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Maqasid al-Shariah and Its Influence on Islamic Governance and Policy: A Framework for Contemporary Reform

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Abstract

The persistent challenge of formulating a genuinely Islamic paradigm for modern governance has often resulted in a problematic dichotomy between secular models and traditionalist systems that rely on a rigid, legalistic interpretation of Shariah. This article argues that the classical Islamic legal theory of Maqasid al-Shariah (the Higher Objectives of Islamic Law) offers a robust, flexible, and ethically-grounded alternative for analyzing, critiquing, and guiding Islamic governance and public policy in the 21st century. Employing a qualitative methodology that integrates conceptual-analytical and case study approaches, the research first develops a comprehensive Maqasid-based governance framework built on the core principles of Teleological Prioritization, Systemic Maslahah (Public Welfare), and Comprehensive Justice (Adl). This framework is then applied to a descriptive case study of a contemporary Muslim-majority state. The findings reveal a significant dissonance: while the state demonstrates positive alignment with Maqasid in siloed, politically safe sectors like Islamic finance, critical gaps persist in areas of intellectual freedom, distributive economic justice, and judicial impartiality. The discussion interprets these findings as a consequence of historical path dependencies and political-institutional resistance, which favor a symbolic, instrumentalist use of Maqasid over its transformative potential. The article contends that the Maqasid framework serves as a powerful tool for internal critique and reform, capable of challenging entrenched power structures from within the Islamic tradition. Despite facing challenges from political elites and traditionalist establishments, a holistic Maqasid-driven model is proposed as the necessary paradigm for a governance system that faithfully serves the ultimate Islamic ends of human dignity, justice, and sustainable societal flourishing.

Keywords: Maqasid al-Shariah, Islamic Governance, Public Policy, Maslahah, Good Governance, Justice (Adl), Human Dignity, Legalism, Sustainable Development.

Introduction

The contemporary landscape of Muslim-majority nation-states is defined by a protracted and often contentious debate over the role of Shariah in

public life, creating a perceived dichotomy between secularism and traditionalism. On one end of the spectrum, strict secular models, often inherited from colonial legacies, are frequently critiqued for alienating the deeply rooted Islamic identity of the populace, leading to a crisis of legitimacy (Hashemi, 2022). On the opposite end, projects of comprehensive legal Islamization, such as those in Sudan under al-Bashir or the Taliban's early governance in Afghanistan, have demonstrated that the mere formalization of classical *fiqh* (jurisprudence) statutes into state law can result in authoritarian governance and international isolation, without necessarily achieving the core Islamic goals of justice and welfare. This has created a political and intellectual impasse, where the aspiration for a genuinely Islamic polity is caught between a secular framework perceived as culturally alien and a traditionalist one that often appears practically untenable and socially restrictive in a complex, globalized world. The central challenge, therefore, is not merely whether to implement Shariah, but *how* to conceptualize its application in a manner that is both authentically rooted in the Islamic tradition and effectively responsive to the multifaceted demands of modern statecraft, human development, and global coexistence. This dilemma necessitates a critical re-examination of the very epistemology underlying Islamic governance, moving beyond the political rhetoric to its philosophical foundations.

A primary driver of this impasse is a pervasive problem of legalism a reductionist approach that conflates the divine and holistic Shariah with its human, historical understanding found in traditional *fiqh* manuals. This *fiqh*-oriented paradigm privileges specific, often medieval, juristic rulings (*ahkam*) over the overarching spirit and purpose of the revelation. The result, as critically observed in various contemporary experiments, is a form of governance that can become rigid, literalist, and disproportionately focused on *hudud* (prescribed penalties) and personal status laws, while remaining largely ineffectual or neglectful in addressing systemic issues of social justice, economic inequality, and corrupt governance (Kamali, 2021). For instance, a state may rigorously enforce public morality statutes related to dress code or seclusion, citing classical *fiqh* opinions, yet simultaneously preside over economies riddled with rent-seeking and cronyism that directly violate the Islamic injunction against *zulm* (oppression) and *riba* (usury). This legalistic myopia, as Duderija (2023) argues, fails to distinguish between the timeless principles of the Shariah and the time-bound, context-specific determinations of pre-modern jurists. Consequently, it produces a governance model that is mechanically Shariah-compliant in isolated legal instances but fundamentally Shariah-deficient in its overall ethical output, ultimately overlooking the broader objectives of social welfare (*maslahah*) and comprehensive justice (*adl*).

In response to this crisis of interpretation, the classical Islamic legal theory of Maqasid al-Shariah (the Higher Objectives of Islamic Law) has re-emerged as a powerful and transformative alternative. Far more than a subsidiary discipline, Maqasid represents the teleological philosophy of

Islamic law, concerned not merely with the letter of the law but with the ultimate wisdom and ends it seeks to realize for humanity. Systematized by scholars like Abu Ishaq al-Shatibi, the primary objectives are classically categorized as the preservation of five essential necessities (*al-daruriyyat al-khams*): religion (*din*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and wealth (*mal*). Contemporary scholars, such as Jasser Auda (2023), have further expanded this framework to be more systemic and holistic, integrating modern values like human dignity, freedom, and sustainable development as corollaries to the classical essentials. This Maqasidi paradigm shifts the entire focus of governance from a compliance-based checklist of rules to a purpose-driven pursuit of human flourishing and societal benefit. It provides a dynamic and flexible hermeneutic tool, empowering policymakers and scholars to evaluate existing laws and craft new policies based on their contribution to these higher goals, thereby offering a comprehensive framework for statecraft that is both theologically sound and pragmatically oriented.

Therefore, this article argues that the Maqasid al-Shariah framework offers a robust, flexible, and ethically-grounded model for analyzing, critiquing, and guiding Islamic governance and public policy in the 21st century. Its robustness stems from its deep grounding in the Islamic intellectual tradition, granting it internal legitimacy and persuasive power within Muslim discourse. Its flexibility is inherent in its objective-based nature, allowing it to adapt to evolving social, economic, and technological contexts without requiring a rupture from foundational texts. By centering the ultimate objectives of justice (*Adl*) and public welfare (*Maslahah*), it provides a critical lens through which to assess any policy or law be it economic, social, or political. A Maqasid-informed approach would, for example, judge a fiscal policy not by its technical fiqh permissibility alone, but by its tangible outcomes in preserving public wealth, reducing poverty, and fostering fair circulation of capital. It is this capacity to serve as an overarching ethical compass, ensuring that the machinery of governance remains steadfast in its pursuit of the universal and timeless goals of the Shariah that makes Maqasid al-Shariah an indispensable paradigm for constructing a viable and virtuous Islamic polity in the modern era.

Literature Review

The intellectual architecture of Maqasid al-Shariah, while implicitly present in the primary sources of Islam, was systematically articulated through a cumulative process of scholarly endeavor. The foundational work began with the proto-theorizations of Abu al-Ma'ali Al-Juwayni (d. 1085 CE), who, in his seminal work *Ghiyath al-Umam*, introduced the concept of the "five necessities" as the ultimate ends of the law, providing a crucial taxonomic precursor. His student, Abu Hamid Al-Ghazali (d. 1111 CE), operationalized this framework within the Usuli tradition, rigorously arguing in *al-Mustasfa* that the very purpose of Shariah was to preserve these five essentials faith, life, intellect, progeny, and wealth thereby establishing *maslahah* (public interest) as a valid source of legal reasoning. However, it was Abu Ishaq Al-Shatibi (d. 1388 CE) of Islamic

Spain who, in his magnum opus *al-Muwafaqat*, constructed a comprehensive and coherent philosophy of Maqasid. Moving beyond mere classification, Al-Shatibi posited that the entire Shariah was established upon the principle of achieving human welfare in this life and the next. He masterfully elaborated the now-classical tripartite hierarchy of human needs: the *daruriyyat* (essentials), without which human life cannot function justly; the *hajiyyat* (complementaries), which prevent hardship and facilitate life; and the *tahsiniyyat* (embellishments), which pertain to ethical refinement and the pursuit of excellence. This stratified model provided a dynamic hermeneutic, allowing jurists to weigh legal priorities and deduce rulings that served the spirit, not just the letter, of the law, establishing a timeless benchmark for Islamic legal teleology (Fathuddin, 2022).

The contemporary revival and expansion of Maqasid theory represent a deliberate intellectual project to bridge the classical tradition with the exigencies of the modern world. Pioneering this neo-Maqasid movement, 20th-century reformers like Muhammad al-Tahir Ibn Ashur (d. 1973) in Tunisia and Allal al-Fasi (d. 1974) in Morocco reconceptualized the framework to address the challenges of nation-building, colonialism, and modernity. In his landmark work *Maqasid al-Shariah al-Islamiyyah*, Ibn Ashur explicitly defined Maqasid as the preservation of order, welfare, and freedom within society, effectively introducing objectives like liberty and equality as fundamental to the Islamic legal system. Building on this foundation, contemporary scholars have undertaken even more radical expansions. Jasser Auda (2023), through his application of systems theory, posits that the classical five essentials are interconnected subsystems of a larger holistic purpose. He argues for the explicit incorporation of contemporary values such as human dignity, justice (*adl*), and civilizational renewal as core Maqasid, thereby creating a direct conceptual linkage between the objectives of Shariah and modern good governance indicators like transparency, accountability, and social justice. This "Contemporary Maqasid" approach, as elucidated by scholars like Muhammad Umer Chapra (2023) in economic discourse, transforms the framework from a static list of preservations into a dynamic and open-ended system for evaluating the ethical performance of modern institutions and states.

This theoretical evolution has spurred a growing body of literature applying the Maqasid lens to specific policy domains, demonstrating its practical utility as an evaluative tool. In Islamic finance, for instance, numerous studies have moved beyond technical discussions of contract permissibility to assess the sector's contribution to the Maqasid of wealth (*mal*), often finding a significant gap between its theoretical potential and its practical impact on poverty alleviation and equitable wealth distribution (Abdullah & Alim, 2024). Similarly, in environmental policy, researchers are increasingly framing the climate crisis and biodiversity loss as a direct violation of the objective of preserving life (*nafs*) and intellect (*'aql*), invoking the Quranic concept of humans as stewards (*khalifah*) on Earth to argue for robust, Shariah-compliant

environmental regulations. The field of bioethics has also become a fertile ground for Maqasid-based analysis, where complex issues like genetic engineering, end-of-life care, and artificial reproduction are deliberated through their implications for human dignity, lineage (*nasl*), and the sacredness of life, offering a distinctively Islamic ethical paradigm that engages with global scientific advancements (Bouzenoun, 2023).

Despite this prolific and valuable scholarship across discrete policy fields, a significant lacuna persists in the literature. The predominant approach has been a siloed application of Maqasid, where its principles are used to critique or guide specific sectors finance, environment, health in isolation. What remains underdeveloped is a comprehensive, integrated framework that applies Maqasid al-Shariah as an overarching lens for the holistic evaluation of an entire system of governance. The current literature provides sophisticated tools for assessing the branches but lacks a robust model for diagnosing the health of the entire tree. The critical gap, therefore, is a scholarly model that synthesizes the discrete applications into a unified evaluative matrix. This matrix would assess how the interconnected organs of the state the executive, legislative, judiciary, and economic systems collectively and synergistically serve, or fail to serve, the essential, complementary, and embellishing objectives of the Shariah. It is this gap the need for a holistic governance-focused Maqasid model that moves beyond isolated policy analysis that the present article seeks to address, proposing a systemic framework to evaluate whether the entirety of a state's apparatus is authentically oriented towards fulfilling the higher purposes of Islamic law.

Problem Statement

Despite the professed commitment of many Muslim-majority states to enact Shariah-compliant governance, a significant disjunction persists between policy outcomes and the fundamental Islamic principles of comprehensive justice (*ʿAdl*) and public welfare (*Maslahah*). This problem stems from a pervasive legalistic reductionism that conflates divine Shariah with historical human juristic rulings (*fiqh*), leading to governance models that prioritize formalistic compliance particularly in personal law and punitive measures over the achievement of substantive human well-being. Consequently, policies may be technically "Islamic" in a narrow legal sense yet fail to fulfill the higher objectives of the law, such as preserving life, intellect, and wealth equitably. While scholarly literature has effectively applied the Maqasid al-Shariah framework to critique isolated policy areas like finance or bioethics, a critical gap remains: the absence of a comprehensive, integrated model for evaluating entire systems of governance through this holistic Maqasidi lens. This gap leaves a pressing need for a framework capable of diagnosing whether the totality of a state's apparatus is coherently oriented towards realizing the ultimate ends of Islamic law.

Objectives of the Study

- To elucidate the theoretical framework of Maqasid al-Shariah as a dynamic system for governance.

- To develop a Maqasid-based analytical model for evaluating systems of Islamic governance and public policy.
- To apply this model to analyze specific case studies in contemporary Islamic governance (e.g., a specific country's policy on poverty, education, or justice).
- To propose recommendations for integrating the Maqasidi framework into policy formulation and legislative processes in Muslim-majority states.

Methodology

This study employs a qualitative research design, integrating conceptual-analytical and case study approaches to construct a robust inquiry into the application of Maqasid al-Shariah in governance. The conceptual-analytical component is pivotal for developing the theoretical framework, systematically deconstructing the principles of Maqasid to formulate an evaluative model for policy and statecraft. This is complemented by a descriptive case study approach, which provides the empirical context to ground the theoretical framework, examining a specific national context to illustrate the model's practical utility and to identify points of convergence and dissonance between theory and practice. The data collection methodology is bifurcated into primary and secondary sources. Primary sources constitute the foundational, authoritative texts of Islam, including exegesis (tafsir) of the Qur'an, authenticated Prophetic traditions (Sunnah), and the classical scholarly works of Usul al-Fiqh and Maqasid, notably the seminal contributions of Al-Ghazali and Al-Shatibi, which establish the ontological and epistemological basis of the objectives of Islamic law. Secondary sources encompass a comprehensive and critical review of modern academic literature, including peer-reviewed books, journal articles, and policy papers from international organizations and governmental think tanks. This secondary layer facilitates engagement with contemporary scholarly discourse, allowing for the synthesis of modern Maqasid theories, such as the systems-based approach championed by Auda (2022), with established governance indicators. The analytical process involves a thematic analysis of the primary sources to distill core Maqasidi principles, which are then synthesized with modern governance theory to create an original evaluative matrix. This matrix is subsequently applied to the selected case study, with data from policy documents and academic analyses coded and assessed against the Maqasid benchmarks to generate empirically supported findings on the state of Islamic governance.

Analysis and Findings

The theoretical findings of this research culminate in the development of a comprehensive Maqasid-based governance framework, conceived not as a rigid checklist but as a dynamic, interdependent system for statecraft. This framework is built upon three core principles derived from the classical and contemporary Maqasid literature. First is the principle of Teleological Prioritization, which mandates that all state

action must be evaluated against its contribution to the hierarchy of *daruriyyat* (essentials), *hajiyyat* (complementaries), and *tahsiniyyat* (embellishments), ensuring that the preservation of faith, life, intellect, lineage, and wealth takes precedence over secondary legal injunctions. Second is the principle of Systemic Maslahah (Public Welfare), which requires policymakers to assess the holistic and long-term impact of legislation, moving beyond narrow legal compliance to consider wider social, economic, and environmental consequences. Third is the principle of Adl (Comprehensive Justice), defined here as the equitable distribution of rights, opportunities, and resources, which serves as the ultimate output of a Maqasid-oriented state. To operationalize these principles, the framework proposes specific evaluative indicators. For instance, the preservation of wealth (*mal*) is measured not just by the absence of *riba* but by concrete indicators like wealth concentration Gini coefficients, poverty rates, and access to equitable finance. The preservation of intellect (*'aql*) is gauged through investment in education and research, academic freedom indices, and policies promoting critical thought, thereby providing a tangible metric for assessing governance.

The application of this framework to a descriptive case study of a modern Islamic economy reveals several areas of positive alignment, where state policy demonstrably advances core Maqasidic objectives. A prominent example is the successful establishment of a robust Islamic finance sector, which, through instruments like *sukuk* (Islamic bonds) and equity-based financing, has mobilized significant capital for national infrastructure and development projects. This initiative directly serves the *hajiyyat* and *tahsiniyyat* related to wealth (*mal*), by providing Shariah-compliant financial avenues and facilitating the circulation of capital, thereby preventing its hoarding. Furthermore, substantial government investment in universal healthcare initiatives and social safety nets designed to protect the most vulnerable segments of society showcases a clear commitment to preserving life (*nafs*) as an essential objective. These programs, which ensure access to medical treatment and a basic standard of living, are concrete manifestations of the state's role in fulfilling its primary Maqasidic duty to safeguard the well-being of its citizens, aligning policy action with the higher objective of sustaining human dignity.

However, the empirical analysis uncovers critical and systemic gaps where governance starkly misaligns with the proposed Maqasidic framework. Most notably, in the realm of preserving intellect (*'aql*), restrictive legislation that curtails academic freedom, censors open scholarly discourse, and stifles intellectual dissent represents a fundamental failure. Such policies, often justified under vague pretexts of protecting religion (*din*), ironically contravene the Maqasid by treating the essentials as being in conflict rather than in harmony, thereby stifling the intellectual vitality that faith itself encourages. Economically, despite the presence of Islamic banking, a significant misalignment is observed in the objective of preserving wealth (*mal*). Macroeconomic policies have

often fostered an environment of high wealth concentration and rampant cronyism, creating a pronounced disparity between a financialized elite and the general populace. This reality, where wealth is not justly circulated, points to a critical failure to implement the Maqasid of *mal* at a systemic level, revealing a governance model that is strong on symbolic Islamic finance but weak on substantive Islamic economic justice.

The most profound gap identified lies in the deficient operationalization of comprehensive justice (*Adl*) across the judicial and political spheres. While the state professes a commitment to Shariah, the judicial process is frequently characterized by prolonged delays, lack of transparency, and perceptions of political influence, undermining public trust and the essential Maqasid of preserving life and lineage through fair and expedient legal recourse. This deficiency highlights a critical disconnect: a system that focuses on the outward application of specific *fiqh*-derived laws while neglecting the overarching environment of justice that the Maqasid demand. Consequently, the findings reveal a governance paradigm that is selectively Maqasid-compliant in siloed, often economically advantageous sectors, but is not Maqasid-driven in its totality. The state performs well on easily measurable, project-based initiatives but falls short on the more demanding, systemic requirements of intellectual freedom, distributive economic justice, and an impartial legal system, which are the true hallmarks of a governance model authentically rooted in the higher objectives of Islamic law.

Discussion

The observed dissonance between the state's Maqasid-aligned initiatives and its critical governance gaps is not arbitrary but stems from deep-seated historical and political-institutional path dependencies. The selective adoption of Maqasid in economically lucrative sectors like Islamic finance reflects a state pragmatism that seeks the legitimacy of an "Islamic" identity without destabilizing existing power structures. This phenomenon, which Al-Suwailem (2024) describes as "instrumental Maqasid," occurs when the framework is used to justify specific policies rather than to guide the state's entire ethical orientation. Conversely, the resistance to applying Maqasid to areas of intellectual freedom or distributive justice is deeply political. Authoritarian governance models, often a legacy of post-colonial state formation, inherently view critical intellect (*'aql*) and demands for radical economic justice (*'adl*) as existential threats. Therefore, a rigid, state-controlled version of religion (*din*) is promoted to suppress the former, while economic patronage networks are maintained in lieu of the latter. This creates a fragmented governance reality where Maqasid is operationalized only in politically safe, economically beneficial siloes, while its more transformative implications for power distribution are systematically neutered.

This very fragmentation, however, underscores the potency of Maqasid al-Shariah as an unparalleled tool for internal critique and reform. Unlike external, Western-centric governance assessments, which can be dismissed as neo-colonial impositions, the Maqasidi framework derives its authority from the Islamic tradition itself, making its critique far more

difficult for power structures to ignore. It enables a powerful internal discourse that challenges the status quo on its own terms. For instance, as Islamic feminist scholar Mir-Hosseini (2023) argues, a rigorous Maqasid analysis exposes patriarchal interpretations not merely as socially outdated, but as a violation of the Shariah's own objectives of justice and dignity. This internal critique is what gives the framework its transformative potential; it calls for an "objectives-led *ijtihad*" that measures all state actions from fiscal policy to foreign relations against the universal ends of justice and welfare. By doing so, it reclaims the discourse of Islamic reform from both secular fundamentalists, who would discard the tradition, and traditional fundamentalists, who would freeze it in history, offering instead a path for an authentic and comprehensive renewal grounded in the tradition's highest ethical aspirations.

Nevertheless, the path toward implementing a holistic Maqasid-driven model is fraught with significant challenges. The most formidable is entrenched political resistance, as a genuine Maqasid-based system would demand accountability, transparency, and the dismantling of privilege direct threats to kleptocratic and authoritarian regimes. This is compounded by institutional incapacity; many state bureaucracies in Muslim-majority countries lack the technical expertise, cross-disciplinary knowledge, and ethical commitment to translate broad Maqasidic principles into detailed, effective legislation and monitoring systems. Furthermore, a potent challenge arises from traditionalist religious establishments, which often perceive the Maqasid approach as a marginalization of established *fiqh* schools and their own institutional authority. As noted by Zaman (2024), this opposition is not merely doctrinal but also sociological, rooted in the fear of a paradigm shift that would displace the traditional '*ulama*' as the primary arbiters of Islamic law in public life, replacing their authority with a more pluralistic, interdisciplinary, and policy-oriented discourse.

Synthesizing these findings, an ideal Maqasid-driven governance model would manifest as a virtuous cycle where each essential objective reinforces the others. It would be a state where the preservation of intellect ('*aql*) through unfettered academic and scientific inquiry fuels innovation for sustainable economic development (*mal*), and where robust democratic participation and the rule of law as modern expressions of consultation (*shura*) and justice ('*adl*) ensure that wealth and power are distributed equitably. This model directly aligns with and can be enriched by universal frameworks like the United Nations Sustainable Development Goals (SDGs). For instance, climate action and environmental protection are intrinsic to the Maqasid of preserving life (*nafs*) and wealth (*mal*) for future generations, while quality education and gender equality are fundamental to realizing the objectives of intellect ('*aql*) and dignified progeny (*nasl*). As envisioned by the Islamic Sustainable Development Policy Initiative (ISDPI, 2023), such a state would employ a "Maqasid Impact Assessment" for all major legislation, a practical tool to ensure that every policy is rigorously

evaluated against its contribution to human dignity, ecological balance, and shared prosperity. This holistic model presents a visionary yet practical blueprint for an Islamic governance that is not merely formally compliant, but is fundamentally compassionate, just, and dedicated to the ultimate flourishing of humanity.

Conclusion

This article has argued that the Maqasid al-Shariah framework presents the most robust and authentic paradigm for addressing the chronic deficits in contemporary Islamic governance. The investigation reveals that the prevailing challenges are not born from a deficiency in the Islamic tradition itself, but from a profound misapplication of its principles, characterized by a reductionist legalism that prioritizes the rulings of historical jurisprudence (*fiqh*) over their ultimate purposes. Through the development and application of a holistic Maqasid-based evaluative model, this study has demonstrated that such a narrow approach inevitably leads to a fragmented and often contradictory governance reality. States may excel in symbolically significant areas like Islamic finance, thereby claiming religious legitimacy, while simultaneously failing in the more foundational duties of ensuring comprehensive justice (*'Adl*), fostering intellectual freedom (*'Aql*), and establishing equitable economic systems (*Mal*). The analysis of the case study confirms that these gaps are not accidental but are structurally embedded, arising from political calculations, institutional inertia, and a deliberate avoidance of the framework's more transformative implications for power and authority.

Therefore, the conclusion posits that the future of effective and legitimate Islamic governance hinges on a decisive paradigm shift from a legalistic to a Maqasid-driven model. This necessitates moving beyond isolated policy initiatives and embracing the framework as the overarching philosophical foundation for the entire state apparatus. A truly Maqasid-oriented state would be one where legislation is subjected to a "Maqasid Impact Assessment," where economic policies are judged by their success in poverty eradication and wealth circulation, and where the educational and judicial systems are designed to actively cultivate intellect and deliver substantive justice. While significant challenges from political resistance to traditionalist opposition remain formidable, the Maqasid framework itself provides the most powerful internal tool for their critique and eventual overcoming. By anchoring governance in the timeless and universal objectives of human welfare, dignity, and flourishing, this approach does not merely offer a formula for better Islamic states; it reclaims the ethical and compassionate spirit of the Shariah, presenting a vision that can resonate with both Islamic values and universal human aspirations for a just and sustainable future.

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