

The Application of Maqasid in Contemporary Reality

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Abstract

This research addresses the application of Maqasid in contemporary reality, as a manifestation of the activation of the Maqasid of Sharia in dealing with modern events and incidents, by directing ijtiḥad, fatwas, and jurisprudential implementation in a way that achieves people's interests and wards off harm. The concept of "the application of objectives" was established, its definition and position in the thought of the principles of jurisprudence were explained, along with mentioning its methodological controls. The research then reviewed the most prominent applications of Maqasid in the fields of fatwa, judiciary, Islamic politics, family, and finance, supporting this with practical examples and contemporary jurisprudential decisions issued by academic assemblies. The research concludes with the importance of expanding the application of objectives in contemporary ijtiḥad, with the necessity of regulating it with scientific controls, ensuring a balance between the text and its spirit, and the interest and its legal restrictions.

Keywords: Applications, Maqasid, Ijtiḥad, Contemporary, Fatwa

Introduction

Praise be to Allah, who has prescribed the rulings of religion as a mercy to the worlds, and a path to guidance and righteousness. May blessings and peace be upon our Prophet Muhammad, the master of messengers, and upon all his family and companions. The science of the objectives of Islamic law continues to demonstrate its importance in the renewal of jurisprudence and contemporary ijtiḥad, and its ability to contribute to finding appropriate solutions to renewed issues and emerging events, in a way that takes into account the realization of interests and the prevention of harm.

In the modern era, the concept of "objective activation" has emerged, which is considered a natural extension of the development of objective thought, as it transfers objectives from the realm of theory to the realm of application, through rationalizing fatwas, implementing Islamic rulings, and formulating public policies, in a way that achieves public benefit and preserves order. This research aims to establish the term "objective activation" and clarify its disciplined standards.

Theoretical Foundation for the Application of Objectives

The Application of Objectives

The application of objectives: Language: (application): means agreement and necessity, objectives: objectives, purpose, intention, and means rectitude, direction, and moderation. The

application of objectives, technically speaking: applying Sharia rulings to realities and developments in light of the objectives of Sharia, such that interests are taken into account and harms are prevented, while preserving the reasons for legislation and its overall spirit. Dr. Ahmed Raissouni defined it as: “Using objectives to understand texts, derive rulings and apply them, and directing ijtiḥad and fatwas in a way that achieves people’s interests and protects them from harm.”

After clarifying the precise concept of both the terms (application of Sharia rulings) and (objectives of Islamic Sharia), a comprehensive definition can be formulated for the term (objective application of Sharia rulings) as: activating Sharia rulings and applying them to various situations in a way that takes into account the achievement of the goals and interests that the wise Lawgiver sought to take into account in his legislation. The application of objectives is based on invoking the objectives of Islamic law during the application process, through the jurist's consideration of the reasons, interests, and wisdom associated with the texts, whether these interests are general or specific (Rohayana & Muhtarom, 2021; Elmahjub, 2021). This ensures that the application of the Islamic ruling to the incident fulfills the intent and objectives of the Lawgiver, and does not contradict or impede their legislative effect.

The Validity of The Application of Objectives

The objective application of Islamic rulings derives its legitimacy and basis for consideration from the texts of the two revelations: the Holy Qur'an and the pure Prophetic Sunnah. A person who contemplates the implications of Islamic texts will notice a recurring directive that the application of rulings to realities be characterized by insight, governed by wisdom, and directed toward achieving the objectives of legislation and observing the goals intended by the Wise Legislator. In this context, I will present a group of legal evidences that can be used to establish this approach, and which highlight that good application is inseparable from awareness of the objectives and consideration of wisdom in compliance (Bao et al., 2021; Gal et al., 2022): The Almighty’s saying: (And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge) The basis of the argument: The basic principle of insulting the gods of the polytheists is that it falls under the circle of permissibility in principle, because it includes weakening the status of falsehood, exposing the fragility of the beliefs of the polytheists, and highlighting the status of monotheism and the strength of the people of faith.

However, the wise Lawgiver forbade the implementation of this ruling in practical reality, because of the negative consequences and great corruption that result from it, the most prominent of which is: inducing the polytheists to exceed the limit in aggression, and to encroach on the status of the true God, glory be to Him, out of ignorance and aggression, which is considered a great corruption that far outweighs the benefit sought behind the application of this act. Hence, the noble verse indicates the necessity of considering the consequences of rulings when applied, and verifying the extent of harmony between the practical revelation and the legislative objective for which the ruling was legislated in the first place (Dimyati et al., 2021; Arifin & Haqqi, 2024). The noble verse indicates that the owner of a right may be required to give up his right if acting upon it leads to a preponderant corruption in religion (Awais et al., 2024; Ni, 2023).

The Status of Objectives in Ijtihad and Implementation

Jurists have acknowledged since ancient times that the role of objectives is essential in controlling understanding and deduction.

Al-Shatibi said: "The rulings were legislated for the benefit of the servants."

"The foundation and basis of Sharia is based on governance and the interests of people in this life and the afterlife."

Controls for the Application of Objectives

There are controls that must be taken into account to understand the objectives so that they are not used as a pretext to violate the texts, and they are as follows: (1) Not opposing definitive texts with speculative intentions; (2) Ensuring that the interest is achieved according to Sharia and reason; (3) Distinguishing between general and specific objectives; (4) Providing the scholar with the scientific qualifications to understand and implement the objectives.

Examples and Applications of Objectives in Contemporary Reality

In Fatwa and Ijtihad

Fatwa permitting the donation of human organs. Although the basic principle is to respect the human body, whether alive or dead, scholars have ruled that organ donation after death is permissible if it results in saving a life, in order to achieve the goal of preserving life. Fatwa permitting delaying fasting for those infected with COVID-19: In severe cases of illness, delay is permitted in order to relieve hardship.

In Sharia Politics and the Judiciary

Reliance on genetic fingerprinting to prove lineage, in some cases, jurists have relied on DNA testing to prove lineage when traditional methods are not possible, to achieve the goal of preserving lineage and establishing justice. According to Zulyadi & Hossain (2022) and Al-Billeh & Issa (2022), codifying alternative penalties for some misdemeanors. Some systems have replaced prison sentences with community service or fines, taking into account the goal of reform and removing harm. These countries include Netherlands, year of implementation 1981 (or official start) Community service details Alternative to imprisonment ≤6 months, for a specified number of hours. Denmark Implementation year 1992, Support for imprisonment ≤12 months, with specific hourly rates. Sweden 1980s/1990s, suspended sentence + 40–200 hours of service. Kenya, since 2000, has served millions of cases in community service rather than incarceration. And other countries.

in Family and Financial Matters

Enabling the mother to have educational guardianship in the absence of the father Some fatwas were presented by the mother regarding guardianship over children in order to achieve their interests and to achieve the goal of preserving the lineage (Yasin et al., 2024; Gambari & Olawale, 2023). Preferring cooperative insurance over commercial insurance. In consideration of justice and to prevent risk and harm, cooperative insurance was adopted to achieve the goal of preserving money and eliminating harm. Strengthening the role of women:

Applications Contemporary objectives in confronting extremism, organizing civil rights, and enhancing the role of women. Contemporary applications confirm that the purposeful work achieves a balance between constants and variables, ensuring the effectiveness of Sharia in a changing reality. Modern Islamic finance, such as sukuk and qard hasan, is a successful example of transforming the principles of maqasid into practical economic tools. The use of modern technology, such as artificial intelligence, can enhance the effectiveness of achieving the objectives of Sharia, particularly in preserving wealth, reason, and order (Khairul, 2024; Kausar et al., 2024). Fatwas and public policies when necessary (such as taxation) highlight the flexibility of the objectives in addressing contemporary political and social challenges.

Conclusion

After reviewing contemporary applied examples of Islamic objectives in various fields, such as Islamic finance, technology, tourism, and public policy, it becomes clear that Islamic objectives are not merely a rigid fundamentalist theory, but rather an effective practical framework that keeps pace with temporal and spatial changes and accommodates contemporary developments. This study has demonstrated that integrating Islamic objectives into policies and practices ensures the achievement of the interests of people and the country in a balanced manner that respects Islamic values and leverages contemporary realities.

Suggestion

The necessity of including the jurisprudence of objectives in academic curricula and Sharia research centers to create an awareness of objectives capable of creativity and renewal. Encouraging institutionalized ijtihad based on objectives within legislative and oversight bodies in Islamic countries when issuing decisions of a general nature. Investing in modern technologies that are compatible with the objectives of Sharia, serving social justice and sustainable development. Preparing specialized legal cadres in the jurisprudence of objectives, capable of working in the fields of economics, politics, environment, health, and others. The necessity of holding periodic scientific conferences and forums to discuss current developments from a comprehensive, objective perspective, and to provide realistic, legitimate solutions to them.

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