

# The Role of Maqasid Shariah Framework in The Management of People with Disabilities (PWD): A Systematic Literature Review

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## Abstract

Maqasid Shariah framework is synonymous with the practice of Islamic management to protect the rights and welfare of every human being. This practice is applied to all levels of society regardless of physical condition, to ordinary people or people with disabilities (PWD). Each is entitled to fundamental rights regarding the development of religion, life, intellect, lineage, and wealth. Therefore, this paper will discuss the Maqasid Shariah framework's role in managing PWDs using systematic literature review analysis (SLR). This study uses the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) method by systematically searching articles in the MyCite, MyJurnal and Google Scholar databases from 2012 to 2022. The study found that the Maqasid Shariah framework's role in managing PWD is significant in practice. It fulfills the five main bases (*al-daruriyyat al-khams*) of PWD inclusively and holistically in self-development: religion, life/health, intellect/education, lineage/dignity and wealth/economics. This study can provide a reference and guidelines to all communities to apply the framework of Maqasid Shariah in the affairs of the management of PWD.

**Keywords:** Maqasid Shariah, People with Disabilities (PWD), Management, Systematic Literature Review (SLR).

## Introduction

People with disabilities (PWD) are part of the community members who have the same rights and opportunities to live as other members of society. The Ministry of Women, Family and

Community Development (KPWKM) through the PWD Action Plan 2016-2022 defines PWD as a person with long-term physical, mental, intellectual or sensory disabilities who when faced with various obstacles may not be able to fully and effectively engage in society. The World Health Organization (WHO) defines it as an individual who meets criteria in the definition of PWD such as having a long-term or recurrent physical or mental disability and largely limits progress in employment prospects. According to the Ministry of Women, Family and Community Development (KPWKM), there are seven types of disabilities that are included as PWD, which are hearing disability, visual disability, physical disability, learning disorder, speech disorder, mental disorder and various disabilities (Wan Salmuni et al., 2021).

Islam has clear principles in the management of individuals, including those with disabilities. This aligns with the fundamental principles of Islam, as stated in Surah al-Anbiya' verse 107, where Allah emphasizes that : "We sent thee not, but as a Mercy for all creatures". All parties, especially those involved in human management such as policymakers and managers, should be sensitive to the needs of individuals with disabilities. Islam acknowledges the necessity of providing for the well-being of every human, both in this life and the hereafter. Therefore, the efficient special management of the disabled is very significant.

Maqasid Shariah serves as one of the basic frameworks for ensuring the fulfillment of the rights and basic needs of every human being. Islam offers a framework that is universally applicable for every human being, regardless of their religion, race, appearance and physical condition. The matter should be addressed inclusively, encompassing both individuals without disabilities and those with disabilities. According to the framework of Maqasid Shariah, every human being has 5 basic needs that must be fulfilled: the preservation of religion, life, intellect, lineage or dignity and wealth. Any efficient management should ensure that it covers all five of basic needs to the disabled. Thus, in general, it has met the minimum requirement for granting the rights and welfare of the disabled.

### **Systematic Literature Review Methodology**

This study uses a systematic literature review following the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) approach. The PRISMA approach consists of 4 phases for conducting a systematic literature review, namely the identification phase, the screening phase, the eligibility phase and the included phase.

### **Identification Phase**

This study used a data collection method that involved accessing 3 databases, namely MyJurnal, MyCite and Google Scholar. Only data obtained from journal articles is needed. While sources such as proceedings, books, chapters in books etc. are excluded. The selection of this database was based on latest articles and has a wide coverage of articles. The year of publication of the specified article is within the last 10 years (2012-2022). The selection time period is justified based on the maturity of the study and the relevance of the resources used. To ensure quality control, only articles published in Bahasa Melayu are selected to avoid any confusion arising from articles written in languages other than Bahasa Melayu. The searches conducted in these three databases use a set of interconnected general keywords namely "maqasid syariah", "people with disabilities", "people with disabilities" and "management". As a result of the search conducted, it was found that a total of 136 articles were obtained.

### **Screening Phase**

This phase involves establishing criteria for inclusion or exclusion to select suitable articles for conducting a systematic literature review. This phase aims to reduce the number of articles to obtain more specific articles. In this phase, the filter utilizes more specific keywords compared to the general keywords in the first phase. The keywords used are a combination of "maqasid", "OKU", "people with disabilities", "people with disabilities" and "management". This combination of keywords will be included in both in the title and in the keywords of the article. This screening process is important to ensure that the selected articles contribute relevant content to the review of the systematic literature review. Through this phase of the study, a total of 53 articles were excluded due to not meeting the selection criteria. As a result, only 83 articles were found to be suitable for further screening.

### **Eligibility Phase**

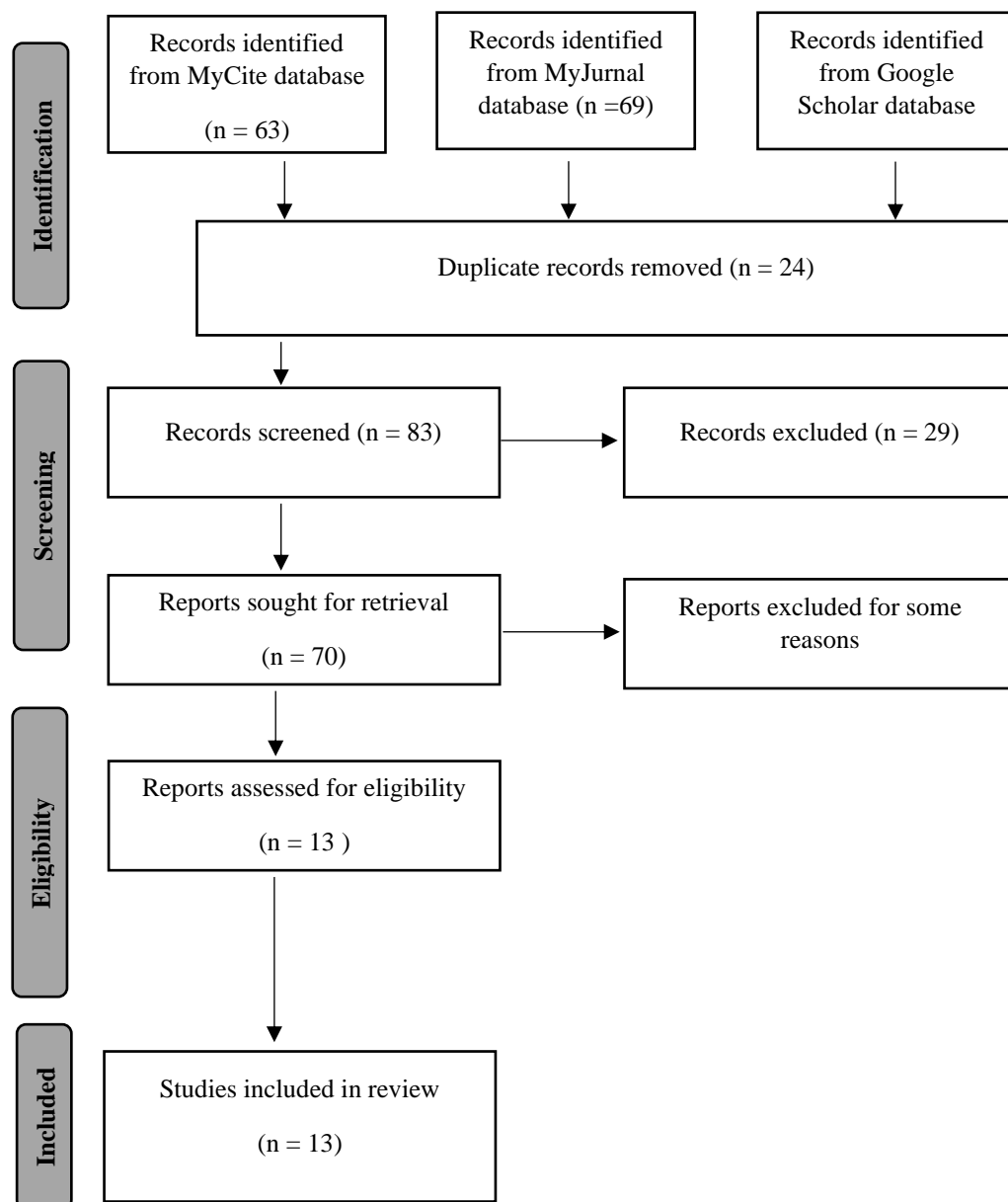
The third phase involves the eligibility process after the screening process. A manual review will be conducted to ensure the eligibility of the remaining articles for acceptance. The review will be conducted by examining the title and abstract. The title and abstract provide sufficient information to assess the suitability of an article for a systematic literature review. A total of 70 articles were excluded from the process as they did not focus on the role of Maqasid Shariah in the management of PWDs. At the end of this process, the systematic literature review identified 13 articles that fulfilled the established criteria .

### **Included Phase**

This fourth phase is the last phase involves conducting a systematic literature review to identify the articles that meet the previously established criteria. Overall, there are a total of 13 articles have been identified that discuss the role of the Maqasid Shariah framework in the management of PWDs.

Table 1

Flow chart based on PRISMA systematic analysis methodology



## Research Findings and Discussion

### The role of Maqasid Shariah in the management of PWDs

Maqasid and Shariah are two terms that have their own definitions and when combined they form a concept that is significantly related to one another. The term Maqasid refer to the concept of purpose or goal (al-Maany, n.d). While the term Shariah means laws in practical human life including aspects of faith, worship and muamalat (Al-Qattan, 2001; al-Qurtubi, 1964). Scholars offer varying definitions to Maqasid Shariah. Among them Ibn Ashur (2001) defines Maqasid Shariah as a purpose and wisdom resulting from the application of most of the part or the entire scopus of Islamic law. According to Al-Raysuni (1992), Maqasid Shariah refers to objectives and effects achieved from the imposition of Islamic rulings whether in general or in detail (for each law). In a more comprehensive manner according to al-Shatibi (1996), Maqasid Shariah refers to God's command that has set the main goal of His tenets in

giving benefit (*maslahah*) to mankind and avoiding any damage (*mafsadah*) from occurring to them.

Maqasid Shariah is generally divided into three parts. Firstly, the concept of *daruriyyat* (necessities). They are things that are included in the basic needs that must be met by each individual. It is the benefit that needs to be fulfilled to establish the benefit of religion and the world. The first category comprises five fundamental human needs: the preservation of religion, life, intellect, lineage/dignity and wealth.

The Second one is *hajiyyat*, which refers to needs. Human beings need to have various kind of facilities to overcome the challenges and alleviate constraints that can lead to difficulties in life. If this benefit cannot be met it can lead to difficulties and hardships in life. *Hajiyyat* generally supports the five aspects of *dharuriyyat*. The third part is *tahsiniyyat* (embellishment), represents the lowest level in its hierarchal structure in the order of Maqasid Shariah. It refers to the comfort that a human being will enjoy. The subject matter under *tahsiniyyat* is an improvement and perfection of human life in all hierarchies of life. (Hisyam et al., 2015)

Ideally, the needs of the disabled should be addressed at the three levels of *daruriyyat*, *hajiyyat* and *tahsiniyyat*. If there is a need to provide additional basic needs, it is required to prioritise the needs of *daruriyyat*, *hajiyyat* and *tahsiniyyat*. Based on these three parts, the minimum and main requirement for humans is the first part, which is *daruriyyat*. al-Ghazali (1997) has outlined that there are five main things (*al-Daruriyyat al-Khamsah*) that are fundamental and important for human beings to be cared for, protect and preserved. These include religion, life, intellect, lineage/dignity and property. Based on these five aspects, it can be ascertained that every ruling in Islamic law in the form of commandments or prohibitions will lead to giving good and rejecting evil to these aspects. The application of Maqasid Shariah should be incorporated into any form of policy, administration and management carried out in human life.

Meeting the basic needs of PWDs involves more than just providing infrastructure facilities. It also requires focusing on factors such as knowledge, skills, good service without discrimination, income-generating opportunities and so on. Thus, he can preserve and maintain the basic human needs. This principles applies to all human beings by going beyond the boundaries of religion, language, social status, race, level of appearance including physical condition whether normal or disabled. Hence, it is imperative to emphasise a dedicated investigation on the significance of Maqasid Shariah in relation to individuals with disabilities. A systematic literature review is necessary to assess the existing extent of this discussion.

The literature search revealed a limited amount of literature on the role of Maqasid Shariah in the managing individuals with disabilities, particularly PWDs. One of the literature sources is a study conducted by Khairul Effendi et. al (2022) entitled Kelestarian Pendidikan Anak Kurang Upaya: Pandangan daripada Perspektif Maqasid Syariah Memelihara Akal dan Intelektual (Hifz Aqli). This study emphasizes the importance of utilizing the Maqasid Shariah framework as a mechanism to achieve the objectives of knowledge and education sustainability for the disabled. Protecting the mind and intellect is one of the five basic human needs that must be fulfilled. Emphasizing this matter in the management of PWDs can directly

support the nourishment and development of inclusive learning and educational activities for PWDs. Various facilities and facilities have been provided to assist the learning and teaching process of the disabled in schools, higher education institutions, mosques and so on. Those in these facilities are sign language translators who assist individuals with hearing impairments during lectures and similar events. In addition, there is also a special reading room or corner that provides Braille-shaped reading materials for the convenience of the visually impaired. The implementation of this management system contributes to the preservation of reason (provide education) in line with the framework of Maqasid Shariah.

Religious preservation (particularly in the aspect of worship care), is a topic that is much highlighted, particularly in studies related to the facilities and amenities for the disabled (PWDs) in mosques and surau-surau. These studies discussed about disabled facilities such as tactile walkways, ramps, special toilets and special ablution places (Shahrulanuar et al., 2020; Norsaadah et al., 2019; Abdul Munir et al., 2015; Azlina et al., 2016; Abdul Munir, 2014). These facilities align with the framework of Maqasid Shariah in ensuring that the disabled can fulfilled their religious obligations.

In the context of dignity care, there is also a related article that explores the collaboration of community interaction with the disabled in mosque institutions by Norsaadah et al. (2019). The study aims to unravel the negative treatment situation received by PWDs in the mosque. It also suggests that each community group should recognize the importance of providing equal treatment in order to maintain the integrity of the role of the mosque. It is also important to note that the protection of the disabled individuals' human right is a significance concern.

In the context of lineage care, Azizah et al (2022) conducted a study that emphasizes the management of PWDs entitled "Keperluan Pembinaan Modul Kursus Pembangunan Keluarga Mesra OKU: Satu Sorotan Literatur". This study discusses the development of a specific module that addresses the needs of PWDs and their family affairs. Disabled have been excluded from attending marriage courses, which are typically required for non-disabled couples preparing for marriage. This exemption is granted to accommodate the limitations faced by disabled individuals as well as the challenges encountered in implementing marriage courses such as sign language interpreter services, reference materials (such as braille) and so on. The exclusion of the disabled from discussions on marriage rights, family rights, conflict management and relevant fiqh laws is deemed inappropriate. Therefore, the presence of special module is expected to offer comprehensive understanding of lineage maintenance in line with Maqasid Shariah.

### **Conclusion**

The Maqasid Shariah framework has proven to be a comprehensive guide in effectively addressing the needs of PWDs, The Maqasid Shariah framework emphasizes the management of PWDs should include three categories, namely: 1) Necessities (*daruriyyat*); 2) Needs (*hajiyyat*); 3) Embellishment (*tahsiniyyat*). If it is necessary to choose based on preference, ideally the management of the disabled should give priority to the first category. The application of the Maqasid Shariah framework effectively addresses the needs of the disabled, whether in terms of religion, life/health, intellect/education, lineage/dignity and wealth/economics. Further research is needed to explore the role of Maqasid Shariah in the

management of PWDs, as there is currently a lack of studies on this topic. Thus, relevant parties such as policymakers and managers should provide appropriate facilities, accommodations and other needs suitable for the development of religion, life/health, intellect/education, lineage/dignity and wealth/economics of the disabled in accordance with the Maqasid Shariah framework.

This research explores the application of the Maqasid Shariah framework in managing individuals with disabilities, enriching both Islamic jurisprudence and social policy. By analyzing the intersection of Islamic principles with contemporary disability rights, the study extends theoretical paradigms and emphasizes the ethical imperatives within the Maqasid Shariah framework. It offers actionable insights for inclusive practices, programs, and policies, fostering social inclusion and empowerment within Muslim communities while contributing to broader discussions on religious ethics and social policy.

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