

**THE URGENCY OF MAQASHID SYARIAH IN THE DETERMINATION OF
ISLAMIC ECONOMIC FATWA BY DSN-MUI**Olvia Reza¹, Putri Nur Islamia², and Roya Zahir³¹ Mahmud Yunus State Islamic University, Batusangkar, Indonesia² Mahmud Yunus State Islamic University, Batusangkar, Indonesia³ Kunduz University, Kunduz, Afghanistan**Corresponding Author:**

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2025**Abstract**

This study is motivated by the urgency of integrating maqashid syariah (the higher objectives of Islamic law) into the issuance of Islamic economic fatwas by the Indonesian National Sharia Council. Although maqashid syariah is often regarded as the soul of Islamic law, there is no assurance that its principles serve as the actual methodological foundation in contemporary fatwa development. The aim of this research is to critically analyze the urgency and role of maqashid syariah in The National Sharia Council of the Indonesian Ulema Council fatwa processes, identify the extent to which these principles are embedded in economic fatwas, and assess their alignment with the realities of Islamic economic practices in Indonesia. This study employs a Systematic Literature Review (SLR) method, collecting data from scholarly publications, fatwa documents, and related literature concerning maqashid, fatwas, and Islamic economics. The data are descriptively presented in the results section and analytically discussed in the discussion section. The findings reveal that maqashid syariah is still predominantly treated as a normative supplement rather than a core epistemological framework in the fatwa-making process. The study concludes that a gap exists between the ideal vision of maqashid syariah and the institutional practice of The National Sharia Council of the Indonesian Ulema Council fatwas, indicating the need for a more integrative and context-sensitive methodological reform. This research contributes to strengthening maqashid-based frameworks in Islamic economic policy and offers new directions for the reform of contemporary Islamic legal thought.

Keywords: Islamic Economic, Islamic Law, *Maqashid Syariah*

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INTRODUCTION

The National Sharia Council of the Indonesian Ulema Council holds a crucial authority in issuing Islamic economic fatwas in Indonesia (Aliyah, 2023; Faikoh & Silahuddin, 2023; Febrian & Firdania, 2024). These fatwas serve as the primary references for Islamic financial institutions in their operations and have a direct impact on the economic activities of the Muslim community. In practice, the issuance of fatwas is not merely based on classical fiqh texts but must also consider contemporary socio-economic contexts. In this regard, the concept of maqashid syariah—the overarching objectives of Islamic law—becomes highly relevant. Nevertheless, in certain fatwas, such as those involving murabahah, ijarah muntahiyah bit tamlik, or wakalah bil ujah, criticisms have emerged suggesting that they fall short in safeguarding the five core objectives of maqashid syariah: protection of religion, life, intellect, lineage, and wealth. This raises critical questions: Has maqashid syariah truly served as a methodological framework in the istinbath (legal reasoning) process by The National Sharia Council of the Indonesian Ulema Council, or is it merely a normative justification?.

Contemporary Islamic legal literature has explored the role of maqashid syariah in legal decision-making, including in economic contexts (Ardi dkk., 2024; Mutmainah dkk., 2022; Widjaja, 2024). However, a gap remains between theory and practice, especially concerning fatwas issued by formal institutions like The National Sharia Council of the Indonesian Ulema Council. Most studies focus on theoretical aspects of maqashid syariah without directly linking them to actual legal products that guide Islamic economic operations. Moreover, there is a lack of specific studies examining The National Sharia Council of the Indonesian Ulema Council fatwa formulation methods within the framework of maqashid syariah. This imbalance indicates that the contribution of maqashid syariah to economic fatwas is not yet fully explored or comprehensively applied. Therefore, there is an urgent need to investigate more deeply the real role of maqashid syariah in the legal reasoning processes of The National Sharia Council of the Indonesian Ulema Council.

This study aims to critically analyze the urgency and role of maqashid syariah in the formulation of Islamic economic fatwas by The National Sharia Council of the Indonesian Ulema Council. It also seeks to identify the extent to which the principles of maqashid syariah serve as a methodological foundation in the issued economic fatwas. Furthermore, the research aims to assess the correlation between the implementation of maqashid syariah and the practical realities of Islamic economics in Indonesia, particularly in terms of justice, public benefit, and the protection of communal interests. Ultimately, this study intends to offer constructive recommendations to strengthen the substantive integration of maqashid syariah in future The National Sharia Council of the Indonesian Ulema Council fatwa formulations.

Based on the empirical realities and literature analysis presented, it can be argued that integrating maqashid syariah into economic fatwas is an urgent necessity to address contemporary economic challenges. Fatwas that are not comprehensively grounded in maqashid may fail to respond to the community's problems adequately and could undermine the legitimacy of the rulings themselves. Therefore, it is essential to thoroughly examine the mechanisms and normative-methodological foundations used by The National Sharia Council of the Indonesian Ulema Council in formulating economic fatwas. This study is expected to contribute to the strengthening of Islamic legal epistemology in the economic sector while

offering a foundation for improving a more concrete and applicable maqashid shariah-based national fatwa system.

Maqashid shariah is a fundamental concept in Islamic law that refers to the primary objectives behind the enactment of Sharia. Etymologically, maqashid derives from *qasada*, meaning purpose or intent, while shariah refers to divine law or the path established by Allah SWT (Abdul Manas dkk., 2018; Milhan, 2022; Salvia & Malahayatie, 2023). In the legal context, maqashid shariah signifies the essential aims that Islamic law seeks to achieve in regulating human life, both individually and socially (Andi Airiza Rezki Syafa'at dkk., 2024; Kristianti, 2021; Zahra Salsabila & Pandu Agung Sakti, 2024). These aims are not merely normative but also encompass ethical, social, and humanitarian dimensions. Scholars such as Al-Ghazali, Al-Shatibi, and Ibn 'Ashur have emphasized maqashid as the philosophical foundation of Islamic legal rulings, advocating that law should serve the greater public interest (*maslahah*). Therefore, maqashid shariah serves as a critical tool for aligning Islamic principles with the evolving dynamics of contemporary society.

Generally, maqashid shariah is classified into five core principles known as *al-dharuriyyat al-khamsah*: the protection of religion (*hifzh al-din*), life (*hifzh al-nafs*), intellect (*hifzh al-'aql*), lineage (*hifzh al-nasl*), and wealth (*hifzh al-mal*) (Ansori & Maghfiroh, 2024; Wulandari dkk., 2025). In addition, maqashid are divided into three levels of necessity: *dharuriyyat* (essential), *hajiyyat* (complementary), and *tahsiniyyat* (embellishments). This classification highlights the hierarchical and dynamic nature of maqashid, allowing them to adapt according to the needs and challenges of the time. In contemporary Islamic jurisprudence, the manifestations of maqashid shariah are evident in various policies and regulations designed to serve the public good (*maslahah 'ammah*). The maqashid-based approach thus enables legal innovation for emerging issues not explicitly addressed in classical texts, provided it remains within Sharia's boundaries.

A fatwa, in Islamic tradition, is a legal opinion issued by a qualified mufti in response to a question concerning religious matters, especially when the issue is not explicitly covered by the primary sources (Siswanto, 2022). Terminologically, fatwa comes from *aftā*, meaning to give a legal clarification. In modern contexts, a fatwa is no longer merely an individual scholarly opinion; it has evolved into an institutional product with moral authority, particularly when issued by official bodies such as The National Sharia Council of the Indonesian Ulema Council. Fatwas serve as a bridge between Islamic legal texts and the ever-changing realities of society (Am dkk., 2025; Habibullah, 2024; Istiqomah, 2025). Therefore, issuing a fatwa requires a method that integrates both scriptural references and contextual considerations, including maqashid shariah, public interest, and contemporary realities. This approach ensures that fatwas remain relevant and responsive to societal challenges.

Fatwas can be categorized based on their sources, methodologies, and legal character. In terms of sources, fatwas may rely on the Qur'an, Sunnah, *ijma'*, *qiyas*, or other legal tools such as *istihsan* and *istislah*. Methodologically, fatwas can be either textual (literal) or contextual (based on maqashid and public welfare). Institutionally, fatwas may be issued by individual scholars or by recognized bodies such as The National Sharia Council of the Indonesian Ulema Council. Legally, they can be normative opinions or public policies with regulatory implications. In Islamic economic contexts, The National Sharia Council of the Indonesian Ulema Council fatwas function as both normative standards and practical guidelines for Islamic financial institutions. Therefore, the methodological rigor and maqashid-based considerations in fatwa formulation are critical to ensuring their alignment with Sharia objectives and socio-economic realities.

Islamic economics is an economic system grounded in Islamic principles, aiming to establish social justice and collective welfare (Almurni & Syarif, 2024). It encompasses not only financial aspects but also moral, social, and spiritual dimensions of economic activity. Prohibited elements such as *riba* (usury), *gharar* (uncertainty), and *maysir* (gambling) are

avoided to uphold justice and legal certainty. Conversely, values such as honesty, transparency, cooperation (*shirkah*), and distributive justice are highly emphasized. Islamic economics seeks a balance between individual and societal interests while preventing exploitation. Therefore, it stresses the importance of ethical conduct and *maqashid shariah*-oriented practices in all economic transactions, focusing not only on profit but also on social impact.

The manifestation of Islamic economics can be observed through various instruments and institutions such as Islamic banking, *takaful* (Islamic insurance), Islamic capital markets, and productive *zakat*, *infaq*, and *waqf* systems. These instruments are structured to comply with *Sharia* and reflect *maqashid shariah* principles. For instance, in Islamic banking, contracts like *murabahah*, *mudharabah*, *musyarakah*, and *ijarah* are designed to eliminate *riba* and ensure fairness in transactions. Similarly, in managing productive *waqf*, there is an emphasis on sustainable asset utilization for community empowerment. These manifestations represent the concrete application of *maqashid shariah* in Islamic economic systems. Therefore, understanding *maqashid shariah* is essential in designing effective policies and fatwas that govern Islamic economic practices.

RESEARCH METHOD

The main object of this study is the National Sharia Council of the Indonesian Ulema Council, which holds central authority in issuing *sharia* economic fatwas that serve as primary references for Islamic financial institutions in Indonesia. The fatwa issuance process by The National Sharia Council of the Indonesian Ulema Council does not rely solely on classical *fiqh* texts, but also considers contemporary socio-economic contexts. In this regard, the concept of *maqashid shariah* becomes crucial in measuring the relevance and benefits of these fatwas. However, some criticisms emerge concerning the extent to which The National Sharia Council of the Indonesian Ulema Council fatwas truly reflect the core principles of *maqashid shariah*, namely the protection of religion, life, intellect, progeny, and wealth. For example, fatwas related to contracts such as *murabahah*, *ijarah muntahiyah bit tamlik*, and *wakalah bil ujah* have drawn criticism for potentially lacking justice and public benefit. This study explores whether *maqashid shariah* serves merely as normative justification, or is truly integrated as a substantive framework in The National Sharia Council of the Indonesian Ulema Council economic fatwa formulation.

This research adopts a library-based method using the Systematic Literature Review (SLR) approach. It relies on primary data from relevant literature that directly addresses The National Sharia Council of the Indonesian Ulema Council economic fatwas in relation to *maqashid shariah*. Additionally, secondary data sources include books, academic journals, research reports, and other scholarly publications discussing *maqashid shariah*, fatwas, and Islamic economics more broadly. The SLR method enables the researcher to systematically identify, evaluate, and synthesize findings from previous studies, producing a comprehensive and bias-minimized understanding of the research focus.

The study employs *maqashid shariah* theory as its primary analytical framework. This theory asserts that all Islamic legal rulings, including economic fatwas, should aim to achieve public welfare (*maslahah*) and avoid harm (*mafsadah*). The five foundational principles of *maqashid*—protection of religion (*hifzh al-din*), life (*hifzh al-nafs*), intellect (*hifzh al-'aql*), progeny (*hifzh al-nasl*), and wealth (*hifzh al-mal*)—serve as key indicators. The theory is analyzed through a contemporary *usul al-fiqh* lens, particularly regarding legal derivation (*istinbath*) by collective institutions such as The National Sharia Council of the Indonesian Ulema Council. Furthermore, the concept of *ijtihad jama'i* (collective *ijtihad*) is also applied, emphasizing the role of fatwa institutions in addressing modern economic complexity through integrative engagement with both normative texts and socio-economic realities.

The research process begins with formulating specific and relevant research questions. A research protocol is then developed, outlining the literature search strategy, inclusion and exclusion criteria, and data analysis plan. Data collection involves searching electronic databases such as Google Scholar, Scopus, and DOAJ using keywords like: maqashid syariah, economic fatwas, and The National Sharia Council of the Indonesian Ulema Council. Identified literature is filtered based on predefined criteria and assessed for quality before data extraction. The entire process is conducted systematically and transparently to ensure research validity and reproducibility.

The data analysis technique used in this study is content analysis. This method focuses on identifying patterns, themes, and conceptual relationships in the collected literature. The researcher codes the data based on maqashid syariah variables and relevant categories of economic fatwas. An interpretive analysis is conducted to understand how maqashid syariah is integrated into The National Sharia Council of the Indonesian Ulema Council fatwa decision-making process. As such, this study not only provides a descriptive review but also offers a critical analysis of the integration of maqashid values in economic fatwa policymaking.

RESULTS AND DISCUSSION

The reviewed literature shows that maqashid syariah is a central concept in Islamic law emphasizing the protection of five primary objectives: religion (din), life (nafs), intellect ('aql), lineage (nasl), and wealth (mal). This concept originates in classical works like *Al-Mustashfa* by Al-Ghazali and was further developed by contemporary scholars such as Yusuf al-Qaradawi and Jasser Auda. In economic contexts, maqashid is often applied as an ethical framework for designing Islamic financial policies and products.

Studies indicate that the maqashid concept has evolved from normative to more practical applications. For instance, *hifzh al-mal* now implies socially responsible financial management. Literature also presents maqashid-based evaluation tools, such as the Maqashid Index in Islamic financial institutions. A multidimensional maqashid approach has also emerged, integrating social justice and environmental concerns beyond the classical five.

The relationship between maqashid literature and this study's problem lies in the need to use maqashid as a methodological foundation in The National Sharia Council of the Indonesian Ulema Council fatwas. While the literature affirms its relevance, many fatwas do not explicitly integrate maqashid principles. This highlights a gap between the ideal concept and textual practice, supporting the need for a critical investigation into the integration of maqashid in The National Sharia Council of the Indonesian Ulema Council fatwas.

Literature on fatwas defines them as legal opinions issued by a mufti or a group of scholars. In Indonesia, The National Sharia Council of the Indonesian Ulema Council plays a collective role in issuing economic fatwas, which serve as moral guidelines for Islamic financial institutions. These fatwas respond to contemporary socio-economic needs and are typically derived from both scriptural and rational legal sources (*dalil naqli* and *aqli*).

The reviewed literature shows that The National Sharia Council of the Indonesian Ulema Council fatwas are based not only on texts but also collective reasoning and public interest (*maslahah*). Some fatwas reflect legal innovation (*ijtihad mu'ashir*), though critiques remain that some lack maqashid-oriented substance. This indicates inconsistency in applying maqashid as a legal reasoning tool.

The literature suggests that maqashid plays an implicit role in The National Sharia Council of the Indonesian Ulema Council fatwas. Although a maqashid-oriented trend is emerging, not all fatwas consistently reflect the five core maqashid principles. This underscores the relevance of this study in evaluating whether maqashid is substantively applied or merely normatively cited.

Islamic economics, as explained in the literature, incorporates Islamic principles into economic activities, emphasizing justice, sustainability, and collective welfare. It goes beyond halal transactions to advocate ethical values, social responsibility, and equitable wealth distribution. Several studies identify maqashid as both a normative and operational framework for Islamic economics.

The explanation highlights that Islamic economics rests on maqashid values. For instance, *hifzh al-mal* justifies the protection of property and fair financial management, while *hifzh al-nafs* and *hifzh al-'aql* are seen in products that avoid psychological or intellectual harm. Maqashid-based indicators are being developed to ensure inclusiveness and sustainability.

The correlation between Islamic economic literature and the research issue indicates that maqashid has strong potential as an epistemological foundation for fatwa formulation. However, further evaluation is needed to determine whether The National Sharia Council of the Indonesian Ulema Council economic fatwas align with Islamic economics' goals of justice and societal well-being. These findings set the stage for deeper discussion in the next section.

Table 1. Research Findings

No.	Research Objectives	Key Findings
1	To critically analyze the urgency and role of maqashid syariah in the process of issuing Islamic economic fatwas by The National Sharia Council of the Indonesian Ulema Council	Maqashid syariah holds a vital normative position, yet it is not fully utilized as a primary methodological framework in fatwa formulation. The National Sharia Council of the Indonesian Ulema Council tends to rely on classical fiqh approaches without explicitly linking them to maqashid objectives.
2	To identify the extent to which maqashid syariah principles serve as a methodological basis in The National Sharia Council of the Indonesian Ulema Council economic fatwas	The principles of maqashid syariah are frequently mentioned in fatwa narratives, but their application remains symbolic and unsystematic. There is no consistent methodology that operationalizes these principles in legal reasoning.
3	To assess the correlation between maqashid syariah implementation and the real practice of Islamic economics in Indonesia, especially in terms of public benefit and economic justice	There is a disconnect between the ideal values of maqashid and actual economic practices. Several The National Sharia Council of the Indonesian Ulema Council fatwas fall short in reflecting principles of economic justice and public interest in the contemporary Indonesian context.
4	To provide constructive recommendations for strengthening maqashid syariah integration in future Islamic economic fatwas	A new methodological approach rooted in systematic maqashid analysis is needed, along with comprehensive training for The National Sharia Council of the Indonesian Ulema Council members in contemporary <i>ushul fiqh</i> that is contextual and adaptive to modern economic realities.

This study finds that the integration of maqashid syariah into The National Sharia Council of the Indonesian Ulema Council economic fatwas has not yet become a dominant methodological or substantive foundation. While there is an explicit normative tendency to refer to maqashid, its application remains inconsistent in legal reasoning processes. Most fatwas display sensitivity to public interest (maslahah), but lack full internalization of the comprehensive maqashid framework. This reflects a gap between the idealized concept of maqashid and the current textualist orientation in Islamic economic fatwa issuance.

Compared to other studies—such as those by Jasser Auda emphasizing the need for systemic approaches to maqashid implementation—this research offers a critical lens into the institutional dynamics of fatwa issuance in Indonesia. Its strength lies in focusing on The National Sharia Council of the Indonesian Ulema Council collective legal process, beyond theoretical maqashid application. Previous works have primarily examined maqashid as ethical guidelines or evaluative indices, while this study broadens the discourse by emphasizing maqashid's methodological role in collective ijihad and decision-making frameworks.

These findings highlight the significance of reassessing maqashid's role in fatwa issuance. When maqashid is used merely as symbolic reference, fatwas risk losing their potential as tools for socio-economic justice. This reflection reinforces maqashid's relevance as a principal legal standard, not just a theoretical ideal. In the Indonesian context, where economic justice and welfare remain key challenges, maqashid has the potential to bridge Islamic legal principles with contemporary societal needs.

The implications are far-reaching for the future development of Islamic economic fatwas. First, methodological reform is needed to make maqashid the starting point—not a supplementary element—of legal reasoning. Second, The National Sharia Council of the Indonesian Ulema Council must establish evaluative mechanisms to assess the maqashid-orientation of its fatwas. Third, this will directly impact the quality of Islamic financial regulation and the relevance of financial products in addressing real-world needs while upholding justice and stability.

The observed disconnection between maqashid principles and their application in The National Sharia Council of the Indonesian Ulema Council fatwas can be attributed to several factors. Firstly, the collective nature of The National Sharia Council of the Indonesian Ulema Council structure tends to prioritize normative consensus over methodological depth. Secondly, the absence of standardized guidelines for maqashid-based reasoning makes its application selective. Thirdly, the dominance of classical fiqh frameworks limits maqashid to a complementary, rather than foundational, position in legal formulation.

In light of these findings, strategic actions are needed to enhance the role of maqashid in Islamic economic fatwas. First, a standardized maqashid-based istinbath methodology should be developed. Second, The National Sharia Council of the Indonesian Ulema Council members must be trained in analytical—not merely normative—use of maqashid. Third, stronger collaboration between scholars, economists, and practitioners is essential to operationalize maqashid into actionable policies and products. Through these efforts, maqashid can truly serve as a foundational pillar for a just and beneficial Islamic economic system.

CONCLUSION

The most striking discovery of this study is that maqashid syariah, despite being widely celebrated as a foundational pillar of contemporary Islamic law, has yet to be fully integrated as a methodological basis in the issuance of economic fatwas by The National Sharia Council of the Indonesian Ulema Council. Rather than serving as an epistemic framework in the process of legal derivation (istinbath), maqashid tends to function merely as a normative justification, with limited influence on the structural and directional content of fatwas. This is a surprising revelation, especially given the authoritative status of The National Sharia Council of the

Indonesian Ulema Council in shaping Islamic economic jurisprudence in Indonesia. This disparity reveals that the challenge of maqashid integration is not merely conceptual—it is deeply rooted in structural and methodological limitations that require urgent reevaluation.

This study makes a significant contribution to both theoretical discourse and practical applications. Theoretically, it enriches the scholarship on maqashid by introducing an institutional and methodological lens that has been underexplored. This approach offers a new analytical space where maqashid is understood not only as an ethical norm but as a methodological tool within the context of collective legal reasoning. Practically, the study provides a valuable foundation for The National Sharia Council of the Indonesian Ulema Council and other fatwa bodies to reform their istinbath frameworks to be more responsive to economic realities and public welfare needs. It also serves as a reference point for designing Islamic economic policies that are more just, forward-looking, and grounded in maqashid principles.

Although this study systematically examines the relationship between maqashid syariah and Islamic economic fatwas, it acknowledges certain limitations that open paths for future inquiry. The research does not delve deeply into the internal deliberative processes behind The National Sharia Council of the Indonesian Ulema Council fatwa production, nor does it explore the application of maqashid within the broader scope of Islamic public policy. Future studies are encouraged to integrate qualitative methods such as in-depth interviews or institutional ethnography to uncover the epistemic and legal-political dynamics within fatwa environments. This would not only sharpen the theoretical framework but also amplify the transformative impact of maqashid in constructing a modern Islamic legal system.

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