The Authoritative Role of Maqasid Shariah As A Basis for Determining Hukm When Dealing with Contemporary Issues

Zulkifly Muda, Nizaita Omar, Pengiran Hajah Norkhairiah Pengiran Haji Hashim, Hajah Nurzakiah Haji Ramlee, Zurairatul Zakiah Dato Seri Setia Haji Rajid

The Authoritative Role of Maqasid Shariah As A Basis for Determining Hukm When Dealing with Contemporary Issues

Zulkifly Muda[1], Nizaita Omar[2], Pengiran Hajah Norkhairiah Pengiran Haji Hashim[3], Hajah Nurzakiah Haji Ramlee[4], Zurairatul Zakiah Dato Seri Setia Haji Rajid[5]

[1,4,5]Faculti of Shariah and Law, Universiti Islam Sultan Sharif Ali (UNISSA), Simpang 347 Jalan Pasar Gadong, Gadong BE 1310 Negara Brunei Darussalam, [2]Faculty of Islamic Contemporary Studies, Universiti Sultan Zainal Abidin (UniSZA), Kampus Gong Badak, 21300 Kuala Nerus, Kuala Terengganu, Terengganu, Malaysia, [3]Halalan Thayyiban Research Centre, Sultan Sharif Ali Islamic University (UNISSA), Universiti Islam Sultan Sharif Ali, Kampus Sinaut, KM 33, Jalan Tutong, Kampung
Email: zulkifly.muda@unissa.edu.bn, nurzakiah.ramlee@unissa.edu.bn, zurairatul.hjrajid@unissa.edu.bn, nizaitaomar@unisza.edu.my, norkhairiah.hashim@unissa.edu.bn

Abstract

Maqasid Shariah is the spirit of shariat (Islamic Law) with an implicit meaning and reflects the goal of shariat in every piece of legislation established by sharak. The theories and concepts developed in Maqasid Shariah emphasise on the form and purpose of shariat in guaranteeing the importance of human life. Hence, Maqasid Shariah lays down two important fundamentals, namely the provision of benefits (*Jalb al-Masalih*) and the rejection of detriment (*Dar'u al-Mafasid*). Several studies have debated Maqasid Shariah's complementary role when determining *hukm* (religious decree) in relation to contemporary fiqh problems. Therefore, this study examined and refined numerous points of view and arguments expressed by the ulama'. The document analysis method was used to gather the views of authoritative scholars pertaining to the debate on Maqasid Shariah and then, summarise its complementary role in contemporary *hukm*. Findings indicate that Maqasid Shariah is authoritative and can be used as a parameter as well as a complementary tool when determining *hukm* and fatwa in relation to current problems related to discipline and procedures that support the spirit of shariat.

Keywords: Maqasid Shariah (Objectives of Shariah), Maslahat (benefit), Contemporary Fiqh, Hukm, Fatwa

Introduction

Islam is Allah S.W.T.'s religion for all of mankind and it is very suitable to be practiced by all levels regardless of the location throughout the ages. Islamic teachings have been proven to

be dynamic and have clear objectives or Maqasid that interacts well with human life. The emergence of Maqasid Shariah in the Islamic studies discipline further highlights the superiority and authority of Islamic teachings.

Maqasid Shariah is seen as an important solution when determining the appropriate Shariah law that can be applied to current problems afflicting the Muslim community. This is because Maqasid Shariah is produced from a comprehensive and in-depth study of the collection of revelations that have been bestowed by Allah S.W.T. on mankind (Al-Raysuni, 1999). This approach also shows that the ulama' are more moderate and universal when looking at Shariat (Rumaizuddin, 2012).

The majority of Islamic scholars have accepted and affirmed that Islamic law has a purpose in the established rules. However, there is also a group that rejects the existence of the law and its purpose that has been established by the sharak. This group adheres to certain Sharak texts that are separate from other texts and without taking into account the reason for unifying the texts as a whole. They reject the use of reason when establishing Sharak law because human reasoning cannot comprehend the purpose of sharak found in the revealed texts. Besides that, there are also groups that offer inaccurate and distorted interpretations of the Maqasid Shariah thus, deviating from the true will of the Sharak. This group tends to reject some Sharak laws on the grounds that it no longer supports Maqasid Shariah in today real world (Nizar, 2018).

Definition of Maqasid Shariah
From a linguistic aspect, Maqasid Shariah is a combination of two words namely *maqasid* and *Shariah*. Maqasid is the plural of *maqsad*, which is a derivative of the verbs *qasada, yaqsidu, qasd* and *maqsad.* It has several meanings namely approaching something and proceeding towards it, straight and not bent, fair, moderate and not extreme, and to break or in broken pieces (Ibn Faris, 1985). Meanwhile, Islamic Shariat is defined as the religious rules and laws that Allah S.W.T. has bestowed on His subjects through the al-Qur'an and the Prophet Muhammad S.A.W.'s Sunnah (Zaidan, 1990).

Maqasid Shariah has never been specifically defined by previous ulama'. Moreover, al-Syatibi, who is a famous pioneer in the science of Maqasid himself, never gave a specific definition. However, this does not mean that they ignored or rejected Maqasid Shariah as a basis for determining Shariah law. Various forms of applying Maqasid are found in their literary works that have been used as a guide by contemporary ulama' scholars after them (Yusri, 2019). This is because, the value of Maqasid Shariah is contained in every ijtihad and the laws proclaimed by them together with their values are indeed found in the al-Qur'an and al-Sunnah (al-Duraini, 1997).

As for the specific aspects of the term, Maqasid Shariah has been defined by some Islamic scholars, as summarized in Table 1.

Table 1
Definition of Maqasid Shariah by Islamic scholars

Scholars	Definition
Al-Syatibi (2004)	There is no specific definition. Lays down two fundamentals, which are based on the intentions of Allah S.W.T. as the Creator of the Shariat and the intentions of humans who are burdened by Shariat.
Ibn 'Ashur (2001)	Wisdom and all the attention accruing from the law that has been laid down, either as a whole or as a large part.
Al-Raysuni (2010)	The purpose established by Shariah to be realized for the benefit of mankind.
al-Fasi (2011)	Understand the goals of the Shariat and its secrets found in matters that have been established by the Shariah in each piece of legislation.
Al-Yubi (1998)	Meaning, wisdom and the like that are considered by Sharak when formulating the Shariat, either in general or specifically, with the aim of providing goodwill to humans.
Al-Qaradawi (2006)	Wisdom is the reason for establishing *hukm* that have been prescribed by Allah S.W.T. for humans.
Al-Zuhaili (2004)	Values and objectives of the Sharak that are implicit in all or most of the *hukm*.

Based on the definitions presented above, similarities in the definitions reveal the existence of several elements, such as the objective, purpose or goal, *hukm,* as well as *maslahah* (benefits), interest or human goodness. It is clear from the description of the definitions given by the ulama' that Maqasid Shariah is based on the *hukm* that focuses on *maslahah* (benefits) in order to achieve the goals of the Shariat through research and observations of a collection of Sharak texts. Maqasid Shariah is not a *maslahah* (benefit) that can be interpreted by the human mind alone, rather, it is based on a deep and comprehensive understanding of Sharak texts (Muhammad Nizar, 2018).

Maqasid Shariah as A Basis for Determining Hukm
Maqasid Shariah is authoritative and can be used as a parameter as well as a complementary tool when determining *hukm* and fatwa in relation to current problems.

***Hukm* Based on Human Interest**
Basically, Islamic Shariat aims to provide humans with benefits or goodwill and avoid detriments as well as guarantee their interests. The importance of *maslahah* (benefits) or human interests that impact the quality of life can be categorized into the following three forms.

1. Maslahah Daruriyyah (Essential Benefits)
Maslahah Daruriyyah is something that is considered fundamental and core to human life that is required to maintain and guarantee their well-being and stability in life. Failure to achieve it will cause human life to perish or face difficulties due to deficiencies (social and economic), chaos and detriments that might occur.

Al-Ghazali (1983) suggested that basic human *maslahah* consist of five elements, namely religion, soul, intellect, lineage and property. Only by achieving and sustaining these five elements can life be managed in an orderly and disciplined manner. This shows al-Ghazali's significant role in the debate on Maqasid Shariah's framework, which places *maqasid* as a *maslahah* (Anwar, 2021). This is expressed as follows:

> *"...The goal of Islamic Shari'at is to safeguard five basic human needs, which are their religion, self, lineage, intellect and property. Each element contained in it safeguards the five basic needs mentioned above, hence, it is called maslahah. On the other hand, everything that can jeopardize or destroy the five needs is called mafsadah".*

One example of sustaining these five basic *maslahah* (human benefits) is Islam making it obligatory for Muslims to perform several forms of basic worship known as the pillars of Islam to ensure the sanctity of the religion. In fact, the obligation to perform *jihad* and instilling punishment for those who leave Islam are aimed at safeguarding the concept of religion from any form of violation or desecration. In order to ensure that the soul is safeguarded and in a good, nourished and safe condition, Islam imposes torture against the killing of the soul, which is *qisas*, and makes it mandatory to choose food that adheres to the *Halalan Thayyiban* concept. In the context of caring for the mind so that it is healthy and functioning well, Islam fully allows the improvement of the mind by encouraging the seeking of knowledge and forbidding anything that is detrimental to it, such as consuming intoxicating or hallucinating beverages. The decree concerning marriage and the prohibition of adultery in Islam is intended to protect the purity of the offspring. In order to preserve wealth as a means of survival, Islam mandates that Muslims should seek sustenance that is halal, while completely prohibits acts that are unfair or cruel, such as corruption, thievery and so on (Zulkifly, 2006).

Awdah (2008) had expanded the dimensions of *Maqasid Daruriyyah* by not only focusing on the forms of protection and preservation but broadened it to include aspects of development and rights (Ari Murti, 2021). The five basic *maslahah* (benefits) presented by classical ulama' were increased to six by including *hifz 'ird* (safeguarding of honour) (Ahlun, 2021).

2. *Maslahah Hajiyyat* (Complementary Benefits)
The development of *maslahah* under this category aims to provide convenience and facilities to Muslims and prevent them from facing difficulties when undertaking their daily affairs of life. Its absence will not bring about hardship or disrupt human life, as what happens in *Maslahah Daruriyyat*.

Maslahah Hajiyyat can manifest in several forms such as worship, custom, muamalat and execution of punishment. In the case of worship, for example, it is prescribed that the *musafir* (travellers) should perform the *jama' qasar* prayers, preferable (*harus*) that the sick and *musafir* (travellers) break their fast during Ramadan, and those who are unable to stand can perform prayers while sitting-down. These exemptions facilitate those who are faced with unforeseen circumstances and eliminate difficulties faced when performing acts of worship. In the context of customary practices, *Maslahah Hajiyyat* is applicable when Islam requires hunting and the freedom to use good and halal fortune in the form of food, beverage, clothing and residence. As in the case of muamalat, *Maslahah Hajiyyat* is used as a contract or

agreement for purposes such as sales and purchase, leases and so on that aim to fulfil the needs of human life and guarantee a convenient life for Muslims (Zulkifly, 2006).

It is clear here that the role of *hajiyyat* is to provide a method of practice based on *al-samahah* or one that does not overly burden people.

3. *Maslahah Tahsiniyyat* or *Kamalat* (Desirables or Embellishments)

Maslahah Tahsiniyyat or *Kamalat* was developed to complement and ameliorate human life. Under this maslahah, humans are required to adhere to good customs, noble etiquette and morals as well as a healthy culture to avoid deficiencies that can disrupt their lives. *Tahsiniyyat* in relation of worship, among others refers to removing impurities and safeguarding the cleanliness the body and clothes, covering intimate parts of the body (*aurat*), performing non-obligatory acts of worship and preventing infidels from consuming alcohol in open places (Mohd Rumaizuddin, 2018). Some of the rulings in Islamic Shariat, such as cleansing, covering intimate parts of the body, extending charity and performing non-obligatory practices are some of the forms of implementing *Maslahah Tahsiniyyat* in the context of worship. In matters of muamalat, Islam forbids the sale and purchase of impure goods and committing fraud, proposing to one who is already engaged with another person, and telling husbands to do good to their wives are all acts aimed at ensuring that perfection and harmony are preserved and maintained as a complement to human life (Zulkifly, 2006).

Hukm Based on the Purpose of Sharak Decrees

Maqasid Shariah influences how sharak law determines and decides and its composition is based on decrees (evidence) found in the Sharak (Nizar, 2018), as described below.

1. *Maqasid Ammah*

The objective of Sharak decrees as a whole is to help preserve religion, life, intellect, lineage and wealth. Besides that, it also aims to facilitate matters and not hinder or obstruct, preserve and sustain an orderly human life system, help realise a Muslim's aim to become a caliph on this earth and to bring goodwill, while avoiding evil.

2. *Maqasid Khassah*

The purpose or role of Shariah in a certain field, such as the role of Shariah in the field of crime, property and family. Each group of *hukm* has its own purpose and supports the *Maqasid Ammah*.

3. *Maqasid Juz'iyyah*

The purpose of Shariah in every *hukm* is related to a specific issue, such as the prohibition of consuming alcohol because it is intoxicating, prohibition of consuming carcasses because it is deleterious to health and the obligation to pay zakat to help the needy. This Maqasid is also known as wisdom, *illah*, secret of the sharak and *ma'na*.

Hukm Based on the Status of the *Maslahah* and the Strength of the Sharak Decree

Generally, the discussion touches on three elements

1. Status of the *Maslahah* category

All the three goals of Shariat above are not separate from one another with some completing the other. For example, *daruriyyat* becomes complete with the existence of *hajiyyat* and

tahsiniyyat. Likewise, *hajiyyat* becomes complete with *tahsiniyyat*. Based on the sequence highlighted in the *maslahah* category, Islamic law related to the preservation of *daruriyyat* is the most important. Hence, the emergence of the concept (Zulkifly, 2006):

i. The *tahisiniyat hukm* is not taken into consideration if it is detrimental to the elements in the *hajiyyat* or *daruriyyat hukm*. For example, covering one's intimate body parts is categorized as *tahsiniyyat* and when there is a need to expose one's intimate body parts during medical treatment in a life-threatening situation, which is a *daruriyyat*, then the prohibition of exposing one's intimate parts is permitted because priority is given to the *daruriyyat* aspect.

ii. The *hajiyyat hukm* is not taken into consideration if it leads to the revocation of matters related to *daruriyyat*. For example, the performance of prayers is obligatory and is considered as *daruriyyat*, namely referring to the preservation of religion. Whereas, there are certain criteria related to the completion of prayers that are categorized as *hajiyyat* because it is more in the form of a *wasilah* (path) leading to the implementation of the *ghayat* (goal), which is prayer worship. Thus, if the goal (prayers) cannot be achieved due to difficulties in carrying out the *wasilah* (e.g., facing the Qibla), then this second point should be neglected and the first point must be carried out.

2. In the Context of Maslahah Daruriyyat
The five categories under *daruriyyat* are preserving religion, soul, intellect, lineage and wealth, which however, do not share the same status or position amongst each other. The sequence of the order begins with preserving religion, followed by preserving the soul, intellect, lineage and lastly, preserving wealth, which is based on a religious order that needs to be prioritized according to its position (Al-Amidi, 1985; Al Najjar, 1997). Most previous and contemporary scholars place Maqasid Shariah above the other objectives, namely to preserve Islam because it is the main objective propagated by the apostles (Mohd Rumaizuddin, 2018).

3. In the Context of the Source of Shariat
The ulama' have established the order based on the priority of the sources of Islamic teachings. Thus, if the *maslahah* is based on texts from the al-Qur'an or the Sunnah, then the *maslahah* is considered authoritative and there is no room for debate. Likewise, if the established *maslahah* contradicts the a *nas qat'i* text, then the *maslahah* is rejected and considered invalid.

As for the *maslahah* that is not mentioned in the al-Qur'an or Sunnah texts, then scholars can refer to an analysis or ijtihad (independent reasoning) under strict conditions, such as the analysis must be carried out with due diligence to ensure that the *maslahah* really exists, instead of just following the logic of human reasoning, the *maslahah* must be of a general nature (*kulliyat*) and beneficial to all, not just to a specific group, class, or individual, and the *maslahah* cannot contradict or conflict the authentic text of the al-Qur'an or Sunnah (Wafa, 2021).

***Hukm* Pertaining to the Inability to Implement Religious Demands**
No Muslim is exempted from facing a situation that does not allow him/her to properly carry out religious duties. Therefore, Islam has introduced two important principles, namely *al-'azimah* and *al-rukhsah*. Both principles are closely related to Maqasid Shariah, especially the second level of *maslahah*, which is *Maslahah al-Hajiyyat*. *Al-'Azimah* is the original Shariat

hukm that must be mandatorily implemented regardless of the status or situation when there is no emergency or a similar situation (Saad, n.d; Khalaf, n.d; Zakiy al-Din, n.d).

One example of *al-'azimah* is performing a prayer on time by completing it perfectly and fulfilling all its tenets and criteria. Whereas *al-rukhsah* is a Shariat *hukm* that is applied when an urgent or pressing situation (emergencies etc.) arises, where the nature of *al-rukhsah* contradicts the original law, which is *al-'azimah* (Al-Amidi, 1985). One example of a *hukm* based on *al-rukhsah* is the leeway given to someone who is ill and unable to stand up to perform the obligatory prayers and thus, is allowed to perform the prayers in a seated position, while the original *hukm* requires the person to do it a standing position.

Determining whether a *hukm* is a form of *rukhsah* clearly requires the existence of a Maqasid Shariah element for the purpose of achieving the goals of Shariah by taking into account the benefits or *maslahah* of the individual. For example, application of the *rukhsah hukm* that changes the form of the prayer and taharah from the original law to a form of *rukhsah hukm* for individuals facing health problems or difficulties, as illustrated in Table 2.

Table 2
Type of Rukhsah Hukm in Prayers and Taharah

Type of *Rukhsah*	Situation	Form of *Rukhsah*
Addition	A patient who wears a bandage due to an injury and is unable to remove it during ablution.	Is required to wipe water over the bandage in leu of washing the actual body part during ablution that is bandaged while also performing mandatory *tayammum.*
Reduced	A patient who faints and remains so right until the end of the certain period of an obligatory prayer.	He is not obliged to perform the prayer when he wakes up from his fainting spell and it is not obligatory to perform (*qada*) it again.
Changes to the Structure	Patients who are unable to pray because they are unwell (sick) or in pain.	It is performed in a sitting or lying position or by using bodily gestures according to the patient's ability.
Replacement	Patients who are unable to use water for a *hadas* bath or perform ablution.	To perform *tayamum* as a substitute.
Brought forward	Patients who are sick and weak as well as needing constant rest in certain situations.	Perform *jamak taqdim* prayers by bringing forward the upcoming prayers and performing it concurrently with the current prayers as a measure of convenience
Delay	Patients who are sick and weak as well as needing constant rest in certain situations.	Perform the *jamak ta'khir* prayers by delaying the current prayer and combining it with the next prayer session to come as a measure of convenience.
Abortion	Patients who are unable to use water or soil for the purpose of purification or *tayammum*.	Most scholars say that prayers should be performed without ablution or tayammum.

Conclusion

Maqasid Shariah is authoritative for determining hukm and fatwa in relation to current problems, as summarized in Table 3:

Table 3
Maqasid Shariah as a Basis for Determining Hukm

3.1 *Hukm* Based on Human Interest
Maslahah Daruriyyah (Essential Benefits)
Maslahah Hajiyyat (Complementary Benefits)
Maslahah Tahsiniyyat or *Kamalat* (Desirables or Embellishments)
3.2 *Hukm* Based on the Purpose of Sharak Decrees
Maqasid Ammah
Maqasid Khassah
Maqasid Juz'iyyah
3.3 *Hukm* Based on the Status of the *Maslahah* and the Strength of the Sharak Decree
Status of the *maslahah* category
Context of *Maslahah Daruriyyat*
Context of the Source of Shariat
3.4 *Hukm* Pertaining to the Inability to Implement Religious Demands
Al-'azimah
Al-rukhsah

One fact that needs to be confirmed is the history of the existence of Maqasid Shariah, which started from the time of Prophet Muhammad S.A.W. and his companions until today. The Maqasid Shariah concept discussed here has been implemented especially when interpreting verses of the al-Qur'an that involve *hukm* verses for solving new problems that do not have *nas qat'i* due to changes in time and current developments. A good understanding of *Maqasid al-Shariah* is an important prerequisite for a Muslim intending to practice ijtihad and providing a better understanding to the community instead of being bound by *taqlid*.

This study has presented statements by authoritative ulama' regarding the position of Maqasid Shariah as a basis for determining *hukm* and establishing a fatwa regarding contemporary issues. Four dimensions of Maqasid Shariah used as a basis for determining *hukm* and establishing fatwa were presented. The analysis clearly proves that Maqasid Shariah is the spirit of Shariat and plays a role in providing legal suggestions and solutions for solving contemporary issues. *Hukm* related to matters that cannot be subjected to deductive analogy (*qiyas*) using existing Sharak texts pertaining to *maslahah* (benefits) or harm need to be determined based on Maqasid Shariah.

Corresponding Author
Nizaita Omar
Faculty of Islamic Contemporary Studies, Universiti Sultan Zainal Abidin (UniSZA), Gong Badak Campus, 21300 Kuala Nerus, Kuala Terengganu, Terengganu, Malaysia.
Email: nizaitaomar@unisza.edu.my

References

Ahlun, N. S. (2021). Dampak Perceraian di Luar Pengadilan Agama terhadap Hadhanah Perspektif Teori Maqashid Al-Syari'ah Jasser Auda. Tesis Pascasarjana. Malang: Universitas Islam Negeri Maulana Malik Ibrahim

Al-Amidi, A. (1985). Al-Ihkam Fi Usul Al-Ahkam. Beirut: Dar al-Kutub al-Ilmiyyah

Al-Duraini, M. F. (1997), al-Manahij al-Usuliyyah, Beirut: Muassasah al-Risalah

Al-Fasi, A. (2011). Maqasid al-Syari'ah al-Islamiyyah wa Makarimuha. Cairo: Dar al-Salam.

Al-Ghazali, M. M. (1983), al Mustasfa fi Ilm al Usul. Beirut: Dar al Kutub al Ilmiyyah, Beirut

Al-Qaradawi, Y. (2006). Dirasah fi Maqasid al-Shari'ah. Kaherah: Dar al Shuruq

Al-Raysuni, A. (2010). Madkhal ila Maqasid Syari'ah. Kaherah: Dar al-Salam.

Al-Shatibi, I. (2004). al-Muwafaqat fi Usul al-Shariah. Beirut: Dar al-Kutub al-Ilmiyyah.

Al-Yubi, M. S. (1998). Maqasid al-Syari'ah al-Islamiah. Riyadh: Dar al-Hijrah.

Al-Zuhaili, W. (2004). Usul Al-Fiqh Al-Islami. Beirut: Dar Al-Fikr

Ari, M., & Toufan, A. S. (2021). Menelaah Pemikiran Jasser Auda dalam Memahami Maqasid Syariah. Citizen: Jurnal Ilmiah Multidisiplin Indonesia. 1/2, No. 2, 60-67.

Awda, J. (2008). Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach. Kuala Lumpur: International Institute of Islamic Thought (IIIT).

Ibn Al-Najjar. (1997), Mukhtasar Al-Tahrir fi Usul al-Fiqh, Jordan: Maktabah Al-Ubaykan.

Ibn Ashur, M. T. (2001). Maqasid al-Shari'ah al-Islamiyyah. Amman: Dar al-Nafa'is.

Ibn Faris, A. (1985). *Mu'jam Maqayis al-Lughah*. Beirut: Dar al-Kutub al-Ilmiyyah.

Khairil, A., Soberi, M. A., & Mualimin, M. S. (2021). Maqasid Syariah Menurut Imam Al-Ghazali dan Aplikasinya dalam Penyusunan Undang-Undang Islam Di Indonesia. *Malaysian Journal of Syariah and Law*, 9(2), 75 - 87.

Khalaf (t.t.). Ilm Usul Fiqh. Kuwait: Dar al Qalam

Rumazuddin, M. G. (2012). Yusuf Al-Qardawi dan Pengaruhnya dalam Masyarakat Islam di Malaysia. Nilai: Universiti Islam Sains Malaysia.

Rumazuddin, M. G. (2018) Kepentingan Maqasid Syariah dalam Berfatwa di Malaysia. *Journal of Fatwa Management and Research*, 4(1), 7-32.

Muhammad, N. A., Maimun, A. L., Sham, M. K., Muhammad A., Anwar, F. O., & Ahmad, I. M. (2018). Maqasid Syariah sebagai Sandaran Hukum menurut Mazhab Syafie. *ASEAN Comparative Education Research Journal on Islam and Civilization (ACER-J).* Volume 2(1), 48-58.

Muhammad, Y. I. (2019). Maqasid Al-Shariah: Sejarah Perkembangan serta Sumbangan Para Ulama Usul Al-Fiqh Awalin dan Muta'akhirin. *International Research Journal of Syariah, Muamalat and Islam.* 1(2), 18-30.

Sa'd, M. U. (n.d). Syarh al Talwih 'ala al Tawdih li Matn al Tanqih fi Usul al Fiqh. Beirut: Dar al Kutub al 'Ilmiyyah

Wafa, Z. (2021). Metode Istinbat Hukum (Penetapan) melalui Maqosid Al-Syariah. *Ad-Da'wah.* 19/2 no. 02, 9-22.

Zaidan, A. K. (1990). Al-Madkhul Lidirasah As-Syarial Al-lslamiyah. Beirut: Muassasah Al-Risalah

Zakiy, D. S. (n.d). Usul al Fiqh al Islami. Beirut: Dar al Ta'lif

Zulkifly, M. (2006). Maqasid Syariah: Implementasi dan Implikasinya menurut al- Quran (2006). *Jurnal Darul Quran*. Putrajaya: Jabatan Kemajuan Islam Malaysia.