṣid syarī'ah, which views Islamic law as an open, holistic, and multidimensional system. This approach allows Islamic law to interact dynamically with social, cultural, political, and economic contexts without losing its normative legitimacy.

The paradigm of maqāṣid al-sharī'ah in Jasser Auda's thinking marks an important shift in contemporary Islamic legal discourse. Maqāṣid is no longer positioned as a complement or justification of the law after the law has been established, but rather as the main foundation in the process of legal reasoning (istinbāṭ). Thus, maqāṣid functions as a normative compass that guides the formation and renewal of Islamic law so that it remains relevant to human needs and universal values of justice. This paradigm opens up space for a reconstruction of Islamic legal thought that is more contextual, humanistic, and responsive to the challenges of the times.

A number of previous studies have discussed maqāṣid syarī'ah and Jasser Auda's contribution to the development of Islamic law. However, most of these studies are still partial, either highlighting only the conceptual aspects of maqāṣid, the systemic approach, or its application in certain fields. Therefore, a more comprehensive and systematic study is needed to understand the paradigm of maqāṣid syarī'ah as a complete renewal of Islamic law in Jasser Auda's thinking. Such a study is important to affirm the position of maqāṣid as a paradigm, not merely an additional method, in contemporary Islamic legal reform.

Based on this background, this article aims to examine in depth the paradigm of maqāṣid syarī'ah as a renewal of Islamic law in the thinking of Jasser Auda. The focus of the study is directed at three main aspects. First, it elaborates on the concept of maqāṣid syarī'ah in Jasser Auda's thinking, including the fundamental differences between classical maqāṣid and contemporary maqāṣid. Second, it analyzes the systematics of Jasser Auda's thinking in the renewal of Islamic law through the systematic approach he offers. Third, reconstructing Jasser Auda's thoughts on Islamic law reform and its relevance in addressing Islamic law issues in the modern era.

This study aims to provide a more comprehensive understanding of maqāṣid syarī'ah as a paradigm for the renewal of Islamic law, particularly within the framework of Jasser Auda's thinking. In addition, this article is expected to contribute theoretically to the development of Islamic law studies and serve as a reference for efforts to reform Islamic law oriented towards public interest, justice, and universal human values.

2. METHOD

This study is a qualitative study that aims to understand and analyze in depth the paradigm of maqāṣid syarī'ah as a renewal of Islamic law in the thinking of Jasser Auda. A qualitative approach was chosen because this study focuses on examining ideas, concepts, and thought constructs of figures, rather than measuring numerical data. With this approach, the researcher seeks to comprehensively explore the meaning, structure, and implications of Jasser Auda's thinking in the context of contemporary Islamic legal reform. Pendekatan yang digunakan dalam penelitian ini adalah kajian pustaka (*library research*).

The research data was obtained from various written sources relevant to the study theme. Primary data sources include Jasser Auda's major works discussing maqāṣid syarī'ah and Islamic legal

reform, such as books and scientific articles written directly by Auda. Meanwhile, secondary data sources consist of classical literature on maqāṣid syarī'ah, books on contemporary Islamic legal thought, as well as national and international journal articles that examine Jasser Auda's thoughts and the relevance of maqāṣid syarī'ah in the modern context.

Data collection techniques were carried out through systematic searching and reviewing of various literature related to the research topic. The literature was classified based on its level of relevance and contribution to the research focus. This process was carried out by critically reading, noting down the main ideas, and identifying key concepts related to maqāṣid syarī'ah, the systems approach, and the renewal of Islamic law in Jasser Auda's thinking.

Data analysis in this study uses descriptive-analytical techniques with a conceptual and critical approach. The collected data is analyzed by describing the concept of maqāṣid syarī'ah according to Jasser Auda, then analyzed in depth to understand the systematics of his thinking in Islamic law reform. Furthermore, a critical analysis was conducted to reconstruct Jasser Auda's thinking and assess its relevance in responding to contemporary Islamic legal challenges. This approach allowed the researcher to not only describe the ideas descriptively, but also to evaluate the strengths, contributions, and theoretical implications of these ideas.

To maintain the validity and reliability of the data, this study uses source triangulation techniques, namely by comparing and confirming ideas obtained from various primary and secondary literature. Thus, the understanding of Jasser Auda's thoughts does not only come from one perspective, but is examined more objectively and comprehensively. In addition, the researcher also pays attention to the consistency of arguments and the interrelationship between concepts so that the results of the analysis have logical and academic coherence.

Through this research method, it is hoped that a systematic and in-depth analysis of the maqāṣid syarī'ah paradigm as a renewal of Islamic law in Jasser Auda's thinking can be produced. This methodology is considered relevant for revealing the construction of the figure's thinking and providing a theoretical contribution to the development of contemporary Islamic law studies.

3. RESULT AND DISCUSSION

Result

The results of the study show that the maqāṣid syarī'ah paradigm in Jasser Auda's thinking represents a significant methodological renewal in contemporary Islamic law. Maqāṣid is no longer positioned merely as a normative goal of law, but as a comprehensive, dynamic, and systemic philosophical and methodological paradigm. First, the results of the study found that Jasser Auda reconstructed the concept of maqāṣid syarī'ah from a protective orientation to a development-oriented paradigm. Maqāṣid is no longer limited to the five basic protections (al-ḍarūriyyāt al-khams), but is expanded to include universal values such as justice, freedom, human dignity, equality, and social welfare. This reconstruction confirms that maqāṣid functions as an ethical and normative orientation in responding to modern social dynamics.

Second, this study finds that the systems approach developed by Auda forms a new methodological framework in istinbāṭ law. The Islamic legal system is understood as an open, holistic, multidimensional, and goal-oriented system. This approach results in a paradigm shift from a textual-legalistic approach to an integrative approach that simultaneously links text, context, and the objectives of sharia. Third, the results of the study confirm that the maqāṣid paradigm in Auda's thinking has given rise to a reformulation of the epistemology of Islamic law. The product of ijtihad is understood as a rational-historical construct that is open to continuous evaluation. Thus, the validity of law is not only determined by textual conformity, but also by the achievement of maslahat, social justice, and humanitarian impact.

Fourth, the results of this study indicate that this paradigm has direct implications for the renewal of contemporary Islamic law, particularly in strengthening the orientation towards public interest, integrating universal values, and developing Islamic law that is adaptive to global challenges without losing the normative legitimacy of Sharia.

Discussion

The Concept of Mqāṣid Syarī'ah in the Thought of Jasser Auda

Maqāṣid al-sharī'ah is one of the central concepts in Islamic legal studies that serves to explain the objectives and wisdom behind the establishment of Sharia laws. In the classical tradition of usul al-fiqh, maqasid are understood as the general objectives that Islamic law seeks to achieve for the benefit of humanity. Al-Ghazali explains that the main objective of Sharia law is to protect the five basic principles of human life, namely religion, life, intellect, lineage, and property, which are known as al-daruriyat al-khams (Al-Ghazālī, 1997). This concept places maqāṣid as the normative foundation for understanding the rationality of Islamic law, although it has not yet been positioned as the main methodological framework in law formation.

A significant development in the concept of maqāṣid occurred through the thinking of al-Syāṭibī, who asserted that all Islamic law essentially aims to realize the comprehensive welfare of humanity, both in this world and in the hereafter (Sunarto, 2025). Al-Syāṭibī divides maqāṣid into three levels, namely darūriyyāt, hājiyyāt, and taḥsīniyyāt, each of which serves to maintain human life in various aspects. This conceptualization provides a systematic structure for maqāṣid and makes it the spirit of Islamic law. However, the formulation of classical maqāṣid is still heavily influenced by specific social and historical contexts, so it is not yet fully capable of responding to the complexity of modern legal issues.

In the contemporary context, there is a need to reconstruct the concept of maqāṣid so that it is more relevant to the dynamics of modern society. Jasser Auda is one of the Islamic legal thinkers who has consistently developed maqāṣid syarī'ah as a paradigm for the renewal of Islamic law. Auda views that the crisis of modern Islamic law does not lie in normative sources such as the Qur'an and Sunnah, but rather in legal reasoning methodologies that tend to be textualist and reductionist. This approach is considered to have failed to understand Islamic law as a living system that interacts with social reality (Auda, 2007).

Auda criticizes the tendency of traditional Islamic law to treat texts separately from their social context. According to him, Islamic law is often reduced to a collection of formal fiqh rules that lose sight of their purpose. In this framework, classical maqāṣid are still viewed as static and defensive because they emphasize protection rather than the development of human life (Auda, 2008). Restricting maqāṣid to five basic principles is no longer considered adequate to respond to the challenges of the modern era, which are marked by issues of human rights, social justice, pluralism, and globalization.

In response to these limitations, Jasser Auda offers a broader and more dynamic interpretation of maqāṣid syarī'ah. He asserts that maqāṣid should not be understood as a closed list of objectives, but rather as an open framework that can evolve in accordance with the needs and realities of humanity. In Auda's view, maqāṣid must reflect universal values such as justice, freedom, human dignity, equality, and social welfare (Auda, 2021). Thus, maqāṣid serves as the ethical and philosophical basis for the formation of contemporary Islamic law.

One of the important ideas in Auda's thinking is the paradigm shift of maqāṣid from a protection orientation to a development orientation and the fulfillment of rights. In this paradigm, Islamic law not only aims to preserve human existence, but also to promote improved quality of life and social justice. Auda asserts that maqāṣid must contribute to holistic human development, in spiritual, intellectual, social, and economic aspects.

Auda's thinking is consistent with Muhammad Hashim Kamali's view, which emphasizes that maqāṣid syarī'ah can serve as a bridge between Islamic law and modern human rights values. Kamali states that maqāṣid provides a normative framework that allows for the integration of universal values into Islamic law without having to abandon the basic principles of sharia (Kamali, 2003). This harmony indicates that contemporary maqāṣid have strong normative and academic legitimacy in the global discourse on Islamic law.

Furthermore, Jasser Auda positions maqāṣid syarī'ah as Islamic legal philosophy. In his view, maqāṣid does not merely function as a tool in the process of istinbāṭ law, but as a philosophical framework that must guide the entire process of forming, interpreting, and applying Islamic law (Auda, 2007). This understanding marks a significant epistemological shift, whereby Islamic law is no longer understood in legalistic terms, but rather teleologically based on its objectives and impact on human welfare.

This philosophical approach to maqāṣid is consistent with Ibn 'Āshūr's thinking, which emphasizes that maqāṣid are universal moral principles that transcend the boundaries of fiqh schools of

thought. Ibn 'Āshūr asserts that maqāṣid must be the basis for understanding and developing Islamic law so that it remains relevant to social change (Ibn 'Āshūr, 2006). However, Auda developed this idea further through a more systematic and multidisciplinary methodological approach.

The uniqueness of Jasser Auda's thinking is increasingly evident through the application of a systems approach in understanding maqāṣid syarī'ah. Auda adopts modern systems theory to view Islamic law as an open, holistic, and complex system that interacts with the social, political, economic, and cultural environment (Auda, 2007). This approach allows for a more comprehensive analysis of Islamic law and avoids a partial and fragmented understanding of the law.

Within the framework of a systems approach, Auda identifies six main characteristics of maqāṣid al-sharī'ah, namely cognitive, holistic, open, hierarchical-interrelational, multidimensional, and goal-oriented. These six characteristics indicate that maqāṣid cannot be understood in a linear or static manner, but rather as a network of interrelated and dynamic goals (Auda, 2007). Thus, every legal ruling must take into account the overall impact and objectives of Sharia law.

Jasser Auda's maqāṣid approach also emphasizes the importance of context in understanding Islamic law. Law cannot be separated from the social reality in which it is applied, because the objectives of sharia can only be achieved if the law is able to respond to the needs of society in a fair and proportional manner. In this context, maqāṣid serves as an instrument for contextualizing Islamic law so that it remains relevant and applicable in the face of changing times.

A number of contemporary studies show that Jasser Auda's maqāṣid approach has practical relevance in various fields of Islamic law, such as family law, Sharia economic law, and Islamic public law. Studies published in Islamic law journals show that maqasid can be used as a normative basis for formulating legal policies that are more equitable and oriented towards the benefit of society. This confirms that maqasid in Auda's thinking is not only theoretical but also applicable.

Based on the above description, it can be understood that the concept of maqāṣid syarī'ah in Jasser Auda's thinking is the result of a conceptual reconstruction that makes maqāṣid a paradigm for the renewal of Islamic law. Maqāṣid is no longer positioned as a static concept or merely a normative goal, but rather as a philosophical, methodological, and ethical framework that is capable of responding to the challenges of contemporary Islamic law in a comprehensive and sustainable manner.

It should be emphasized that in Jasser Auda's thinking, maqāṣid syarī'ah also has a strong epistemological dimension. Auda rejects the view that Islamic law is derived solely from the literal text, but rather from the human process of understanding revelation, which is always contextual and historical in nature (Auda, 2007). Therefore, maqāṣid is positioned as a bridge between normative texts and the ever-changing social reality.

This epistemological approach places maqāṣid as an evaluative tool for the results of ijtihad. A legal product cannot be deemed valid simply because it conforms to the text, but must also be tested to determine the extent to which it realizes the objectives of sharia. This view is in line with Fazlur Rahman's idea, which emphasizes the importance of understanding the moral objectives of the Qur'an in the process of legal interpretation (Rahman, 1982) Thus, maqāṣid serves as a moral and rational standard in assessing the relevance of Islamic law.

Within this framework, Jasser Auda developed a multidimensional concept of maqāṣid. He rejected the reduction of maqāṣid to only the aspects of worship or mu'āmalah, but expanded it to the social, political, economic, and cultural spheres. Auda emphasized that maqāṣid must include human development values, such as education, welfare, political participation, and social justice.

This concept shows that maqāṣid syarī'ah is no longer limited to the classical normative framework, but has become the ethical foundation for the development of modern Islamic civilization. In this context, maqāṣid functions as an orientation for public policy based on inclusive and progressive Islamic values. This thinking is in line with the contemporary approach that places Islamic law as an instrument of social engineering, not merely a tool of social control.

Furthermore, Auda emphasized that maqāṣid syarī'ah must be understood hierarchically but flexibly. He criticized the classical division of maqāṣid as being too rigid between darūriyyāt, hājiyyāt, and taḥsīniyyāt, because in modern practice these boundaries often overlap. According to Auda, a value that was once considered secondary can become primary in certain contexts, depending on the social and humanitarian conditions faced (Auda, 2008).

The flexibility of this hierarchy of maqāṣid opens up space for adaptive renewal of Islamic law without losing its normative footing. In this case, maqāṣid does not function as a nullifier of law, but

rather as a framework for adjusting the law to the needs of the times. This concept reinforces the role of maqāṣid as a dynamic principle capable of accommodating social change.

In addition, Jasser Auda also emphasized the importance of a holistic approach in understanding maqāṣid syarī'ah. He rejected partial methods that only focused on one argument or one aspect of law without considering the overall social impact. In a holistic approach, every legal provision must be analyzed in relation to the value system, social structure, and ultimate goals of sharia (Syarifuddin, 2021)

This holistic approach is in line with Yusuf al-Qaradawi's thinking, which emphasizes the importance of fiqh al-maqāṣid in addressing contemporary issues, especially in the context of Muslim minorities and multicultural societies. Thus, maqāṣid serves as an integrative instrument between text, context, and legal objectives.

Within the framework of the open system developed by Auda, maqāṣid syarī'ah is also dialogical with global values. Auda rejects the dichotomy between Islamic values and universal values, emphasizing that principles such as justice, freedom, and human dignity are an inherent part of maqāṣid syarī'ah itself (Ghozali et al., 2025). This perspective opens up a space for dialogue between Islamic law and modern legal systems without getting caught up in defensiveness.

The openness of maqāṣid to universal values strengthens the relevance of Islamic law in the context of globalization. Islamic law is no longer positioned as an exclusive closed system, but rather as a value system that can contribute to the discourse on global justice. In this case, maqāṣid becomes a medium of integration between Islamic identity and universal humanitarian challenges. A review of various literature shows that Jasser Auda's maqāṣid approach has significant methodological implications in the study of Islamic law. Maqāṣid is not only the ultimate goal of law, but also a tool for analysis, evaluation, and reformulation of law. By making maqāṣid a paradigm, the process of ijtihad becomes more substantive and oriented towards real benefits.

A number of contemporary journal studies note that Auda's approach has been used in the analysis of Islamic family law, Islamic criminal law reform, and the development of Sharia economic policy in various Muslim countries (Musarrofa & Muttaqin, 2024). This shows that maqāṣid in Auda's thinking is applicable and contextual.

Dengan demikian, konsep maqāṣid syarī'ah dalam pemikiran Jasser Auda dapat dipahami sebagai kerangka konseptual yang menyatukan dimensi normatif, etis, dan sosial hukum Islam. Maqāṣid tidak lagi diposisikan sebagai pelengkap dalam ijtihad, melainkan sebagai inti dari pembaharuan hukum Islam. Paradigma ini menegaskan bahwa keberlakuan hukum Islam di era modern sangat bergantung pada kemampuannya mewujudkan tujuan-tujuan kemanusiaan yang menjadi ruh syariat.

The Systematics of Jasser Auda's Thinking in Islamic Law Reform

A study of Jasser Auda's thinking shows that the renewal of Islamic law that he proposed was not sporadic or partial, but rather structured and methodological. Auda started from the awareness that the main problem with contemporary Islamic law does not lie in a lack of normative sources, but rather in weaknesses in the methodology used to understand, interpret, and apply these sources in the midst of an ever-changing social reality (Auda, 2007).

Auda's systematic thinking begins with a critique of the traditional approach to fiqh, which tends to be textual, legalistic, and fragmentary. According to Auda, the dominance of a partial approach in istinbāṭ law causes Islamic law to be trapped in formalism and lose the dimension of the objectives of sharia. Therefore, the renewal of Islamic law must begin with a reformulation of the way of thinking, not just a change in the results of the law (Auda, 2021).

The first stage in Jasser Auda's systematic thinking is the reconstruction of Islamic legal epistemology. He asserts that Islamic law is the result of interaction between revelatory texts and human cognitive understanding. Thus, Islamic legal products are not absolute, but relative and open to review in accordance with developments in the social and human context.

This epistemological reconstruction requires recognition of the role of reason, social experience, and modern science in the process of ijtihad. Auda rejects the dichotomy between revelation and rationality, and asserts that maqāṣid syarī'ah is the meeting point between the two. Within this framework, ijtihad is no longer merely a deductive process from the text, but also an inductive process that takes empirical reality into account.

The second stage in Auda's systematic thinking is the strengthening of maqāṣid syarī'ah as the main methodological framework. Auda places maqāṣid not only as legal objectives, but also as a tool

for analysis in every stage of law formation. Every argument, fiqh rule, and legal decision must be tested for consistency with the universal and humanitarian objectives of sharia (Auda, 2008).

Within this framework, maqāṣid functions as guiding principles that organize the relationship between text, context, and legal objectives. This approach is in line with Ibn 'Āshūr's thinking, which emphasizes that maqāṣid is the moral and rational foundation of Islamic law that transcends differences in fiqh schools of thought.

The third stage is the application of a systems approach in the renewal of Islamic law. Jasser Auda views Islamic law as a complex system consisting of various subsystems, such as texts, scientific authority, social reality, culture, and politics. The Islamic legal system cannot be understood linearly, but must be analyzed holistically and interdisciplinarily (Auda, 2007).

In this systemic approach, Auda puts forward six main characteristics of the Islamic legal system, namely cognitive, holistic, open, hierarchical-interrelational, multidimensional, and goal-oriented. These six characteristics form a framework for understanding the dynamics of Islamic law in a more comprehensive and adaptive manner to the changing times.The systemic approach also allows Islamic law to interact with other disciplines, such as sociology, economics, politics, and human rights studies. Thus, the reform of Islamic law is not carried out solely on a normative basis, but also takes into account the social and humanitarian impacts of the application of the law.

The fourth stage in Auda's systematic thinking is the shift in the orientation of law from mere normative compliance to the achievement of social welfare. Auda emphasizes that Islamic law must be assessed based on its contribution to social justice, human welfare, and the development of civilization. In this context, Islamic law is not only formally valid, but must also be substantively meaningful (Sidiq, 2017).

This orientation towards public interest places Islamic law as an instrument of social transformation. The renewal of Islamic law is not intended to weaken the authority of Sharia, but rather to strengthen its relevance in modern life. This approach is in line with Muhammad Hashim Kamali's idea that maqāṣid syarī'ah can be the ethical basis for contemporary Islamic legal reform (Kamali, 2014)

The fifth stage is the integration of universal values within the framework of maqāṣid syarī'ah. Jasser Auda asserts that values such as justice, freedom, equality, and human dignity are not foreign concepts in Islam, but rather are at the core of the objectives of sharia. Therefore, the renewal of Islamic law must be able to engage in dialogue with global values without losing its normative identity. This integration allows Islamic law to play an active role in addressing contemporary issues such as human rights, pluralism, and governance. Within this framework, maqāṣid serves as a tool for harmonizing Islamic principles and the demands of the modern world.

The final stage in Jasser Auda's systematic thinking is the continuous evaluation of Islamic legal products. Auda rejects the notion that the results of ijtihad are final and cannot be criticized. On the contrary, every legal decision must be open to review based on changes in context and the achievement of sharia objectives (Zaprulkhan, 2018). This ongoing evaluation confirms that the renewal of Islamic law is a dynamic process that is never complete. Islamic law must continue to evolve in line with developments in society, while adhering to maqāṣid syarī'ah as its normative compass.

Thus, Jasser Auda's systematic thinking on Islamic legal reform can be understood as a process that begins with epistemological reconstruction, strengthening maqāṣid as a methodology, applying a systematic approach, focusing on public interest, integrating universal values, and conducting continuous evaluation of legal products. This systematic approach shows that Islamic legal reform is not a deconstructive effort against sharia, but rather a constructive effort to maintain the relevance and vitality of Islamic law in the modern era.

Reconstruction of Jasser Auda's Thoughts on Islamic Legal Reform

The renewal of Islamic law in Jasser Auda's thinking does not stop at strengthening concepts and methodological systematics, but reaches the stage of reconstructing the paradigm of Islamic law itself. This reconstruction stems from the awareness that classical Islamic law was developed within a specific social, political, and cultural context, meaning that not all of its methodological constructs can be directly applied to the far more complex realities of the modern world. Therefore, the renewal of Islamic law must be carried out through a process of reconstruction that remains grounded in maqāṣid syarī'ah as the fundamental objectives of sharia (Auda, 2007).

The reconstruction of Jasser Auda's thinking began with a redefinition of the role of fiqh in the lives of Muslims. Fiqh was no longer understood as a final and sacred divine law, but rather as a product of human ijtihad that was historical and dynamic in nature. With this view, Islamic law gained room to be criticized, updated, and adapted to social changes without having to be seen as a weakening of the authority of sharia (Auda, 2021).

Within this framework of reconstruction, maqāṣid syarī'ah serves as both a normative and methodological foundation. Auda emphasizes that the reconstruction of Islamic law must be directed toward achieving the universal objectives of sharia that are oriented toward human welfare. Thus, changes to the law are not made arbitrarily, but remain within the corridor of essential Islamic values (Auda, 2008).

One important aspect of Auda's reconstruction of thought is his criticism of the dominance of rigid madhhab approaches. Auda argues that madhhab fanaticism has led to stagnation in Islamic legal thought and hindered creative responses to contemporary issues. Therefore, he encourages a cross-madhhab approach oriented towards maqāṣid, rather than loyalty to specific fiqh opinions (Ibn 'Āshūr, 2006). This cross-school approach allows for a more inclusive and adaptive synthesis of Islamic legal thought. The reconstruction of Islamic law is no longer trapped in internal debates between schools, but is directed towards finding substantive solutions to modern humanitarian problems.

Auda's systemic approach allows Islamic law to be applied contextually, integratively, and adaptively. The cognitive nature element requires evidence-based reasoning and critical analysis, while wholeness ensures that each law is understood in the context of the overall legal and social system. The element of openness encourages flexibility in facing new challenges, while interrelated hierarchy maintains consistency between legal subsystems. The element of multidimensionality considers social, economic, cultural, and political aspects simultaneously, while purposefulness ensures that every legal action remains oriented towards maslahat.

The reconstruction of Jasser Auda's thinking is also evident in the shift in focus from normative law to the social impact of law. Auda emphasizes that the success of Islamic law is not measured by its formal accuracy to the text, but rather by the extent to which it is able to realize social justice, welfare, and human dignity (Aulia Ranny Priyatna, Siti Nurjanah, Agus Hermanto, 2025). In this context, maqāṣid becomes the main tool for evaluating the effectiveness of Islamic law. This approach expands the scope of Islamic law reform to the realm of public policy. Islamic law not only regulates the relationship between individuals and God, but also has a social responsibility to build a just and civilized society. Thus, the reconstruction of Islamic law encompasses ethical, social, and political dimensions in an integral manner.

Furthermore, Auda reconstructs the concept of ijtihad by placing it as a collective and interdisciplinary process. He rejects the model of individual ijtihad that is isolated from social reality and scientific developments. Instead, ijtihad must involve various disciplines, such as sociology, economics, modern law, and human rights studies, so that Islamic law products are truly responsive to the needs of society (Auda, 2007). This collective ijtihad is in line with the complexity of modern legal issues that cannot be resolved solely through a textual approach. The reconstruction of ijtihad in Auda's thinking reinforces the position of maqāṣid as a link between revelatory texts and empirical reality.

Another aspect of Jasser Auda's reconstruction of thought is the integration of human rights values into the framework of maqāṣid syarī'ah. Auda rejects the notion that human rights are a Western concept that is incompatible with Islam. Instead, he asserts that human rights principles such as the right to life, freedom of religion, and justice are contemporary manifestations of maqāṣid syarī'ah itself. This integration strengthens the legitimacy of Islamic law in the global context and expands the space for dialogue between Islam and the international legal system. The reconstruction of Islamic law based on maqāṣid allows for the harmonization of Islamic identity and universal humanitarian demands.

In the context of modern states, Auda's reconstruction of thought also covers the relationship between Islamic law and the national legal system. Auda emphasizes that the application of Islamic law must take into account the principles of justice, public interest, and diversity in society. Therefore, Islamic law should not be applied formalistically, but can be internalized in national legal values through the maqāṣid approach. This approach opens up space for the contextual and inclusive implementation of Islamic law, especially in pluralistic societies. The reconstruction of Islamic law is not intended to create normative conflicts, but to contribute to the development of a legal system that is fair and oriented towards the public interest.

Jasser Auda's reconstruction of thought also emphasizes the importance of continuous evaluation of the application of Islamic law. Every policy and legal product must be assessed based on its impact on the achievement of maqāṣid syarī'ah. If a law is proven to be no longer relevant or causes injustice, then intellectual courage is needed to make revisions and updates (Syihab, 2023). Thus, the reconstruction of Islamic law in Jasser Auda's thinking is dynamic and progressive. Islamic law is not viewed as a closed and rigid system, but rather as a living system of values that evolves in line with changes in society.

Based on this discussion, Jasser Auda's reconstruction of Islamic legal reform can be understood as a systematic effort to revive the spirit of Sharia through maqāṣid syarī'ah. This reconstruction emphasizes that the continuity of Islamic law in the modern era is highly dependent on its ability to respond to humanitarian challenges in a fair, rational, and dignified manner.

4. CONCLUSION

Based on the results of the discussion outlined above, it can be concluded that the maqāṣid syarī'ah paradigm in Jasser Auda's thinking offers a framework for substantive, systemic, and contextual renewal of Islamic law. This paradigm places maqāṣid not only as the ultimate goal of law, but also as a philosophical and methodological foundation in responding to modern social and humanitarian dynamics.

First, regarding the concept of maqāṣid al-sharī'ah in Jasser Auda's thinking, maqāṣid is understood as a dynamic and open paradigm of Islamic law. Auda reconstructs the understanding of maqāṣid from the concept of normative protection towards an orientation of development and fulfillment of human rights. Maqāṣid is no longer limited to the five classical principles, but is expanded to include universal values such as justice, freedom, human dignity, and social welfare. With this approach, maqāṣid syarī'ah functions as a normative compass that guides Islamic law to remain relevant and responsive to the challenges of the times without losing its syar'i legitimacy.

Second, in Jasser Auda's systematic thinking on Islamic legal reform, there is a structured and consistent methodological approach. Islamic legal reform begins with the reconstruction of legal epistemology, the strengthening of maqāṣid as the main methodological framework, the application of a systematic approach, and the orientation of law towards the achievement of social welfare. This systematics emphasizes that Islamic legal reform cannot be carried out partially or textually alone, but must start from a change in the way of thinking about Islamic law itself. The systemic approach offered by Auda allows Islamic law to be understood holistically, multidimensionally, and open to interaction with science and contemporary social realities.

Third, Jasser Auda's reconstruction of Islamic legal reform shows a paradigm shift from legal formalism to the substance and social impact of law. Islamic law is reconstructed as a product of human ijtihad that is historical and dynamic in nature, thus open to continuous evaluation and reform. This reconstruction includes a cross-school approach, the integration of human rights values, the strengthening of collective and interdisciplinary ijtihad, and the assessment of law based on the achievement of maqāṣid syarī'ah. Thus, Islamic law functions not only as a normative system, but also as an instrument of social transformation oriented towards justice and humanity.

Overall, the maqāṣid syarī'ah paradigm in Jasser Auda's thinking has made a significant contribution to the development of contemporary Islamic legal thought. This paradigm emphasizes that the renewal of Islamic law is not an attempt to deconstruct the Sharia, but rather a constructive effort to revive the spirit and purpose of the Sharia in the context of modern life. Through a systemic and contextual approach to maqāṣid, Islamic law has great potential to remain relevant, adaptive, and effective in responding to global humanitarian challenges.

5. REFERENCES

Al-Ghazālī, A. Ḥamid M. Ibn M. (1997). *Al-Mustashfā Min 'Ilm Al-Uṣūl*. Dār Al-Kutub Al-'Ilmiyyah.

Auda, J. (2007). *Maqasid Al-Shariah As Philosophy Of Islamic Law: A Systems Approach*. The International Institute Of Islamic Thought.

Auda, J. (2008). *Maqassid Al-Shariah A Beginner's Guide*. The International Institute Of Islamic Thought.

Auda, J. (2021). *Re-Envisioning Islamic Scholarship Maqasid Methodology As A New Approach*.

Claritas Books.

Aulia Ranny Priyatna, Siti Nurjanah, Agus Hermanto, S. Z. (2025). Menuju Fikih Dinamis : Kontribusi Jasser Auda Dalam Transformasi Teori Hukum Islam. *Jurnal Syariah Dan Hukum Islam*, *4*, 4–6.

Ghozali, M., Rofiah, K., & Zahro, K. (2025). Reforming Qardh Practices In Islamic Banking: A Critical Analysis Based On Jasser Auda's Maqāṣid Al-Sharīahsystems Approach In Indonesia. *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial*, *22*(2), 437–460. Https://Doi.Org/10.21154/Justicia.V22i2.11165

Ibn 'Āshūr, M. Al-Ṭāhir Ibn M. (2006). *Maqasid Al-Shariah Al-Islamiyyah*. Dār Al-Nafā'is.

Kamali, M. H. (2003). Principles Of Islamic Jurisprudence. In *Islamic Texts Society*.

Kamali, M. H. (2014). In Fokkus. Id Al-Sharī ʿ Ah And Ijtihād As Instruments Of Civilisational Renewal. *Islam And Civilisational Renewal*, *5*(2), 245–271.

Musarrofa, I., & Muttaqin, H. (2024). Maqasid Sharia Jasser Auda Theory : Systems Approach To Islamic Family Law In The Digital Era. *Al-Hurriyah : Jurnal Hukum Islam*, *9*(2), 6–9.

Rahman, F. (1982). *Islam & Modernity Transformation Of An Intellectual Tradition*. The University Of Chicago Press.

Sidiq, S. (2017). Maqasid Syari"Ah & Tantangan Modernitas: Sebuah Telaah Pemikiran Jasser Auda. *In Right Jurnal Agama Dan Hak Azazi Manusia*, *7*(1), 140–161.

Sunarto, Z. (2025). Konsep Maqasid Al- Shari ' Ah Me Nurut Al Syatibi. *Al-Fiqh: Journal Of Contemporary Islamic Law*, *01*(01), 8–24.

Syarifuddin. (2021). Maqa>Shid Syari>'Ahjasser Auda: Sebuah Sistem Pendekatandalam Hukum Islam Kontemporer. *Al-Mizan*, *17*(1), 27–42.

Syihab, M. B. (2023). Telaah Kritis Pemikiran Jasser Audadalam Buku "Maqasid Al-Shariah As Philosophy Of Islamic Law: A Systems Approach. *An-Nur: Jurnal Studi Islam*, *15*(1), 7–8.

Zaprulkhan. (2018). Maqāṣid Al-Shariah In The Contemporary Islamic Legal Discourse: Perspective Of Jasser Auda. *Walisongo: Jurnal Penelitian Sosial Keagamaan*, *26*(2), 445–472.