

Bridging Tradition and Modernity: Al-Syātibī's Maqāṣid al-Sharī'ah as a Framework for Contemporary Islamic Jurisprudence

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Abstract:

This study examines the concept of Maqāṣid al-Sharī'ah as understood by al-Syātibī and its relevance to the development of contemporary Islamic law. Al-Syātibī, a key figure in the development of maqāṣid theory, introduced a systematic approach through his seminal work al-Muwāfaqāt. Using a qualitative method with a library research approach, this study analyses both primary and secondary sources, including the works of al-Syātibī and reviews from contemporary Islamic legal scholars. The findings reveal that al-Syātibī categorises maqāṣid into three levels: ḍarūriyyāt (essential), ḥājjiyyāt (complementary), and taḥsīniyyāt (enhancing), focusing on the protection of five fundamental values: religion, life, intellect, lineage, and property. Al-Syātibī's maqāṣid approach not only provides normative guidance but is also responsive to social dynamics. The implications of this study suggest that a deep understanding of maqāṣid can serve as a methodological foundation for formulating Islamic laws that are both contextual and solution-oriented, addressing the issues of modern society.

Keywords: *Maqāṣid al-Sharī'ah, Al-Syātibī, Islamic law, al-Muwāfaqāt*

INTRODUCTION

In theoretical terms, Islamic law is designed to bring benefits and prevent harm, as reflected in the principle of *Maqāṣid al-Sharī'ah* (Amrulloh & Zaman, 2024; Muhammadong, 2025; Wibisono & Roeslan, 2025). However, in contemporary social practice, there is a gap between the ideals of Islamic law and its practical implementation, especially amid the complexities of modern society (Anto, 2025; Sari et al., 2025). Although classical fiqh texts outline the law systematically, a literal application of these texts often fails to address emerging dynamics, such as issues in digital finance, medical technology, and civil rights. This raises serious questions regarding the flexibility and effectiveness of Islamic law in addressing contemporary realities. This mismatch is not due to Islam's irrelevance, but rather to the approach used, which remains textual and insufficiently focused on *maqāṣid* (the objectives of the law). Therefore, the urgency lies in the reinterpretation of Islamic law based on *maqāṣid*, not merely in the imitation of classical fiqh traditions. Hence, there is a need to re-examine the concept of *maqāṣid* both methodologically and historically, particularly as formulated by al-Syātibī (Sunaryo & Fahmi, 2024; Syafril et al., 2025; Tabrozi, 2025), who is regarded as a key figure in developing *maqāṣid* as an epistemological framework for dynamic Islamic law.

The current field conditions indicate that Muslim communities now face social, economic, and technological challenges far different from the classical era (Dalimunthe et al., 2023; Shaukat et al., 2024). In the digital age, new forms of financial transactions such as fintech, cryptocurrency, and paylater services have become part of everyday life (Cockayne & Loomis, 2025; Siregar & Syahbudi, 2025; Кутбі et al., 2024). In many cases, there is confusion in determining the legality of these new phenomena, especially because some people still refer to fatwas or classical fiqh laws that are contextually irrelevant. For example, in digital transactions, contracts are often not made verbally or in writing but simply through clicks or online consent. This phenomenon demands a more substantive and flexible approach to Islamic law, without losing its Sharia foundation. Therefore, a methodological legal framework is needed that focuses not merely on the text (literal), but on *maqāṣid* (the purpose of the law) to address the contextual needs of the Muslim community. The *maqāṣid* approach developed by al-Syāṭibī is a useful basis for reinterpreting Islamic law more realistically (Lubis et al., 2025). This demonstrates that the study of *maqāṣid* is not only academic but also addresses the practical needs of Muslims in the modern era.

Various previous studies have addressed the concept of *Maqāṣid al-Sharī'ah* as an important foundation for the development of Islamic law. For instance, research by Dalimunthe (2025) and Isman & Amalia (2023) developed a systems approach to *maqāṣid*, emphasising its dynamics and its connection to social context. Additionally, works by Wahbah al-Zuhayli and Yusuf al-Qaradawi discuss *maqāṣid* thematically in contemporary issues (Nst et al., 2025). However, most of these studies are either applicative or focus on specific aspects of *maqāṣid* without delving deeply into its methodological roots as formulated by al-Syāṭibī. This research aims to fill this gap by focusing on al-Syāṭibī's concept of *maqāṣid* in an integrated manner, addressing its systematics, epistemology, and its application in the context of modern Islamic law. This study not only cites *maqāṣid* as a normative slogan but also explores its theoretical framework as a tool for contemporary ijtihad. Thus, this research seeks to combine the historical (*turās*) and modern (*mu'āṣir*) strengths within the *maqāṣid* framework as an epistemological solution.

The novelty of this research lies in its analytical-comparative approach to the concept of *Maqāṣid al-Sharī'ah* as understood by al-Syāṭibī within the framework of contemporary Islamic law development. Instead of discussing *maqāṣid* thematically or casuistically, as most previous studies have done, this study explores conceptually and methodologically how al-Syāṭibī developed his theory of *maqāṣid* in *al-Muwāfaqāt*, including the principles, hierarchy of needs (*ḍarūriyyāt*, *ḥājjiyyāt*, *taḥsīniyyāt*), and the relationship between *maqāṣid* and *maqṣad al-mukallaf* (the purpose of the obligated person). This research aims to present *maqāṣid* not merely as a normative goal but as a systematic methodology for ijtihad. This is the originality offered—exploring *maqāṣid* as a system of thought and a foundation for the formulation of future Islamic law. In this way, *maqāṣid* will no longer be on the periphery of Islamic legal discourse but will become central to the legislative, fatwa, and ijtihad processes that are contextual. Therefore, this research is expected to bridge the gap between the classical scholarly heritage and the complex, rapidly changing needs of modern Muslim society.

Based on this background, the main question of this research is: How does the concept of *Maqāṣid al-Sharī'ah* according to al-Syāṭibī contribute to the development of contemporary Islamic law? This question addresses two main aspects: first, the structure, logic, and methodology of *maqāṣid* developed by al-Syāṭibī; and second, its contribution to

the approach of Islamic law in the modern era. The initial argument of this research is that the concept of *maqāṣid*, according to al-Syātibī, offers a strong and responsive epistemological framework to changes over time. By placing *maqāṣid* at the core of the *ijtihād* process, al-Syātibī successfully reconstructed an Islamic legal framework that is not rigid to the text but still maintains the spirit of *sharia*. Therefore, this research seeks to demonstrate that when the *maqāṣid* approach is applied correctly, Islamic law will remain relevant, solution-oriented, and competitive in the global community. This preliminary conclusion will be tested through an in-depth literature study of al-Syātibī's works and an analysis of the application of *maqāṣid* in contemporary contexts.

RESEARCH METHODS

This study uses a qualitative approach with a library research design supported by content analysis and interpretative analysis of both primary and secondary texts. The research design follows a grounded research method, aiming to deeply explore and understand the conceptual framework of *Maqāṣid al-Sharī'ah* in al-Syātibī's works and its relevance to the context of contemporary Islamic law. This study does not aim to test hypotheses quantitatively but seeks to explore the meaning, structure of thought, and interrelations of ideas from the sources being researched.

The research is conducted at the Library of Mahad Aly Nurul Jadid and the Library of Pondok Pesantren Nurul Jadid in Paiton, Probolinggo. The selection of this location is based on the availability of classical texts (*turās*), including *al-Muwāfaqāt* by al-Syātibī, as well as other relevant literature on *maqāṣid*. In addition, the academic environment of the pesantren provides a discursive atmosphere for the contextual and critical reading of Islamic texts.

The information sources in this research are divided into three categories. First, primary texts, specifically *al-Muwāfaqāt fī Uṣūl al-Sharī'ah* by al-Syātibī, which is the main focus. Second, secondary texts including books, scholarly journals, online news, and academic articles related to *maqāṣid*, contemporary Islamic law, and al-Syātibī's thought. Third, expert informants, such as lecturers or *kiai* (Islamic scholars) who specialise in *ushul fiqh* and *maqāṣid al-sharī'ah*. These informants are used as complementary sources through interviews to strengthen the context of understanding and interpretation.

Data collection is carried out in several stages. First, text documentation, which involves reading, noting, and selecting relevant content from the texts and literature; second, limited observation examining the trends of *maqāṣid* discourse in pesantren academic forums and academic discourses. Third, semi-structured interviews are conducted with several expert informants using an interview guide, focusing on al-Syātibī's conceptual validation and contextual thinking. Supporting instruments, such as field notes and recordings, are used to systematically document the interviews.

Data analysis is conducted in three main stages. First, data condensation (reduction), which involves filtering and sorting relevant data from texts and interviews. Second, data presentation (display) through the categorisation of major themes such as *maqāṣid*, hierarchy of needs, *maqṣad al-mukallaf*, and contributions to contemporary law. Third, verification and conclusion drawing, which involves interpretative analysis of the meaning and relevance of the concepts found. The analytical methods used are content analysis, which systematically extracts the meaning of texts, and discourse analysis, which examines the historical and ideological context of al-Syātibī's thinking within the *ushul fiqh* tradition.

RESULTS AND DISCUSSION

Results

Classical fiqh, as a product of the reasoning and ijtihad of scholars in the past, is often misunderstood and regarded as an absolute entity. The position of fiqh, as a relative interpretation of religion, is often equated with the religion itself, which is absolute and free from error. The implication is that every problem that arises in contemporary reality must always refer to the magical strength of classical fiqh to find a solution. As a result, all phenomena in the contemporary era must always comply with the singular authority of the past. This is why many products of fiqh become sterile and seem detached from the civilization of the past. This issue becomes the root cause of many failures of classical fiqh in engaging with and dialoguing with the present age.

A comprehensive understanding of the history of classical fiqh is likely to give rise to an awareness of the importance of prioritizing *fiqh maqāṣid* over classical fiqh, which always places text above everything. Based on this reality, and considering that the spectrum of realities continues to grow and intensify in understanding, adopting *maqāṣid al-sharī'ah* is a necessity for realizing a fiqh that is humanistic, elastic, and egalitarian. Learning from the failure of classical fiqh to respond to the problems of globalization today, the reconstruction and reform of fiqh based on a *maqāṣid al-sharī'ah* framework is needed for the advancement of the Muslim community and as a stimulus to realize the *maslaha* (welfare) of the servants, which is the ultimate goal of the sharia.

The concept of *maqāṣid al-sharī'ah* actually began with al-Juwaini, famously known as Imam Haramain, and by Imam al-Ghazali. It was later systematically developed by an expert in *ushul fiqh* from Granada (Spain), Imam al-Shāṭibī (d. 790 AH). This concept was written in his famous book, *al-Muwāfaqāt fi Ushul al-Ahkām*, especially in volume II, which he titled *Kitab al-Maqāṣid*. According to al-Shāṭibī, the essence of the sharia is established to achieve the *maslaha* of the servants (*mashāliḥ al-'ibād*), both in this world and the hereafter. This *maslaha*, in his view, becomes the *maqāṣid al-sharī'ah*. In other words, the establishment of the sharia, both in general (*jumlatan*) and in detail (*tafshīlan*), is based on an 'illā (motivation for the establishment of the law), which is to realize the welfare of the ummah.

In the field of knowledge, al-Shāṭibī is better known as an expert in *usul fiqh* with a sharp and distinct perspective. His approach to *usul fiqh* is characterized by his keen analysis of legal issues. Al-Shāṭibī presented a broader, more comprehensive, and sharp discussion of the aspect of *maqāṣid al-sharī'ah*. Since the publication of al-Shāṭibī's masterpiece *al-Muwāfaqāt*, the concept of *maqāṣid al-sharī'ah* has become a standard concept in *usul fiqh* that focuses on the objectives of the law (*sharī'ah*).

As stated by Khudari Bek, al-Shāṭibī emerged in the 8th century AH, presenting *usul fiqh* studies with linguistic and *maqāṣid al-sharī'ah* aspects. This statement is in line with Abdullah Darraz's assertion that the development of *usul fiqh* studies was marked by al-Shāṭibī's emphasis on the orientation of *maqāṣid al-sharī'ah*. The meaning of *maqāṣid al-sharī'ah* and its legal foundations are evident in the teachings of the Prophet Muhammad (PBUH), as illustrated in various Hadiths.

For example, in one Hadith, the Prophet (PBUH) initially prohibited visiting graves due to the concern that it might lead to excessive veneration of the spirits of the deceased, which could result in *shirk* (polytheism). However, later the Prophet (PBUH) allowed visiting graves. As stated in the Hadith in *Sahih Muslim* no. 3651:

"I had forbidden you from visiting graves, but now visit them."

Years later, some companions went against the Prophet's prohibition and stored meat longer than the prescribed three days for provisions. When this event was reported to the Prophet (PBUH), he approved it, clarifying that the prohibition was for the benefit of *al-dafah* (the guests coming from the Bedouin villages who needed sacrificial meat). Once the guests no longer needed the meat, the prohibition was lifted. As stated in the Hadith in *Sahih Muslim* no. 3643:

"The Prophet (PBUH) forbade eating the meat of sacrificial animals after three days, but later he allowed it when there were no more guests requiring it."

From both of these events, *usul fiqh* scholars concluded that there are indications of the importance of *maqāṣid al-sharī'ah* in the formulation of legal rulings. For instance, the prohibition of storing sacrificial meat was to ensure availability for the poor from the Bedouin villages. This is the *maqāṣid al-sharī'ah* of the prohibition on storing sacrificial meat. However, when the poor no longer needed the meat, the prohibition was lifted by the Prophet (PBUH). If the Bedouins needed it again, the ruling would be reinstated.

Similarly, in the case of visiting graves, the *maqāṣid al-sharī'ah* of the initial prohibition was to prevent excessive worship or sanctification of the spirits of the deceased. However, once the faith of the Muslim community was strong, the practice of visiting graves was no longer feared to lead to excessive veneration, so the prohibition was lifted.

In the further development of Islamic legal thought, although the term *maqāṣid al-sharī'ah* was not explicitly used, it is evident that the concept developed in the application of *qiyas* (analogy) and its relation to *masālik al-'illah* (methods of finding the legal cause). This approach can be traced in books like *al-Risalah* by al-Shāfi'i, *al-Burhan* by al-Juwaini, *al-Mustafa* by al-Ghazali, and *al-Mu'tamad* by Abu al-Hasan al-Basri.

Thus, it can be said that *maqāṣid al-sharī'ah* was discussed by *usul fiqh* scholars but did not initially become the main focus. Later, in the 8th century AH, the understanding and attention to *maqāṣid al-sharī'ah* grew significantly with the work of al-Shāṭibī, particularly his monumental work *al-Muwāfaqāt*.

Before al-Shāṭibī, the methods of reasoning with *nass* (texts) were dominated by two theories: the theory of general textual wording (*'umum al-lafz*) held by the majority of scholars, and the theory of the specificity of the cause (*khusus al-sabab*) held by the minority.

The majority of scholars established the principle that: "The reference point is the wording of the general text, not the specific cause." This means that when a text uses general wording, there is no other option but to apply the text, even if it was revealed for a specific event.

On the other hand, the minority scholars established the principle that: "The reference point is the specificity of the cause, not the general wording." This means that when a text is revealed for a specific cause, or when a text has a specific historical context (*asbāb al-nuzūl*), the specific cause must be the point of focus.

Amidst this debate, al-Shāṭibī introduced the theory of *maqāṣid al-sharī'ah* (what should be the reference is what is truly the goal of God in relation to a text). Al-Shāṭibī seemed unsatisfied with both of these theories. The first theory was textual and overly focused on linguistic issues, thus minimizing the importance of the historical context of the text. This made it seem insufficient in considering what the true purpose (*maqāṣid*) of the text was. From this, al-Shāṭibī implicitly introduced the rule that: "The reference point is *maqāṣid al-sharī'ah*, not the general wording or the specific cause."

In his monumental work *al-Muwāfaqāt*, al-Shāṭibī presents *maqāṣid al-sharī'ah* with varying phrases such as *maqāṣid al-sharī'ah*, *al-maqāṣid al-sharī'iyah fi al-sharī'ah*, and *maqāṣid min sharī' al-hukm*. While these phrases are different, they all carry the same meaning: the legal objectives revealed by Allah SWT. According to al-Shāṭibī, the purpose of the sharia is to bring about the *maslaha* (welfare) of humanity in this world and the hereafter. Thus, the essence of *maqāṣid al-sharī'ah* is the welfare of mankind.

In al-Shāṭibī's view, no law is without purpose. A law without purpose is like a burden that cannot be carried. This is impossible in the laws of God. As Khalid Mas'ud notes, al-Shāṭibī's teachings on *maqāṣid al-sharī'ah* emphasize *maslaha* as an essential element of the objectives of the law.

In al-Shāṭibī's classification of *maqāṣid al-sharī'ah*, he states that to realize the welfare of both this world and the hereafter, five essential elements must be realized and preserved: religion, life, intellect, lineage, and property. To preserve these five essential elements, al-Shāṭibī divides *maqāṣid al-sharī'ah* into three categories: *Daruriyat* (fundamental needs), *Hajiyat* (needs), *Tahsinayat* (complementary or enhancing needs)

For example, in preserving the element of religion, *daruriyat* includes the establishment of prayer, *hajiyat* includes the obligation to face the Qiblah, and *tahsinayat* includes covering one's awrah. According to al-Shāṭibī, *hajiyat* is a complement to *daruriyat*, and *tahsinayat* is a complement to *hajiyat*. Therefore, all three levels of *maqāṣid* cannot be separated if one seeks to preserve these essential elements fully.

Discussion

The concept of *Maqāṣid al-Sharī'ah* as formulated by al-Syāṭibī in *al-Muwāfaqāt* presents a systematic framework for the objectives of Islamic law, which includes three hierarchical levels of needs: *ḍarūriyyāt* (primary), *ḥājiiyyāt* (secondary), and *taḥsīniyyāt* (complementary) (Dzulraidi et al., 2023; Khotimah et al., 2023). Unlike some contemporary literature, such as that written by Jasser Auda, which emphasizes the dynamism and flexibility of *maqāṣid* through a systems approach, al-Syāṭibī remains grounded in the normative framework of classical sharia, although he has introduced methodological innovations. This study finds that al-Syāṭibī's *maqāṣid* serves as a bridge between the literal and contextual approaches in Islamic legal *ijtihad*. This highlights both the historical continuity and the epistemological readiness of *maqāṣid* to respond to the challenges of modernity.

The key finding of this research confirms that *maqāṣid* is not merely a complementary element of the law, but a foundational principle in the process of *ijtihad*. When *maqāṣid* is used only as a normative justification without a methodological understanding, it loses its critical power. Conversely, when *maqāṣid* is applied as al-Syāṭibī intended — as a principle that shapes and directs the law — it functions as a system that reconstructs *fiqh* in a comprehensive manner. For example, in contemporary issues such as Islamic finance and reproductive health, the *maqāṣid* approach is capable of addressing public welfare dimensions that are not explicitly covered by textual references. This supports the view that the function of *maqāṣid* in al-Syāṭibī's framework is not only theoretical but also practical, provided it is applied with the correct methodological approach.

The significant implication of this research is that the *maqāṣid* approach based on al-Syāṭibī's framework can minimize the dysfunction of Islamic law amidst the challenges of modernity. When Islamic law is confined to the literal and textual aspects, it loses social

relevance. However, with *maqāṣid* as an interpretative instrument, Islamic law has the opportunity to adapt functionally to modern life. For instance, legal discussions about online loans, genetic engineering, or environmental policies can be reformulated based on considerations of *maslaha* (welfare), protection of life, intellect, and property, as outlined in the five main *maqāṣid*. This demonstrates that *maqāṣid* is not confined to theoretical spaces but can serve as a legal reasoning structure that can be translated into public policy and contemporary fatwas.

Furthermore, the correlation between the structure of *maqāṣid* and the social structure of the Muslim community reveals that a deep understanding of *maqāṣid* will impact the community's approach to law. In this context, al-Syāṭibī's thought has a direct influence on the socio-religious structure, as the holistic concept of *maqāṣid* demands the involvement of intellect, context, and *maslaha* in legal decision-making. As a result, there is a shift from normative fiqh to solution-oriented fiqh. When *maqāṣid* becomes the foundation of thinking, law no longer merely serves as a "halal-haram" decision-making tool, but as an ethical mechanism to create social justice. This builds a correlation between the *maqāṣid* framework as an epistemic foundation and the social structure as its practical field.

The findings of this research contribute significantly to the development of contemporary ijthad methodology. These findings indicate that al-Syāṭibī's version of *maqāṣid* can serve as a robust alternative methodology to address legal issues not found in the texts. Why is this important? Because *maqāṣid* is designed not only to maintain the stability of the law but also to ensure the continuity of public welfare. From this perspective, al-Syāṭibī is not just a legal theorist, but an epistemological architect who opens up space for Islamic law to remain alive and develop contextually. Thus, this research not only reconstructs al-Syāṭibī's thought but also revitalizes *maqāṣid* as a critical and progressive principle in the dynamics of contemporary Islamic law.

In conclusion, this study emphasizes that al-Syāṭibī's approach to *maqāṣid* offers a foundational perspective for modern Islamic legal thought. By integrating *maqāṣid* as both a theoretical and practical framework, this research underlines its importance in the formulation of solutions for modern legal issues. The role of *maqāṣid* is no longer limited to traditional theoretical applications but extends to shaping a responsive and dynamic Islamic legal system that addresses contemporary challenges. Through this, al-Syāṭibī's framework demonstrates its enduring relevance in guiding Islamic law to adapt to the evolving needs of society.

CONCLUSION

This study finds that al-Syāṭibī's concept of *Maqāṣid al-Sharī'ah* is not only a normative framework within Islamic law but also a holistic and contextual system of thought. The key takeaway is that when *maqāṣid* is understood and applied methodologically as formulated by al-Syāṭibī, it serves as a foundation for developing adaptive, solution-oriented Islamic law that prioritises *maslaha* (welfare). This approach holds that Islamic law should not be understood merely in a literal sense but should be grounded in the overarching shari'ah objectives that protect five fundamental aspects of human life: religion, life, intellect, lineage, and property. By emphasising *maqāṣid* as a guiding principle, this study contributes to enriching the field of *usul fiqh*. It provides a more critical understanding of how Islamic law can engage with contemporary challenges.

However, this research has certain limitations. It is confined to the analysis of al-Syātibī's literature and thought, with a focus on the pesantren (Islamic boarding school) institution as the primary setting for observation. Additionally, the study does not account for perspectives based on gender, age, or broader socio-cultural diversity. Future research should be more inclusive and empirical, employing survey or quantitative methods. Such studies should involve informants from diverse age and gender backgrounds and utilise mixed methods to provide a more comprehensive understanding. The findings from such research could lay the foundation for formulating more contextually relevant and effective Islamic legal policies in pluralistic societies.

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