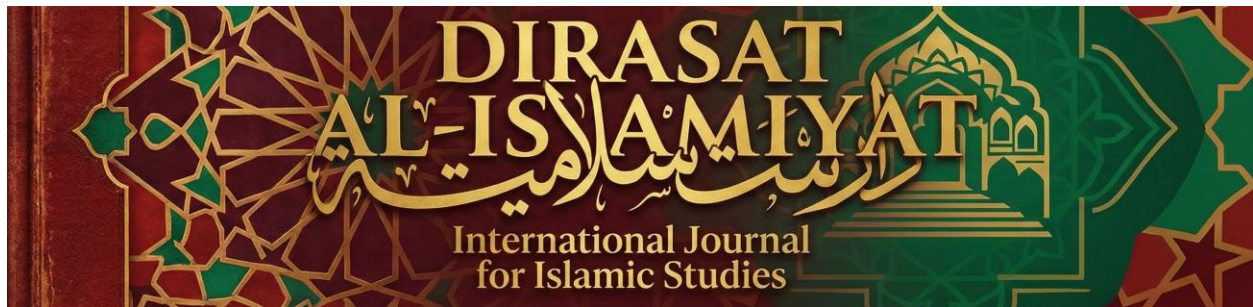




Maqasid al-Sharia and Ethical Humanism: Reconstruction of Contemporary Islamic Legal Thought

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ABSTRACT

Contemporary Islamic legal thought is increasingly confronted with profound challenges stemming from the dominance of legal formalism, textual rigidity, and a growing disconnect between classical fiqh and the complex realities of modern Muslim societies. In many contemporary contexts, fiqh has often been reduced to a framework of procedural legality and symbolic compliance, while its broader ethical and humanistic dimensions have been marginalized. This article seeks to reconstruct contemporary Islamic legal thought by integrating *maqasid al-sharia* and ethical humanism as foundational paradigms for the future development of fiqh. Employing a qualitative-philosophical approach, the study relies on critical textual analysis of classical and contemporary Islamic legal scholarship to explore the epistemological transformation of Islamic jurisprudence. The article argues that the future of fiqh must move beyond legal positivism and preservation-oriented jurisprudence toward a transformative ethical framework centered on justice, human dignity, public welfare, compassion, and social responsibility. In this reconstruction, *maqasid al-sharia* is not merely understood as a supplementary legal methodology, but as an ethical epistemology capable of contextualizing Islamic law within contemporary global challenges, including human rights, gender justice, environmental crises, and technological transformation. The study contributes to contemporary debates on Islamic legal reform by proposing a contextual, humanistic, and ethically grounded model of Islamic jurisprudence that reorients fiqh toward substantive justice and the flourishing of humanity.

Keywords: Contemporary Fiqh; Maqasid al-Sharia; Islamic Legal Thought; Ethical Humanism.

INTRODUCTION

Islamic legal thought has entered a critical phase of intellectual transformation as contemporary Muslim societies confront unprecedented social, political, technological, and ethical challenges. Rapid globalization, the expansion of international human rights norms, digital transformation, artificial intelligence, environmental degradation, and increasing religious pluralism have fundamentally altered the contexts within which Islamic law is interpreted and applied. These developments have generated complex legal questions that frequently transcend the explanatory capacity of classical juristic formulations developed under markedly different historical conditions. Consequently, the challenge facing contemporary *fiqh* is no longer limited to producing new legal rulings (*fatāwā*), but extends to rethinking the epistemological foundations upon which Islamic legal reasoning is constructed (Kamali, 2008).

Historically, Islamic jurisprudence emerged as a dynamic intellectual tradition characterized by interpretive plurality, contextual reasoning, and continuous engagement with changing social realities. Classical jurists developed legal doctrines through a sophisticated interaction between revealed texts, rational inquiry, public welfare (*maṣlaḥah*), custom (*ʿurf*), and societal needs, enabling Islamic law to adapt across diverse historical and cultural settings. However, numerous contemporary scholars argue that this dynamic tradition has gradually been overshadowed by increasingly formalistic approaches that privilege textual literalism, procedural legality, and juridical rigidity over the ethical objectives of the *Sharīʿah* (Hallaq, 2009a; Kamali, 2008). As a consequence, contemporary *fiqh* is often criticized for its limited capacity to respond effectively to emerging issues such as gender justice, environmental sustainability, biomedical ethics, financial innovation, digital governance, and religious coexistence in plural societies (Akbar & Saeed, 2019).

The growing tension between textual fidelity and contextual responsiveness has become one of the defining characteristics of contemporary Islamic legal discourse. On one side, textualist approaches maintain that legal certainty depends primarily upon strict adherence to inherited juristic doctrines and literal interpretations of scriptural sources. On the other hand, contextualist scholars argue that Islamic law must continuously engage changing historical realities through purposive interpretation guided by the higher objectives (*maqāṣid*) of the *Sharīʿah*. This debate reflects a deeper epistemological question concerning the nature of Islamic law itself: whether *fiqh* should primarily function as a system of rule preservation or as an ethical framework capable of promoting justice, human dignity, and public welfare in rapidly evolving societies (Auda, 2008; Saeed, 2005).

Recent scholarship increasingly recognizes that the contemporary challenges facing Islamic jurisprudence are not merely methodological but fundamentally epistemological. Wael B. Hallaq (2014) argues that the incorporation of Islamic law into the institutional framework of the modern nation-state has fundamentally altered its moral architecture by subordinating juristic reasoning to legal positivism and bureaucratic regulation. Similarly, Khaled Abou El Fadl (2001), contends that authoritarian and literalist interpretations have marginalized the ethical spirit of Islam by privileging legal certainty over justice, mercy, and moral responsibility. These

critiques suggest that the current limitations of *fiqh* originate not simply from deficiencies in legal methodology but from a broader separation between law and ethics that has narrowed the transformative capacity of Islamic jurisprudence.

Within this intellectual context, *maqāṣid al-sharī'ah* has emerged as one of the most influential paradigms for renewing contemporary Islamic legal thought. While classical scholars such as al-Shāṭibī and Ibn 'Āshūr formulated *maqāṣid* as the higher objectives underlying Islamic law, contemporary scholarship has significantly expanded its theoretical scope. Rather than functioning merely as an auxiliary method for legal adaptation, *maqāṣid* is increasingly understood as a comprehensive philosophy of Islamic law capable of integrating ethical values, contextual reasoning, and interdisciplinary knowledge into legal interpretation (Auda, 2008; Kamali, 2015). Recent studies further demonstrate that a *maqāṣid*-oriented framework provides important normative resources for addressing contemporary issues including sustainable development, environmental ethics, Islamic finance, bioethics, governance, and technological innovation (Kasri et al., 2023).

Nevertheless, despite the rapid expansion of *maqāṣid* scholarship during the past two decades, significant theoretical gaps remain. Much of the existing literature continues to conceptualize *maqāṣid* primarily as a methodological instrument for legal adaptation or policy formulation. Comparatively little attention has been devoted to examining *maqāṣid* as a transformative epistemology capable of reconstructing the philosophical foundations of contemporary Islamic legal thought. Furthermore, although ethical concepts such as justice (*'adl*), human dignity (*karāmah*), compassion (*rahmah*), freedom (*hurriyyah*), and public welfare (*maṣlahah*) occupy central positions within Islamic moral theology, these principles are rarely integrated into a coherent theoretical framework capable of guiding contemporary *fiqh*. Consequently, the relationship between *maqāṣid*, ethical humanism, and the epistemological reconstruction of Islamic jurisprudence remains insufficiently developed in current scholarship.

Despite the remarkable development of contemporary *maqāṣid* scholarship, important conceptual limitations remain. Most existing studies continue to approach *maqāṣid al-sharī'ah* primarily as a methodological instrument for legal adaptation, policy formulation, or contemporary *ijtihād*. While these contributions have significantly enriched Islamic legal studies, they generally remain confined within the technical domain of jurisprudential methodology and have not sufficiently addressed the deeper epistemological foundations of Islamic law. As a result, the dominant discourse continues to focus on how legal rulings should be adapted to contemporary realities rather than questioning how Islamic legal knowledge itself should be reconstructed in response to the profound ethical, social, and civilizational transformations of the twenty-first century (Auda, 2008; Kurniawan et al., 2025).

A second limitation concerns the relative marginalization of ethical philosophy within contemporary *fiqh* scholarship. Although concepts such as justice (*'adl*), compassion (*rahmah*), human dignity (*karāmah*), freedom (*hurriyyah*), and public welfare (*maṣlahah*) occupy central positions within the Qur'anic worldview, they are frequently discussed as normative ideals rather than as constitutive principles of Islamic legal epistemology. Consequently, legal validity is often

assessed according to procedural conformity with established juristic doctrines instead of the ethical consequences produced by legal interpretation. Such an approach risks reducing Islamic law to a system of technical legal reasoning while weakening its transformative capacity to address structural injustice, ecological degradation, technological disruption, and widening social inequality. Recent discussions on Islamic legal reform therefore emphasize the necessity of reintegrating ethics into the epistemological core of *fiqh* so that Islamic jurisprudence may recover its historical role as a dynamic moral and civilizational tradition (Kamali, 2008).

Building upon these observations, this article argues that the future development of Islamic jurisprudence requires a paradigmatic transition from legal formalism toward an ethical-transformative epistemology grounded in *maqāṣid al-sharī'ah* and Ethical Humanism. In this study, Ethical Humanism is understood as an Islamic normative theory that positions justice, human dignity, compassion, freedom, and public welfare as the primary evaluative standards of legal reasoning. Rather than measuring the legitimacy of *fiqh* solely through procedural validity or textual conformity, Ethical Humanism maintains that Islamic law should ultimately be assessed according to its capacity to protect human dignity, promote social justice, alleviate human suffering, and realize the higher objectives of the *Sharī'ah*. This perspective restores the intrinsic relationship between law and ethics that historically characterized the classical Islamic intellectual tradition while simultaneously enabling Islamic jurisprudence to engage constructively with the ethical complexities of contemporary global society.

Against this background, the present study seeks to answer the following research question: How can *maqāṣid al-sharī'ah* and Ethical Humanism reconstruct contemporary Islamic legal thought for the future development of *fiqh*?. To address this question, the study employs a qualitative philosophical approach based on critical textual analysis of classical and contemporary scholarship in Islamic legal theory. Rather than examining specific positive legal rules, the analysis focuses on the epistemological assumptions underlying contemporary *fiqh* and explores how *maqāṣid*-oriented reasoning and Ethical Humanism may be integrated into a coherent theoretical framework for reconstructing Islamic jurisprudence. This approach enables the study to move beyond doctrinal analysis toward a broader philosophical examination of the relationship between law, ethics, and social transformation.

The originality of this article lies in its proposal to reposition *maqāṣid al-sharī'ah* not merely as a methodology of legal interpretation but as a transformative ethical epistemology that reconstructs the philosophical orientation of Islamic legal thought. Existing studies generally conceptualize *maqāṣid* as an interpretive instrument for producing more adaptive legal rulings. By contrast, this study argues that *maqāṣid* should function as the epistemological foundation of Islamic jurisprudence itself, shaping not only legal methodology but also the moral purpose, intellectual orientation, and evaluative criteria of legal reasoning. Furthermore, by integrating Ethical Humanism into this epistemological framework, the article develops a more comprehensive paradigm in which Islamic law is understood as an ethical project directed toward justice, human flourishing, and civilizational renewal rather than merely a system of legal regulation.

Accordingly, this article contributes to contemporary debates on Islamic legal reform in three significant respects. First, it advances *maqāṣid al-sharī'ah* from a jurisprudential methodology to a comprehensive epistemological framework for Islamic legal thought. Second, it develops Ethical Humanism as a normative theory capable of reconnecting legal reasoning with justice, human dignity, compassion, freedom, and public welfare. Third, it proposes an integrated conceptual model of Transformative Ethical Fiqh, demonstrating how *maqāṣid* and Ethical Humanism can jointly provide the philosophical foundation for a contextual, socially responsive, and ethically grounded jurisprudence capable of addressing the moral and institutional challenges confronting contemporary Muslim societies.

THEORETICAL FRAMEWORK

Maqāṣid al-Sharī'ah

This study adopts *Maqāṣid al-Sharī'ah* Epistemology as its principal theoretical framework for reconstructing contemporary Islamic legal thought. Rather than understanding *maqāṣid al-sharī'ah* merely as a supplementary method of legal interpretation (*istinbāṭ al-aḥkām*), this perspective conceptualizes *maqāṣid* as a comprehensive epistemology that redefines the philosophical foundations, objectives, and methodology of Islamic jurisprudence. Within this framework, the legitimacy of legal reasoning is determined not solely by its conformity to textual formulations, but by its capacity to realize the higher objectives (*maqāṣid*) of the *Sharī'ah*, including justice, human dignity, public welfare, and human flourishing. The epistemological roots of this theory can be traced to Abū Ishāq al-Shāṭibī, whose *Al-Muwāfaqāt* fundamentally transformed the understanding of Islamic legal theory by arguing that the *Sharī'ah* must be interpreted through its universal objectives rather than through isolated legal rulings. For al-Shāṭibī (1341), every legal injunction ultimately serves the realization of *maṣlaḥah* (public welfare), making the objectives of the *Sharī'ah* the central criterion for legal interpretation. This purposive approach shifted Islamic jurisprudence beyond literal textualism toward a holistic understanding of law as an instrument for achieving social benefit and preventing harm.

The theory was further developed by Muḥammad al-Ṭāhir Ibn 'Āshūr, who significantly expanded the scope of *maqāṣid*. Moving beyond the classical emphasis on preserving religion, life, intellect, lineage, and property, Ibn Ashur (2006) introduced broader civilizational objectives such as liberty, equality, justice, social order, and human dignity. His contribution transformed *maqāṣid* from a preservation-oriented legal doctrine into a philosophical framework capable of responding to modern social, political, and ethical challenges. Consequently, Islamic law is understood not merely as a mechanism for preserving legal order but as an ethical system directed toward human development and civilizational progress. The most comprehensive reformulation of this theory is found in Jasser Auda's systems approach to *maqāṣid al-sharī'ah*. Auda (2008) argues that *maqāṣid* should function as the epistemological foundation of Islamic legal reasoning rather than merely a subsidiary legal instrument. Through systems theory, Islamic jurisprudence is reconstructed as an open, multidimensional, contextual, and purpose-

oriented intellectual enterprise capable of engaging complex contemporary realities. Accordingly, legal interpretation should not be evaluated exclusively according to procedural validity or literal conformity but according to its ability to achieve justice, human dignity, social welfare, and sustainable human development. In this study, Maqāsid Epistemology therefore serves as the analytical lens through which contemporary fiqh is reconstructed from a rule-centered paradigm toward an ethical and transformative jurisprudence.

Ethical Humanism

Complementing Maqāsid Epistemology, this study employs Ethical Humanism Theory as the normative framework for evaluating the moral legitimacy of Islamic law. Ethical Humanism understands the Sharī'ah as an ethical project aimed at realizing human flourishing rather than merely enforcing legal compliance. From this perspective, the value of Islamic law is determined by its ethical consequences (*ethical outcomes*), not solely by its procedural validity. Accordingly, fiqh should function as a moral discourse that continuously promotes justice, compassion, freedom, dignity, and public welfare within changing historical contexts. Ethical Humanism in Islamic thought rests upon five interrelated normative dimensions. The first is justice (*'adl*), which represents the primary objective of all legal and social institutions. Justice is understood not only as legal equality but also as substantive fairness and the elimination of oppression. The second is human dignity (*karāmah*), derived from the Qur'anic recognition of the intrinsic worth of every human being (Qur'an 17:70). Human dignity functions as the ontological foundation of Islamic law and requires that every legal interpretation protect and enhance human value regardless of social, political, or religious differences (Kamali, 2008; Saeed, 2005).

The third dimension is compassion (*rahmah*), which reflects the ethical spirit of the Sharī'ah. Khaled Abou El-Fadl (2001) argues that Islamic law loses its moral legitimacy whenever it becomes detached from mercy, humility, and ethical responsibility. The fourth dimension is freedom (*hurriyyah*), understood as the protection of human moral agency and the capacity to exercise responsible choice. Contemporary Muslim scholars increasingly regard freedom as one of the higher objectives of the *Sharī'ah* and an essential condition for justice and human dignity (An-na'im, 2008; Fazaeli & Temperman, 2009). The fifth dimension is public welfare (*maṣlahah*), which requires Islamic law to contribute actively to social prosperity, collective well-being, and the prevention of harm. Taken together, these five dimensions establish a normative standard through which Islamic legal reasoning can be evaluated. Rather than measuring the success of fiqh according to procedural conformity alone, Ethical Humanism requires legal interpretation to be assessed according to its capacity to promote justice, protect human dignity, alleviate suffering, expand freedom, and advance the common good. This theoretical orientation fundamentally shifts Islamic jurisprudence from legal formalism toward ethical responsibility.

The integration of *Maqāsid* Epistemology and Ethical Humanism constitutes the conceptual foundation of this study. While *Maqāsid* Epistemology explains how Islamic law should be interpreted through purposive and contextual reasoning, Ethical Humanism explains

why such interpretation must ultimately serve humanity. Together, these theories provide an integrated framework for reconstructing contemporary Islamic legal thought as an ethical, contextual, and transformative jurisprudence capable of responding to the moral challenges of modern Muslim societies.

RESEARCH METHOD

This study employs a qualitative philosophical approach to examine the epistemological reconstruction of contemporary Islamic legal thought through the integration of *Maqāṣid al-Sharī'ah* Epistemology and Ethical Humanism. As a conceptual legal study, it focuses on the critical analysis of ideas, theories, and philosophical arguments rather than empirical data. This approach is appropriate because the study addresses normative and epistemological questions concerning the future direction of *fiqh* and seeks to formulate an alternative framework for contemporary Islamic jurisprudence (Crewell & Porth, 2018). The research is based on library research, drawing upon both classical and contemporary sources. Primary references include the foundational works of al-Ghazālī, al-Shāṭibī, and Ibn 'Āshūr on *maqāṣid al-sharī'ah*, as well as contemporary scholarship by Wael B. Hallaq, Khaled Abou El Fadl, Jasser Auda, Mohammad Hashim Kamali, and Abdullah Saeed on Islamic legal theory, ethics, and legal reform. These sources are complemented by recent scholarly literature on *maqāṣid*, Islamic ethics, and contemporary jurisprudence.

Data are analyzed using three complementary methods. First, textual analysis is employed to examine the evolution of *maqāṣid al-sharī'ah* and ethical concepts within classical and contemporary Islamic legal scholarship. Second, hermeneutic interpretation is used to understand legal texts in light of their historical, intellectual, and socio-cultural contexts, recognizing that legal meaning is shaped through the interaction between text, context, and interpreter (Gadamer, 1994). Third, critical-contextual analysis is applied to evaluate the relevance of classical legal doctrines to contemporary social realities and to identify the epistemological limitations of legal formalism in modern *fiqh* (Saeed, 2005). Building upon these analytical approaches, the study adopts an epistemological reconstruction framework to reformulate the philosophical foundations of Islamic legal thought. Rather than treating *maqāṣid* solely as a method of legal adaptation, the analysis conceptualizes it as a transformative epistemology integrated with Ethical Humanism. Through this framework, the study proposes a model of *fiqh* that is purposive, ethically grounded, context-sensitive, and capable of addressing the moral and social challenges of contemporary Muslim societies.

RESULTS AND DISCUSSION

From Legal Formalism to Ethical Jurisprudence

One of the most critical challenges confronting contemporary Islamic jurisprudence is the growing dominance of legal formalism within modern fiqh discourse. In many contemporary contexts, Islamic law has increasingly been reduced to a system of procedural legality, textual rigidity, and symbolic compliance that prioritizes external conformity to legal rulings over the ethical and civilizational objectives of the Sharia. As a result, fiqh often functions as a mechanism for regulating formal religious behavior while failing to adequately address broader concerns related to justice, human dignity, social welfare, and moral transformation. This condition has generated a significant epistemological and ethical crisis within contemporary Islamic legal thought. Modern legal formalism in fiqh is characterized by an excessive emphasis on literal textual interpretation and technical jurisprudential reasoning detached from changing social realities. Legal validity is frequently measured according to procedural correctness rather than substantive ethical outcomes. In this framework, legal rulings tend to be approached as fixed and self-contained norms independent of historical context, social consequences, or moral purpose. Such tendencies have contributed to the rigidification of Islamic jurisprudence and the marginalization of interpretive flexibility historically embedded within the Islamic legal tradition (Hallaq, 2009b).

Wael B. Hallaq argues that the modern transformation of Islamic law into state-centered legal systems fundamentally altered the moral structure of the Sharia. According to Hallaq (2014), classical Islamic jurisprudence originally operated within an ethical universe in which law, morality, spirituality, and communal welfare were deeply interconnected. However, the modern nation-state fragmented these relationships by transforming Islamic law into a bureaucratic and positivist legal apparatus concerned primarily with regulation and authority rather than ethical cultivation. In this transformation, the ethical essence of the Sharia became increasingly subordinated to legal codification and institutional power. Similarly, Khaled Abou El Fadl criticizes the rise of authoritarian legalism in contemporary Islamic discourse. He argues that many modern interpretations of fiqh have become excessively literalist and reductionist, claiming certainty in representing divine intent while neglecting the moral complexity and interpretive plurality inherent in Islamic legal reasoning (Abou El-Fadl, 2001). This authoritarian orientation often transforms religion into a discourse of control and prohibition rather than a moral project grounded in compassion, justice, and mercy. Consequently, legal obedience becomes disconnected from ethical consciousness, producing what may be described as symbolic religiosity without substantive moral transformation.

The dominance of symbolic compliance within contemporary fiqh further reflects the reduction of Islamic law to external ritualistic observance. In many cases, legal discourse emphasizes visible conformity to formal religious norms while overlooking structural injustices, social inequality, corruption, environmental destruction, and violations of human dignity. This condition illustrates a profound fragmentation between law and ethics, where the procedural implementation of legal rulings is prioritized over the realization of the Sharia's higher moral

objectives. Such fragmentation has limited the ability of Islamic jurisprudence to respond effectively to contemporary humanitarian and civilizational challenges. Mohammad Hashim Kamali argues that the excessive focus on technical legality has narrowed the intellectual and ethical scope of *fiqh*. According to Kamali (2008), Islamic law cannot be reduced to formalistic jurisprudence detached from its broader objectives of justice, mercy, moderation, and public welfare. Rather, the Sharia must be understood as a moral and civilizational framework intended to promote social harmony and human flourishing. Contemporary *fiqh*, therefore, requires a methodological reorientation capable of reconnecting legal reasoning with ethical intentionality and social realities.

In response to these limitations, contemporary *maqasid*-oriented scholars advocate a transition from legal formalism toward ethical jurisprudence. Jasser Auda argues that Islamic jurisprudence should move beyond atomistic and reductionist approaches toward a systems-based understanding of the Sharia grounded in purpose, complexity, and interconnectedness (Auda, 2008). Within this framework, legal rulings are evaluated not merely according to textual literalism but according to their capacity to realize justice, welfare, dignity, and human development. This perspective shifts the center of Islamic legal reasoning from formal compliance toward substantive ethical realization. The reconstruction of *fiqh* as ethical jurisprudence requires a fundamental rethinking of the relationship between law, morality, and society. Ethical jurisprudence does not reject legal norms; rather, it seeks to situate legal rulings within the broader moral vision of Islam. In this framework, *fiqh* is understood not simply as a technical system of obligations and prohibitions but as an ethical project directed toward the cultivation of justice (*'adl*), compassion (*rahmah*), human dignity (*karamah*), and collective welfare (*maslahah*). Legal interpretation therefore becomes inseparable from moral responsibility and social accountability.

This transformation is particularly important in addressing contemporary global challenges such as human rights, gender inequality, environmental crises, digital ethics, and economic injustice. Formalistic legal methodologies often struggle to engage these issues because they rely primarily on literal textual precedents detached from evolving social realities. Ethical jurisprudence, by contrast, enables Islamic legal thought to engage contemporary problems through contextual reasoning and purposive interpretation while remaining faithful to the normative principles of the Sharia. Ultimately, the movement from legal formalism to ethical jurisprudence represents an epistemological shift in contemporary Islamic legal thought. It seeks to restore the ethical substance of Islamic law by reintegrating morality, justice, and human welfare into the core of *fiqh*. In doing so, Islamic jurisprudence can recover its historical role not merely as a mechanism of legal regulation, but as a transformative intellectual and moral tradition capable of contributing to the flourishing of humanity in the modern world.

Maqasid al-Sharia and the Reconstruction of Islamic Legal Thought

The reconstruction of contemporary Islamic legal thought requires a fundamental epistemological shift from rigid legal formalism toward a dynamic and ethically grounded jurisprudence capable of engaging the moral and social complexities of modern life. Within this context, *maqasid al-sharia* emerges not merely as a supplementary legal doctrine but as a transformative philosophical framework for reimagining the future of fiqh. The maqasid paradigm provides an intellectual foundation for reconnecting Islamic law with its ethical purposes, humanistic vision, and civilizational mission. Through maqasid-oriented reasoning, Islamic jurisprudence can move beyond narrow legal preservationism toward a transformative model centered on justice, dignity, welfare, and human flourishing.

A. Maqasid Beyond Classical Preservationism

Classical maqasid theory historically developed as an attempt to identify the higher objectives underlying Islamic law. Early scholars such as Abu Hamid al-Ghazali and Abu Ishaq al-Shatibi conceptualized maqasid primarily in terms of preserving essential human necessities, namely religion, life, intellect, lineage, and property. This preservation-oriented framework represented a significant intellectual advancement in classical jurisprudence because it emphasized that Islamic law was ultimately directed toward human welfare rather than merely literal textual application (Al-Ghazali, 1997; Al-Shatibi, 1997). (Al-Ghazali, n.d.; Al-Shāṭibī, 1341). Nevertheless, despite its historical importance, classical maqasid theory largely remained defensive and preservation-oriented in nature. The dominant concern of classical jurisprudence was the maintenance of social order and the protection of communal stability rather than the transformation of social structures or the expansion of human freedom and dignity. In many cases, maqasid functioned primarily as a mechanism for safeguarding established legal norms rather than critically reconstructing the ethical foundations of Islamic law itself. Consequently, classical maqasid often remained confined within the broader framework of traditional legal formalism.

Contemporary Muslim societies, however, face challenges that extend far beyond the concerns addressed by classical preservationist jurisprudence. Issues such as authoritarianism, structural inequality, environmental crises, technological disruption, economic injustice, and global human rights debates require a more dynamic and transformative understanding of Islamic law. For this reason, many contemporary scholars argue that maqasid must evolve beyond its classical formulation into a broader ethical and civilizational paradigm. Jasser Auda argues that maqasid should no longer be understood merely as a technical legal instrument but as a systems-based philosophy of Islamic law capable of responding to complex modern realities (Auda, 2008). Through his multidimensional approach, Auda critiques reductionist legal methodologies and proposes a maqasid framework grounded in openness, interconnectedness, contextuality, and human development. In this perspective, the objectives of Islamic law are not limited to preservation but extend toward the realization of justice, freedom, dignity, and social empowerment.

Similarly, Ibn Ashur significantly expanded maqasid discourse by emphasizing liberty, equality, and human dignity as central objectives of the Sharia. Ibn Ashur's contribution marked an important transition from preservationist jurisprudence toward a socially transformative understanding of Islamic law (Al-Tahir Ibn 'Āshūr, 2006). This shift laid the intellectual foundation for what may be described as transformative maqasid a maqasid paradigm oriented not merely toward maintaining existing structures, but toward promoting ethical and social transformation. Transformative maqasid therefore redefines the role of fiqh within contemporary society. Rather than functioning solely as a system of legal preservation, fiqh becomes a moral and intellectual framework aimed at addressing structural injustice, advancing human welfare, and cultivating ethical civilization. This transformation enables Islamic jurisprudence to engage contemporary global realities while remaining rooted in the normative principles of the Sharia.

B. Ethical Humanism as the Core of Islamic Law

At the heart of the reconstruction of Islamic legal thought lies the principle of ethical humanism. Ethical humanism in Islam refers to a moral vision that places human dignity, justice, compassion, and collective welfare at the center of legal and social life. From this perspective, the ultimate purpose of Islamic law is not merely legal compliance or ritual conformity, but the realization of human flourishing and ethical civilization. Contemporary legal formalism has often reduced Islamic jurisprudence to questions of procedural legality and symbolic observance while neglecting the broader ethical goals of the Sharia. Such reductionism risks transforming religion into a mechanism of social control rather than a framework for moral liberation and human development. In contrast, ethical humanism reorients Islamic law toward substantive justice and the protection of human dignity as foundational objectives of the legal system.

The Qur'anic concept of *karamah* (human dignity) provides a central ethical foundation for this perspective. Human beings are portrayed in the Qur'an as morally honored and entrusted with ethical responsibility. Consequently, Islamic law must serve the protection and flourishing of human dignity rather than merely enforcing formal legal obedience. Mohammad Hashim Kamali (2016), argues that dignity, moderation, and justice constitute essential moral principles within the Islamic worldview and should shape the interpretation and application of contemporary fiqh. Likewise, the concept of *rahmah* (compassion) occupies a central place within Islamic ethics. Khaled Abou El Fadl emphasizes that Islamic law cannot be divorced from moral values such as mercy, humility, and justice. According to Abou El-Fadl (2001), authoritarian and literalist interpretations of fiqh distort the ethical spirit of Islam by prioritizing rigid legality over moral responsibility. Ethical jurisprudence, therefore, requires interpretive humility and recognition of the ethical plurality inherent in the Islamic tradition.

Within this framework, Islamic law is understood as a project of social liberation rather than merely legal regulation. The objectives of the Sharia include the elimination of oppression, the protection of vulnerable communities, and the advancement of social justice. Tariq Ramadan (2009) argues that contemporary Islamic ethics must engage issues of poverty, inequality, ecological destruction, and political injustice through a liberation-oriented moral framework.

Islamic jurisprudence must therefore be evaluated not solely by doctrinal consistency but also by its ethical consequences and its capacity to improve human life. Ethical humanism also positions Islamic law within the broader project of ethical civilization. In this perspective, fiqh contributes not only to regulating individual conduct but also to cultivating a just, compassionate, and morally responsible society. Law becomes inseparable from ethics, spirituality, and social responsibility. Consequently, the reconstruction of Islamic legal thought requires a reintegration of morality into the center of jurisprudential reasoning.

C. The Future of Fiqh in Modern Muslim Societies

The reconstruction of Islamic legal thought ultimately requires the development of a contextual and transformative fiqh capable of engaging the realities of contemporary global society. Such a model moves beyond rigid textualism and embraces a multidimensional approach integrating ethics, social sciences, philosophy, and human experience into Islamic legal reasoning. A contextual fiqh recognizes that legal interpretation cannot be separated from historical and social realities. Classical jurists themselves operated within specific cultural and political contexts, and their legal formulations reflected the needs and conditions of their societies. Contemporary Muslim societies therefore require a jurisprudence that remains faithful to Islamic principles while responding creatively to changing social conditions, technological developments, and global ethical challenges. Abdullah Saeed (2005) argues that contextual interpretation is essential for maintaining the relevance of Islamic teachings in modern pluralistic societies.

At the same time, transformative fiqh must be interdisciplinary in orientation. Contemporary legal problems, including artificial intelligence, bioethics, environmental crises, financial inequality, and gender justice, cannot be adequately addressed through isolated textual analysis alone. Islamic jurisprudence must engage insights from philosophy, sociology, economics, political theory, environmental studies, and human rights discourse in order to develop holistic and socially responsive legal frameworks. This interdisciplinary approach reflects the complexity of modern life and expands the intellectual horizons of fiqh beyond narrow doctrinal boundaries. Furthermore, transformative fiqh must be socially engaged and ethically grounded. Islamic legal reasoning should prioritize substantive justice, public welfare, and human flourishing rather than merely preserving formal legal structures. In this framework, legal rulings are evaluated according to their ethical consequences and their contribution to social well-being. The concept of *maslahah* therefore becomes central as a dynamic principle guiding legal interpretation toward the realization of collective welfare and moral responsibility.

The reconstruction of fiqh as contextual, interdisciplinary, socially engaged, and ethically grounded represents a new paradigm in contemporary Islamic legal thought. This paradigm does not abandon the Islamic legal tradition; rather, it seeks to revitalize its ethical spirit and intellectual dynamism. Through maqasid-oriented reasoning and ethical humanism, Islamic jurisprudence can recover its role as a transformative moral tradition capable of contributing meaningfully to justice, human dignity, and civilizational renewal in the modern world.

The future of fiqh in modern Muslim societies depends largely on its ability to move beyond rigid legal formalism toward a dynamic, ethical, and contextually responsive jurisprudence. Contemporary global realities including the expansion of human rights discourse, demands for gender justice, environmental crises, and rapid technological transformation require Islamic legal thought to engage new moral and civilizational challenges that cannot be adequately addressed through traditional preservation-oriented frameworks alone. In this context, *maqasid al-sharia* offers a transformative paradigm capable of reconstructing fiqh as a socially engaged and ethically grounded intellectual tradition. Through maqasid-oriented reasoning, Islamic jurisprudence can contribute meaningfully to the development of a just, humane, and sustainable society while remaining faithful to the normative principles of Islam.

a. Human Rights

One of the most significant challenges facing contemporary Islamic legal thought is the relationship between Islamic law and modern human rights discourse. For decades, debates surrounding Islam and human rights have often been framed within a binary opposition between universal human rights norms and religious particularism. Critics frequently portray Islamic law as incompatible with modern conceptions of freedom, equality, and individual rights, particularly regarding issues such as freedom of religion, gender equality, and minority rights. However, contemporary maqasid scholarship increasingly argues that the ethical foundations of the Sharia provide substantial resources for constructive engagement with human rights discourse.

The maqasid paradigm reorients Islamic law toward the protection of human dignity (*karamah*), justice (*'adl*), freedom (*hurriyah*), and public welfare (*maslahah*) as central objectives of the legal system. In this framework, human rights are not viewed merely as external liberal constructs imposed upon Islamic law, but as ethical values deeply rooted within the moral vision of the Qur'an and the Prophetic tradition. Abdullahi Ahmed An-Na'im argues that Islamic law must undergo a process of internal reform grounded in ethical reinterpretation to engage contemporary human rights norms meaningfully (An-na'im, 2008). According to this perspective, the future of fiqh lies not in rejecting modern human rights discourse, but in reconstructing Islamic legal thought through principles of justice, reciprocity, and human dignity.

Similarly, Mohammad Hashim Kamali emphasizes that maqasid-oriented jurisprudence enables Islamic law to prioritize substantive justice over rigid legal literalism. Human rights concerns including freedom of conscience, protection from discrimination, and social equality can therefore be interpreted as extensions of the Sharia's broader ethical objectives (Kamali, 2008). Through this approach, fiqh can participate in contemporary global ethical discourse while maintaining its religious authenticity and moral distinctiveness. The dialogue between maqasid and human rights discourse also reflects a broader shift from authoritarian legalism toward ethical jurisprudence. Rather than understanding rights exclusively in procedural or legalistic terms, maqasid-based fiqh conceptualizes rights as part of a moral framework aimed at preserving human dignity and collective flourishing. This perspective enables Islamic

jurisprudence to contribute to the development of pluralistic and inclusive societies grounded in ethical responsibility and social justice.

b. Gender Justice

The issue of gender justice represents another critical area requiring the reconstruction of contemporary fiqh. Traditional interpretations of Islamic law concerning gender have often been shaped by patriarchal social structures and historical contexts that no longer correspond to the realities of modern Muslim societies. In many cases, legal rulings related to women's rights, family law, leadership, and public participation have been interpreted through literalist and male-centered frameworks that prioritize formal hierarchy over substantive justice. Contemporary scholars increasingly argue that the future of Islamic jurisprudence requires a shift from patriarchal legal formalism toward a maqasid-based understanding of gender justice grounded in equality, dignity, and ethical reciprocity. Khaled Abou El Fadl emphasizes that Islamic law must be interpreted through moral principles such as justice, compassion, and human dignity rather than through rigid literalism detached from ethical concerns (Abou El-Fadl, 2001). From this perspective, many gender inequalities within traditional fiqh reflect historical socio-cultural interpretations rather than immutable divine principles.

Maqasid-oriented approaches enable the reinterpretation of gender-related rulings by prioritizing substantive justice and public welfare over purely formal legal structures. Amina Wadud argues that Qur'anic ethics fundamentally affirm human equality and mutual dignity, thereby requiring gender relations to be understood within a framework of justice and moral reciprocity (Amina Wadud, 2010). This perspective shifts the focus of fiqh from preserving patriarchal authority toward protecting the ethical objectives of the Sharia. The reconstruction of fiqh based on gender justice does not imply abandoning Islamic tradition but rather critically reexamining inherited interpretations in light of contemporary ethical realities and maqasid principles. Such reconstruction is particularly important in addressing issues including domestic violence, women's political participation, economic equality, educational access, and legal discrimination. A transformative fiqh therefore seeks not merely to regulate gender relations but to promote social structures grounded in dignity, justice, and mutual human flourishing.

c. Environmental Ethics

The escalating global environmental crisis has also generated renewed interest in the development of an ecological fiqh grounded in Islamic ethical principles. Climate change, environmental degradation, biodiversity loss, and unsustainable economic practices pose serious moral and existential challenges requiring the active engagement of religious and legal traditions. Classical fiqh generally addressed environmental concerns in limited and localized forms, primarily related to land use, water rights, and public welfare. However, contemporary ecological crises demand a broader and more comprehensive ethical framework. Maqasid al-sharia provides important foundations for reconstructing Islamic jurisprudence in relation to environmental ethics and sustainability. The protection of life, public welfare, and future generations can be interpreted as central maqasid objectives directly relevant to ecological

responsibility. Contemporary scholars increasingly argue that environmental preservation should be recognized as an essential extension of the Sharia's moral vision (Foltz et al., 2001).

Seyyed Hossein Nasr argues that modern ecological destruction reflects a spiritual and ethical crisis rooted in humanity's exploitative relationship with nature (Nasr, 1996). From an Islamic perspective, nature is not merely a material resource but a sacred trust (*amanah*) entrusted to humanity. Consequently, environmental ethics must become an integral component of Islamic legal and moral thought. The development of ecological fiqh requires moving beyond anthropocentric and utilitarian interpretations toward a more holistic understanding of the relationship between humans, nature, and divine responsibility. This approach encourages sustainable economic practices, environmental justice, ecological stewardship, and ethical responsibility toward future generations. Through maqasid-oriented reasoning, fiqh can contribute to global sustainability discourse by promoting a moral framework centered on balance (*mizan*), moderation (*wasatiyyah*), and collective welfare. Environmental ethics therefore represents a crucial frontier for the future of Islamic jurisprudence. The reconstruction of fiqh in ecological terms demonstrates the capacity of Islamic legal thought to engage pressing global challenges while revitalizing its ethical and spiritual dimensions.

Transformative Ethical Fiqh Framework

The reconstruction of contemporary Islamic legal thought requires not only methodological reform but also the development of a new epistemological framework capable of integrating ethical values, social realities, and the higher objectives of the Sharia into the process of legal reasoning. Based on the preceding discussions, this article proposes a conceptual model referred to as the Transformative Ethical Fiqh Framework. This framework seeks to reposition fiqh from a predominantly formalistic and preservation-oriented legal system toward a dynamic, ethical, and socially transformative jurisprudence grounded in *maqasid al-sharia* and ethical humanism. The proposed framework is built upon five interrelated foundations: (1) *maqasid al-sharia*, (2) ethics, (3) contextual reasoning, (4) social justice, and (5) human dignity. Together, these dimensions form an integrated paradigm for reconstructing Islamic legal thought in response to contemporary global challenges. Rather than viewing Islamic law solely as a mechanism for regulating legal conduct, the framework conceptualizes fiqh as an ethical-civilizational project aimed at promoting justice, human flourishing, and collective well-being.

At the center of this framework lies *maqasid al-sharia*, understood not merely as a supplementary legal doctrine but as the philosophical and ethical foundation of Islamic jurisprudence. Contemporary maqasid scholarship has increasingly emphasized that the objectives of the Sharia extend beyond legal preservation toward the realization of justice, freedom, dignity, welfare, and social harmony (Auda, 2008). Through this perspective, legal interpretation is evaluated according to its capacity to achieve substantive ethical outcomes rather than simply conforming to literal textual formulations.

Figure 1. Transformative ethical fiqh framework



The second component of the framework is ethics, which functions as the moral orientation of Islamic legal reasoning. Ethical principles such as justice (*‘adl*), compassion (*rahmah*), moderation (*wasatiyyah*), and public welfare (*maslahah*) are positioned as central criteria for evaluating legal interpretations and social policies. This approach challenges the dominance of legal formalism by reintegrating morality into the core structure of fiqh. Khaled Abou El Fadl argues that Islamic law loses its legitimacy when detached from its ethical foundations and transformed into a purely authoritarian or procedural system (Abou El-Fadl, 2001). Ethical jurisprudence therefore requires that legal interpretation remain connected to broader moral responsibilities and humanitarian concerns.

The third element is contextual reasoning, which recognizes that legal interpretation must continuously engage historical change, social realities, and contemporary human experience. Classical jurists themselves developed legal rulings within specific social and political contexts, demonstrating that fiqh has always possessed a contextual dimension. The Transformative Ethical Fiqh Framework extends this principle by advocating an interpretive methodology that is adaptive, interdisciplinary, and responsive to contemporary global conditions. Abdullah Saeed emphasizes that contextual interpretation is essential for maintaining the relevance and ethical integrity of Islamic teachings within modern pluralistic societies (Saeed, 2005).

The fourth component is social justice, which functions as the societal objective of Islamic law. In this framework, fiqh is not limited to regulating individual religious obligations but is also responsible for addressing structural inequality, poverty, discrimination, political oppression, environmental destruction, and economic injustice. Islamic jurisprudence therefore becomes socially engaged and transformative in orientation. This perspective reflects the Qur’anic emphasis on justice as a foundational principle of moral and communal life. Through

maqasid-oriented reasoning, legal rulings are evaluated according to their contribution to collective welfare and equitable social relations.

The fifth and most fundamental dimension is human dignity (*karamah*), which serves as the ontological foundation of the framework. Human dignity is understood as a universal ethical principle that transcends differences of gender, ethnicity, religion, and social status. The protection and flourishing of human dignity therefore become the ultimate objective of Islamic jurisprudence. Mohammad Hashim Kamali argues that dignity, justice, and moderation are among the central ethical values of the Qur'anic worldview and should guide the reconstruction of contemporary Islamic legal thought (Kamali, 2008). The Transformative Ethical Fiqh Framework thus represents an epistemological shift from legal positivism toward ethical-transformative jurisprudence. It seeks to overcome the fragmentation between law and ethics by positioning moral values and human welfare at the center of legal reasoning. This framework also challenges the dominance of static and text-centered methodologies by emphasizing purposive interpretation, contextual engagement, and interdisciplinary dialogue.

The following table summarizes the conceptual differences between classical legal formalism and the proposed Transformative Ethical Fiqh Framework:

Table 1. Paradigm Shift: From Legal Formalism to Ethical Fiqh

Classical Fiqh	Transformative Ethical Fiqh
Text-centered	Purpose-centered
Legalistic	Ethical-humanistic
Static	Contextual
Formal compliance	Social justice
Preservation-oriented	Transformative-oriented
Juridical rigidity	Adaptive interpretation
Authority-centered	Human dignity-centered
Isolated legal reasoning	Interdisciplinary engagement
Procedural legality	Ethical responsibility
Defensive jurisprudence	Civilizational renewal

This framework does not seek to reject the classical Islamic legal tradition. Rather, it aims to revitalize the ethical spirit and intellectual dynamism that historically characterized Islamic jurisprudence. By integrating maqasid, ethics, contextual reasoning, social justice, and human dignity into a unified conceptual model, the Transformative Ethical Fiqh Framework offers a new direction for the future development of fiqh in modern Muslim societies. Ultimately, the framework contributes to contemporary debates on Islamic legal reform by proposing a jurisprudential paradigm that is ethically grounded, socially engaged, and responsive to the moral complexities of global modernity. In doing so, it repositions fiqh not merely as a system of legal regulation, but as a transformative intellectual tradition capable of contributing to justice, human flourishing, and ethical civilization in the contemporary world.

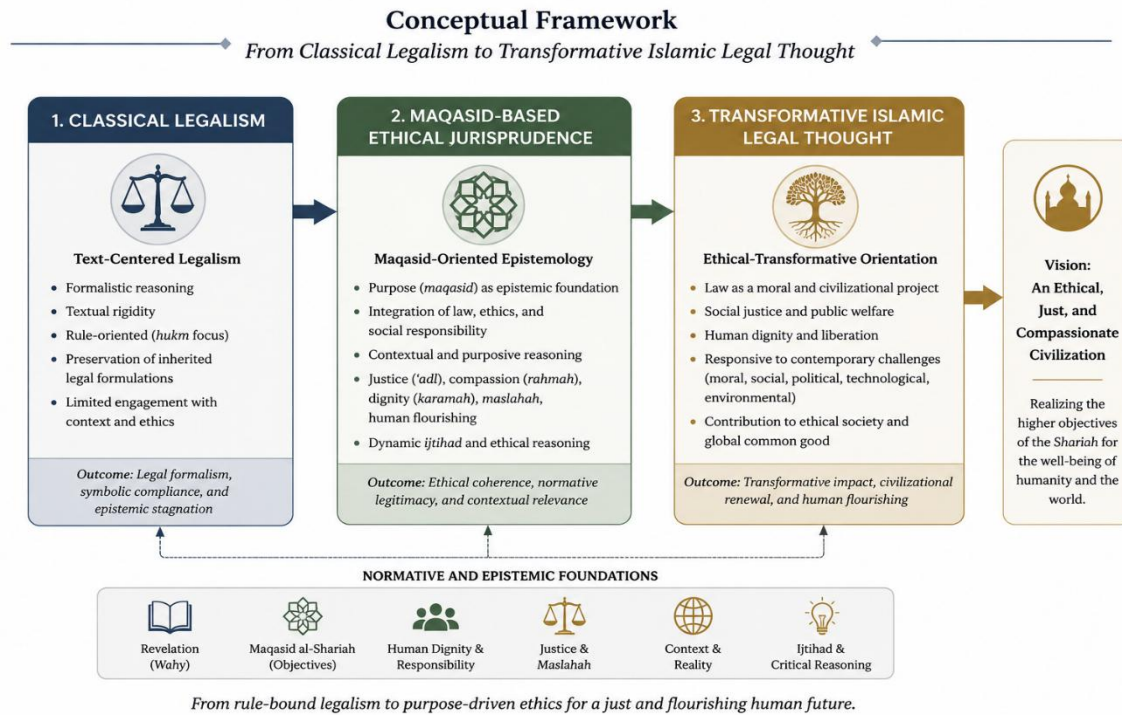
The reconstruction of contemporary Islamic legal thought proposed in this article contributes to ongoing debates concerning the future direction of fiqh in the context of global modernity, ethical pluralism, and the transformation of Muslim societies. The central argument

advanced throughout this study is that the contemporary crisis of Islamic jurisprudence is not merely a technical or methodological problem, but fundamentally an epistemological and ethical crisis. Modern fiqh has increasingly become trapped within legal formalism, procedural rigidity, and symbolic compliance, often at the expense of the broader ethical objectives of the Sharia. Consequently, the reconstruction of Islamic legal thought requires a paradigmatic shift from preservation-oriented legalism toward a transformative ethical jurisprudence grounded in *maqasid al-sharia*, contextual reasoning, and ethical humanism.

One of the major theoretical contributions of this article lies in its attempt to reconstruct the epistemology of Islamic law. Classical Islamic jurisprudence historically emerged as a dynamic intellectual tradition shaped by interpretive plurality, ethical reasoning, and engagement with social realities. However, the encounter between Islamic law and modern state-centered legal systems contributed to the rigidification of fiqh and the reduction of Sharia into codified legal norms detached from moral and social contexts (Hallaq, 2014). In many contemporary settings, legal legitimacy is increasingly measured through procedural conformity rather than substantive ethical outcomes. This transformation has weakened the capacity of Islamic jurisprudence to address the moral complexities of modern life.

The framework proposed in this study challenges such reductionism by repositioning Islamic law as an ethical-civilizational project rather than merely a system of legal regulation. In this regard, the article contributes to the broader discourse of epistemological reform within Islamic thought by arguing that fiqh must move beyond atomistic textualism toward a holistic and purpose-oriented jurisprudence. The proposed Transformative Ethical Fiqh Framework seeks to restore the interconnected relationship between law, ethics, spirituality, and social responsibility that historically characterized the Islamic intellectual tradition. A second major contribution of this article is the strengthening of *maqasid al-sharia* as a comprehensive philosophy of Islamic law rather than simply a supplementary legal methodology. Much contemporary maqasid scholarship continues to treat maqasid primarily as a tool for legal adaptation within existing juridical structures. While this approach has contributed significantly to Islamic legal reform, it often remains confined within the boundaries of procedural jurisprudence. This article advances the argument that maqasid should instead function as an epistemological foundation capable of restructuring the entire orientation of Islamic legal thought.

Figure 2. Restructuring the entire orientation of Islamic legal thought



Through this perspective, *maqasid* becomes a philosophical framework centered on justice, dignity, welfare, freedom, compassion, and human flourishing. The significance of this shift is profound because it transforms Islamic law from a defensive legal system concerned primarily with preservation into a transformative ethical project directed toward social renewal and civilizational development. Jasser Auda describes this transformation as a movement from reductionist jurisprudence toward systems-based reasoning characterized by multidimensionality, openness, and contextual awareness (Auda, 2008). The present study extends this argument further by emphasizing the ethical and humanistic implications of *maqasid* within contemporary global society. The integration of ethics and *fiqh* also constitutes a central theoretical contribution of this article. One of the most significant problems within modern Islamic legal discourse is the fragmentation between law and morality. Contemporary *fiqh* frequently prioritizes technical legality and symbolic observance while marginalizing substantive ethical concerns such as social justice, human suffering, environmental responsibility, and structural inequality. This separation has contributed to the perception that Islamic law is rigid, exclusionary, and disconnected from humanitarian concerns.

By integrating ethical humanism into the framework of Islamic jurisprudence, this article argues that law and ethics cannot be separated within the normative vision of Islam. Ethical principles such as *‘adl* (justice), *rahmah* (compassion), *karamah* (human dignity), and *maslahah* (public welfare) are not secondary moral values external to *fiqh*; rather, they constitute the very foundation of Islamic legal reasoning. Khaled Abou El Fadl argues that Islamic law loses its moral legitimacy when detached from ethical responsibility and interpretive humility (Abou El-Fadl, 2001). The reconstruction proposed in this article therefore seeks to reestablish ethics as the

central orientation of Islamic jurisprudence. This ethical turn in Islamic legal thought is particularly important in the context of global modernity. Contemporary Muslim societies exist within a world characterized by rapid technological transformation, globalization, migration, ecological crisis, economic inequality, and expanding human rights discourse. These realities generate legal and moral questions that cannot be adequately addressed through rigid literalism or isolated textual analysis alone. The complexity of modern life requires an interdisciplinary and context-sensitive jurisprudence capable of engaging changing social realities while remaining rooted in Islamic ethical principles.

Global modernity also challenges Muslim societies to negotiate the relationship between religious authenticity and universal ethical values. Debates concerning democracy, pluralism, gender equality, environmental ethics, and digital technology increasingly shape contemporary Islamic legal discourse. In many cases, tensions emerge between inherited legal doctrines and evolving global norms. This article argues that maqasid-oriented jurisprudence provides a productive framework for navigating these tensions because it prioritizes the ethical objectives of the Sharia rather than rigid adherence to historical legal formulations. Within plural societies, the reconstruction of fiqh becomes even more urgent. Modern Muslim communities are increasingly characterized by religious diversity, cultural plurality, and complex social interaction. Classical legal frameworks developed within relatively homogeneous social contexts may not adequately address the realities of contemporary pluralistic societies. A transformative ethical jurisprudence therefore requires an interpretive methodology capable of recognizing diversity, promoting coexistence, and protecting human dignity across different social and religious communities.

Abdullahi Ahmed An-Na'im argues that the future of Islamic law depends on its ability to engage pluralism and human rights through internal ethical reform rather than defensive isolationism (An-na'im, 2008). Similarly, Abdullah Saeed emphasizes the importance of contextual interpretation in maintaining the relevance of Islamic teachings within modern multicultural societies (Akbar & Saeed, 2019). The present study aligns with these perspectives by proposing a fiqh that is socially inclusive, ethically grounded, and open to constructive engagement with contemporary global realities. The discussion presented in this article also contributes to broader efforts of Muslim intellectual reform. Since the nineteenth century, Muslim reformist thinkers have grappled with questions concerning the renewal of Islamic thought in the face of colonialism, secular modernity, political authoritarianism, and intellectual stagnation. Reform movements have often focused either on legal adaptation or on ideological revivalism, yet many have struggled to develop a coherent epistemological framework capable of integrating tradition and modernity.

The Transformative Ethical Fiqh Framework proposed in this study seeks to contribute to this reformist discourse by offering a middle path between rigid traditionalism and unrestricted liberalism. Rather than abandoning classical Islamic scholarship, the framework critically reinterprets the tradition through maqasid-oriented reasoning and ethical humanism. This approach preserves the normative foundations of Islam while enabling legal thought to evolve in response to contemporary ethical and social realities. Furthermore, the proposed framework

positions Islamic jurisprudence within a broader civilizational discourse. Islamic law is not merely a technical system for regulating ritual and social conduct; it is also part of a larger moral project aimed at cultivating justice, human flourishing, and ethical civilization. The reconstruction of fiqh therefore has implications beyond legal studies, influencing education, politics, economics, environmental ethics, and public morality. Through this perspective, Islamic legal thought can contribute constructively to global conversations concerning ethics, sustainability, social justice, and human dignity.

The future of Islamic jurisprudence ultimately depends on its capacity to recover its ethical spirit while remaining intellectually dynamic and socially relevant. A fiqh that remains confined to legal formalism risks becoming increasingly irrelevant in the face of rapidly changing global realities. By contrast, a maqasid-based ethical jurisprudence offers the possibility of revitalizing Islamic law as a transformative intellectual tradition capable of addressing the moral and humanitarian challenges of the contemporary world. In this sense, the reconstruction proposed in this article is not merely a methodological reform, but a broader epistemological and civilizational reorientation of Islamic legal thought. It seeks to reposition fiqh as a living ethical tradition grounded in justice, compassion, human dignity, and social responsibility. Such a transformation is essential if Islamic jurisprudence is to remain relevant, credible, and constructive within the pluralistic and interconnected societies of the twenty-first century.

CONCLUSION

This article has argued that contemporary Islamic legal thought is experiencing a profound epistemological and ethical crisis resulting from the dominance of legal formalism, textual rigidity, and preservation-oriented jurisprudence within modern fiqh discourse. In many contemporary contexts, Islamic law has increasingly been reduced to procedural legality and symbolic compliance, often detached from the broader ethical objectives of the Sharī'ah. Such a reduction has significantly weakened the transformative capacity of fiqh to address the complex moral, social, political, and technological challenges confronting contemporary Muslim societies. Consequently, the future relevance and vitality of Islamic jurisprudence depend upon its ability to undergo a comprehensive intellectual reconstruction grounded in ethical, contextual, and purposive (*maqāṣid*-oriented) reasoning.

The central argument advanced in this study is that fiqh should be reconstructed through a maqāṣid-oriented epistemology capable of reintegrating law, ethics, and social responsibility into a coherent framework of Islamic legal thought. Building upon the intellectual contributions of Abu Ishaq al-Shāṭibī, Ibn 'Āshūr, Jasser Auda, Wael B. Hallaq, Khaled Abou El Fadl, and Mohammad Hashim Kamali, this article demonstrates that maqāṣid al-Sharī'ah should no longer be regarded merely as a supplementary instrument of legal interpretation or a technical methodology of *istinbāt al-aḥkām*. Rather, maqāṣid should be reconceptualized as a transformative ethical epistemology that provides the philosophical foundation for reconstructing contemporary Islamic legal thought. Accordingly, this study proposes the following conceptual

formulation: *Future Fiqh* = *Maqāṣid Epistemology* + *Ethical Humanism* + *Contextual Reasoning*.

Within this reconstructed framework, fiqh moves beyond rigid textualism and defensive preservationism toward an ethical-transformative paradigm centered on justice (*‘adl*), compassion (*raḥmah*), human dignity (*karāmah*), public welfare (*maṣlaḥah*), and human flourishing. Ethical humanism, therefore, should constitute the normative core of the future development of Islamic law. From this perspective, fiqh is not merely a system of legal obligations and prohibitions but a dynamic moral and civilizational project directed toward the realization of ethical societies, social emancipation, and the collective well-being of humanity. By restoring the inseparable relationship between law and ethics, the proposed framework seeks to reposition Islamic jurisprudence as an intellectually vibrant, socially responsive, and morally transformative tradition capable of engaging constructively with the realities and challenges of the twenty-first century.

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