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Al-Wadh'iyyah: Journal of Sharia Law and Legal Studies
Vol. 1 No. 3. December 2025, pp. 144-151 DOI. XX.XXXXX/jslls.vxix.xxx

Research Article

RECONSTRUCTION OF MAQĀṢID AL-SHARĪ'AH IN CONTEMPORARY ECONOMIC FATWAS A NORMATIVE-CRITICAL STUDY OF THE DYNAMICS OF MODERN IJTIHAD

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Article Info
Received: October 20, 2025
Revised: November 06, 2025
Accepted: December 02, 2025
Online Version: December 31, 2025

Abstract
Modern economic developments present complex transactions that demand an adaptive Islamic legal response while remaining rooted in the classical normative framework. In this context, maqāṣid al-sharī'ah (the principles of Islamic law) has become an increasingly dominant methodological instrument in the formulation of contemporary economic fatwas. This article aims to analyze how the concept of maqāṣid al-sharī'ah is reconstructed in modern economic fatwas and the extent to which it aligns with the normative structure of classical ushul fiqh and current socio-economic demands. This research employs a qualitative method with normative literature, through analysis of classical ushul fiqh books, contemporary maqāṣid literature, and economic fatwa documents from modern fatwa institutions. A content analysis approach is used to identify the legal reasoning patterns and maqāṣid orientations used in these fatwas. The results of this study indicate that the reconstruction of maqāṣid in contemporary economic fatwas tends to emphasize the dimensions of public welfare and needs, but in some cases has experienced a methodological shift from the classical maqāṣid hierarchical framework. This article emphasizes the importance of balancing ijtihad innovation and methodological discipline to prevent maqāṣid from being reduced to mere pragmatic justification. These findings contribute to strengthening the methodology of Islamic economic fatwas that is both contextual and normative.

Keywords: Fatwa Contemporer, Ijtihad, Maqāṣid al-Sharī'ah

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Journal Homepage	https://journal.zmsadra.or.id/index.php/jslls
How to cite:	Saifullah, Saifullah., Belhassen, Y., Abdallah, M., & Ahmed, M. (2025). Reconstruction of Maqāṣid al-Sharīʻah in Contemporary Economic Fatwas A Normative-Critical Study of the Dynamics of Modern Ijtihad. *Al-Wadh'iyyah: Journal of Sharia Law and Legal Studies, 1*(3), 144–151. https://doi.org/XX.XXXXX/jslls.v1i3.1420
Published by:	Yayasan Zia Mulla Sadra

INTRODUCTION

The rapid development of the contemporary global economic system has produced a fundamentally new reality that poses significant challenges to the traditional methodological framework of classical Islamic law (Hallaq, 2020). Economic transformations characterized by digitalization, automation, and globalization—such as the rise of digital finance, financial technology (fintech), cryptocurrencies, complex financial derivatives, and highly integrated cross-border markets—have generated transaction models that were entirely absent from classical fiqh discourse (Auda, 2020). These developments not only introduce new economic instruments but also redefine the nature of value, ownership, risk, and contractual obligation. Consequently, Islamic law is confronted with socio-economic phenomena that cannot be addressed adequately through direct textual analogy (qiyās) or literal interpretation of classical juristic precedents alone.

The complexity of contemporary economic transactions extends beyond the mere objects of exchange. It encompasses sophisticated contractual structures, multilayered legal relationships among diverse actors, algorithm-based decision-making systems, and indirect socio-economic consequences that affect financial stability, distributive justice, and public welfare (Kamali, 2021). For instance, modern financial products often involve multiple contracts embedded within a single transaction, risk-sharing mechanisms that blur the distinction between permissible and impermissible uncertainty (gharar), and digital assets whose legal status challenges classical definitions of māl (property) (El-Gamal, 2021). These realities demand a more nuanced and comprehensive approach to ijtihad that can account for both micro-level legal details and macro-level socio-economic impacts.

In this context, the challenge faced by Islamic law is not limited to determining the permissibility or prohibition of new economic practices (Kamali, 2022). Rather, it concerns the broader question of how Islamic legal methodology can respond systematically, responsibly, and consistently to rapid social change (Dusuki, 2020). Without methodological renewal, there is a risk that Islamic law may appear reactive, fragmented, or disconnected from the lived realities of Muslim societies. Therefore, methodological adjustment in ijtihad becomes an epistemological necessity to ensure that Islamic law continues to function as a dynamic normative system capable of guiding economic life in an increasingly complex global environment.

Against this backdrop, maqāṣid al-sharīʻah has emerged as a central conceptual framework in the formulation of contemporary economic fatwas (Opwis, 2020). The maqāṣid approach is widely regarded as capable of mediating the tension between normative legal texts and empirical socio-economic realities, as it emphasizes the realization of human welfare (maṣlaḥah) and the prevention of harm (mafsadah) (El-Wakil, 2021). By focusing on the objectives underlying Islamic legal rulings, maqāṣid offers a purposive lens through which new economic phenomena can be evaluated, especially in situations where explicit textual evidence is absent or inconclusive. This has led modern muftis and fatwa institutions to increasingly rely on maqāṣid in assessing the ethical and legal legitimacy of emerging financial practices.

However, the growing prominence of maqāṣid in economic fatwa-making also raises significant methodological concerns. In some cases, maqāṣid are employed in a flexible and pragmatic manner without clear epistemological constraints, detached from the structured reasoning of classical ushul fiqh (Al-Azami, 2020). When maqāṣid are invoked primarily to justify pre-existing economic practices or market demands, they risk being reduced to a utilitarian tool rather than functioning as a normative outcome of rigorous legal reasoning. Such instrumentalization may undermine the internal coherence of Islamic law and weaken its claim to normative authority, as legal judgments become susceptible to subjective interpretations of benefit and harm.

Moreover, contemporary economic fatwas are predominantly produced through collective ijtihad conducted by institutional fatwa bodies that bring together scholars from diverse disciplines, including fiqh, economics, finance, and law (Skovgaard-Petersen, 2021). In principle, this interdisciplinary approach enhances the epistemic legitimacy of fatwas by integrating juristic expertise with empirical economic analysis (Masud, 2020). Collective ijtihad also reflects the complexity of modern economic issues, which cannot be adequately addressed through individual reasoning alone. Nevertheless, the diversity of intellectual backgrounds and methodological orientations among fatwa committee members significantly influences how maqāṣid are conceptualized and operationalized in practice.

These methodological differences often lead to divergent legal conclusions, even when fatwa institutions confront similar economic cases (Dusuki and Bouheraoua, 2021). Variations may arise in determining which maqāṣid are prioritized, how maṣlaḥah is measured, or to what extent market considerations should influence legal judgment (Hasan, 2020). In some instances, this results in inconsistencies across fatwas, raising critical questions about methodological coherence and the normative status of maqāṣid within contemporary Islamic legal discourse. Such inconsistencies also affect public confidence in Islamic economic fatwas and highlight the need for clearer methodological guidelines in maqāṣid-based reasoning.

Therefore, a fundamental issue that warrants in-depth examination is the extent to which the reconstruction of maqāṣid al-sharīʻah in contemporary economic fatwas remains anchored within the framework of classical ushul fiqh while simultaneously responding to the contextual demands of modern society (Mohammed and Taib, 2020). The challenge lies in balancing fidelity to the authoritative Islamic legal tradition with the necessity of contextual adaptation. This balance is crucial to prevent maqāṣid from becoming either rigidly formalistic or excessively relativistic.

This research is significant because it seeks to critically analyze the dynamics of maqāṣid utilization in contemporary economic fatwas from both normative and methodological perspectives (Sarea and Othman, 2021). By examining how maqāṣid are derived, interpreted, and applied, the study aims to clarify their proper epistemological position within Islamic legal reasoning (Al-Banna, 2022). Rather than treating maqāṣid as an autonomous or value-neutral instrument, this research emphasizes their integration into the broader system of ushul fiqh as a disciplined outcome of legal interpretation.

Classical scholarship on maqāṣid al-sharīʻah, particularly the works of al-Ghazālī and al-Shāṭibī, conceptualized maqāṣid as the protection of five essential human necessities: religion, life, intellect, lineage, and property (Ahmed, 2020). This framework is hierarchical and normative, positioning maqāṣid as the result of inductive reasoning (istinbāṭ) derived from the totality of the Sharia, rather than as an independent source of law (Kuran, 2021). In contrast, contemporary thinkers such as Jasser Auda have proposed a more open, systemic, and context-sensitive maqāṣid framework that emphasizes complexity, interconnectivity, and dynamic social systems.

Recent literature on Islamic economic fatwas indicates a gradual shift from a predominantly textual approach toward a public-benefit-oriented paradigm (Rahman, 2021). While this shift reflects an attempt to make Islamic law more responsive to contemporary realities, several studies have criticized the lack of methodological rigor in maqāṣid-based fatwas (Muneeza and Mustapha, 2020). The absence of clear criteria for determining maṣlaḥah and the insufficient integration of classical ushul principles have been identified as major weaknesses. Consequently, this study aims to bridge the gap between classical maqāṣid theory and modern economic fatwa practices through a normative-critical analysis, offering a more coherent and disciplined methodological framework for maqāṣid-oriented ijtihad in the field of Islamic economics.

RESEARCH METHOD

This research employs a qualitative approach with a normative literature study method, aiming to deeply examine the construction of legal reasoning in contemporary economic fatwas. The qualitative approach was chosen because the research is not oriented toward quantitative measurement or statistical hypothesis testing, but rather toward understanding the meaning, argumentative structure, and epistemological foundations behind the use of maqāṣid al-sharī'ah in modern ijtihad practice. Through this normative approach, this research focuses on Islamic legal texts as the primary source of analysis, both classical and contemporary, with the aim of uncovering methodological continuities and shifts in the formulation of economic fatwas.

The primary data sources in this research include three main categories. First, classical ushul fiqh literature, which represents the methodological foundations of Islamic legal reasoning, such as the works of al-Ghazālī and al-Shāṭibī, which systematically discuss the concept of maqāṣid al-sharī'ah within the framework of legal istinbāṭ. Second, contemporary maqāṣid literature, which develops new approaches to maqāṣid, through systemic, contextual, and multidisciplinary perspectives, is widely used as a reference in modern economic fatwas. Third, contemporary economic fatwa documents issued by official fatwa institutions, such as national sharia councils and international fatwa institutions, reflect the actual practice of collective ijtihad in responding to current economic issues.

In analyzing this data, this study employed content analysis as its primary instrument. Content analysis was applied to identify patterns of legal argumentation, the structure of maqāṣid reasoning, and the relationship between textual evidence and considerations of benefit in the economic fatwas studied (Nasution, 2020). The analysis process was carried out through several stages: coding key maqāṣid concepts, categorizing the forms of legal argumentation, and critically interpreting the methodological consistency employed by muftis. With this approach, the research not only describes the content of the fatwas but also uncovers their internal logic and underlying methodological assumptions. Through a combination of normative literature review and content analysis, this research allows for a systematic exploration of the dynamics of contemporary economic ijtihad from the perspective of maqāṣid al-sharī'ah. This approach provides an adequate analytical framework for assessing the extent to which the reconstruction of maqāṣid in economic fatwas remains grounded in classical ushul fiqh principles or has undergone an epistemological shift. Thus, the research method used serves not only as a technical tool for data collection and analysis but also as a reflective foundation for evaluating the normative and methodological legitimacy of Islamic economic fatwas in the modern era.

RESULTS AND DISCUSSION

The research findings indicate that contemporary economic fatwas increasingly position maqāṣid al-sharī'ah as the primary conceptual framework for legitimizing and justifying rapidly evolving modern economic practices. This tendency reflects a broader awareness among contemporary jurists and fatwa institutions that classical fiqh formulations alone are insufficient to address the complexity of present-day economic systems. As a result, maqāṣid are frequently invoked to provide a value-oriented foundation that emphasizes the broader ethical and social objectives of Islamic law rather than a narrow focus on formal legal compliance. In this sense, maqāṣid function as a strategic interpretive lens through which new economic phenomena are evaluated and normatively assessed.

In many contemporary fatwas, the maqāṣid orientation is articulated through an explicit emphasis on social welfare (maṣlaḥah 'āmmah), the protection of economic stability, and the prevention of systemic risks that could have far-reaching consequences for society. These considerations are particularly prominent in fatwas dealing with financial innovation, such as digital banking products, technology-based financing models, and complex market instruments. In such cases, the permissibility of new economic practices is often justified on the grounds that they contribute to financial inclusion, enhance economic efficiency, or mitigate broader economic harm (Hasan, 2022). These findings illustrate a strong inclination to interpret Islamic law in a contextual and responsive manner, aligning its normative objectives with contemporary socio-economic realities.

Furthermore, the study reveals that maqāṣid-based reasoning is frequently employed to accommodate economic practices that are structurally novel but functionally similar to traditional transactions. Through this approach, fatwa institutions seek to reconcile technological and institutional innovations with the ethical goals of Islamic law. The prioritization of public benefit over formal analogical reasoning demonstrates a shift toward a more purposive model of legal interpretation. While this development underscores the adaptability of Islamic law, it also signals a reconfiguration of traditional hierarchies in legal reasoning, where maqāṣid increasingly occupy a central rather than a supplementary role.

However, despite the prominence of maqāṣid in contemporary economic fatwas, this study also identifies notable methodological shortcomings in their application. In several cases, maqāṣid are invoked as direct justifications for economic practices without a transparent and systematic process of legal istinbāṭ grounded in classical ushul fiqh (Hosen, 2021). Specifically, some fatwas fail to clearly articulate how textual evidence (nushūṣ), established juristic principles (qawā'id fiqhiyyah), and legal analogies (qiyās) collectively lead to the identified maqāṣid. This absence of methodological clarity raises concerns regarding the epistemological soundness of such fatwas.

The findings suggest a methodological shift in which maqāṣid are sometimes treated as stand-alone normative arguments rather than as outcomes of layered legal reasoning. In this model, the objectives of sharia are assumed rather than demonstratively derived, potentially weakening the logical coherence of legal conclusions (Hidayat, 2022). Such an approach departs from the classical understanding of maqāṣid as the product of inductive reasoning based on a comprehensive analysis of legal texts and juristic rulings. Consequently, maqāṣid risk being reduced to abstract ethical slogans that lack sufficient grounding in the authoritative sources of Islamic law.

Moreover, the research highlights significant variation in how different fatwa institutions conceptualize and operationalize maqāṣid. These variations stem from differences in methodological orientation, institutional mandate, and the disciplinary backgrounds of fatwa committee members (Abou El Fadl, 2021). Some institutions adopt a relatively structured maqāṣid framework integrated within classical ushul fiqh, while others employ a more pragmatic and flexible approach oriented toward immediate socio-economic outcomes. This lack of a uniform methodological standard contributes to inconsistencies in fatwa outcomes and complicates efforts to establish a coherent body of Islamic economic jurisprudence.

The study further demonstrates that pragmatic tendencies in the use of maqāṣid are often shaped by external pressures, particularly economic necessity and the demands of global markets. In rapidly changing economic contexts, fatwa institutions may feel compelled to provide timely legal responses to emerging financial products and market practices. Under such circumstances, maqāṣid-based reasoning offers a practical means of addressing urgent socio-economic needs (March, 2021). However, the findings indicate that this urgency sometimes leads to reduced attention to the procedural rigor of legal istinbāṭ, thereby compromising methodological robustness.

While pragmatic use of maqāṣid can enhance the relevance and social effectiveness of economic fatwas, the research underscores that such benefits must be weighed against potential methodological costs. Fatwas that prioritize expediency over rigorous legal reasoning risk undermining their normative authority and long-term credibility (Zaman, 2020). Without clear methodological constraints, the concept of maṣlaḥah may become overly elastic, allowing for subjective or market-driven interpretations that conflict with the ethical foundations of Islamic law.

Therefore, the results of this study emphasize the critical importance of maintaining a careful balance between the flexibility inherent in maqāṣid-based reasoning and the methodological discipline prescribed by classical ushul fiqh (Al-Suwailem, 2021). Maqāṣid should not function as a shortcut that bypasses established legal procedures, but rather as a guiding framework that informs and enriches the istinbāṭ process. Such an approach ensures that adaptability does not come at the expense of normative consistency and epistemological integrity.

Overall, the findings confirm that maqāṣid al-sharīʻah plays a central and indispensable role in contemporary economic fatwas by mediating between normative legal texts and dynamic social realities. Nevertheless, this role cannot be fulfilled optimally if maqāṣid are positioned as substitutes for established legal methodology (Chapra, 2020). Instead, maqāṣid must be understood as a teleological dimension embedded within the broader structure of Islamic legal reasoning, complementing rather than replacing traditional ushul fiqh mechanisms.

These findings provide a robust empirical basis for further theoretical and methodological reflection on the reconstruction of maqāṣid in modern Islamic economic fatwa discourse (Laldin and Furqani, 2020). By critically examining both the strengths and limitations of current maqāṣid applications, this study contributes to ongoing efforts to develop a more coherent, disciplined, and context-sensitive framework for contemporary economic ijtihad—one that remains firmly rooted in the authoritative Islamic legal tradition while effectively responding to the challenges of modern economic life.

CONCLUSION

This study concludes that the reconstruction of the maqāṣid al-sharīʻah in contemporary economic fatwas is a methodological necessity that cannot be avoided amidst the complexity and dynamics of the modern economic system. The development of financial instruments, global market integration, and the emergence of new economic practices unknown in classical fiqh require a more responsive and contextual ijtihad approach. In such circumstances, the maqāṣid al-sharīʻah serves as a teleological framework that allows Islamic law to remain relevant and functional without losing its fundamental value orientation. The findings of this study indicate that the use of maqāṣid has become a key instrument in modern economic fatwas to bridge the demands of social change with the normative principles of sharia.

Nevertheless, this study emphasizes that the reconstruction of maqāṣid cannot be carried out freely without clear methodological guidelines. This reconstruction must be carried out in a disciplined manner and consistent with the principles of classical ushul fiqh, particularly regarding the hierarchy of legal sources, the istinbāṭ mechanism, and the relationship between texts and the objectives of sharia. Without a strong methodological foundation, maqāṣid (objectives of law) have the potential to be reduced to pragmatic justification tools oriented only to immediate interests. Therefore, a balance between the flexibility of maqāṣid and the rigor of legal methodology is a key requirement to ensure that economic fatwas do not lose their normative legitimacy within the Islamic scholarly tradition.

Based on these findings, this article recommends strengthening the methodological framework of maqāṣid al-sharī'ah in contemporary economic fatwa practice. This strengthening can be achieved through the formulation of more explicit methodological guidelines on how to integrate maqāṣid into the legal istinbāṭ process, both in individual and collective ijtihad. With a solid methodological framework, maqāṣid not only functions as a value orientation, but also as a systematic analytical instrument. Thus, Islamic economic fatwas are expected to remain adaptive to current developments, have strong scientific legitimacy, and be truly oriented towards authentic benefits which are in line with the basic objectives of Islamic law.

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